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Highlights

9901 **Responses to environmental damage** Executive order

9907 **Federal Employee Hiring Freeze** Presidential memorandum

9909 **Decontrol of crude oil and refined petroleum products** Executive order

10110 **Incorporation by Reference** OFR announces final approval for incorporation by reference of certain publications in Titles 7, 10 and 14 of the Code of Federal Regulations; effective 1-1-81 (Part IV of this issue)

10008 **Grant Programs—Labor Management Relations** Federal Mediation and Conciliation Service solicits applications for Labor-Management Cooperation Program; plant committees apply by 4-3-81; area and industrywide committees apply by 4-10-81

9970 **Age Discrimination** EEOC proposes procedural regulations for processing charges and issuing interpretations and opinions; comments by 3-31-81

9911 **Government Employees** OPM issues rules covering adjudication of General Schedule position classification appeals and implementation of agency position and personnel actions, OPM actions, and agency and OPM appellate decisions; effective 3-2-81

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

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9983 **Grant Programs—Minority Business** Commerce/MBDA seeks applications to operate three San Francisco Region projects to afford management and technical assistance; apply by 3–4–81

9924 **Milk** HHS/FDA establishes standards of identity for cultured and acidified milks and buttermilks, yogurts and eggnog; effective 7–1–81; voluntary compliance by 3–31–81; objections by 3–2–81

10005 **Flood Assistance** FEMA issues interagency agreement for nonstructural damage reduction measures as applied to common flood disaster planning and post-flood recovery practices

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9965 **Taxes** Treasury/IRS proposes to amend regulations regarding determination of percentage bad debt deduction for thrift institutions; comments by 3–31–81

9917 **Banks, Banking** FHLBB removes restrictions on length of employment contracts between Federal associations and their officers, allows Federals to increase maximum number of directors on boards, and amends rules on mergers to allow for this; effective 2–27–81

9942 **Vessels** Panama Canal Commission issues interim rule concerning order of passage through Canal; effective 1–30–81; comments by 3–13–81

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9963 **Improving Government Regulations** RRB issues semiannual agenda of proposed regulations

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Presidential Documents

Title 3—

The President

Executive Order 12286 of January 19, 1981

Responses to Environmental Damage

By the authority vested in me as President of the United States of America by Section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96–510, approved December 11, 1980), it is hereby ordered as follows:

1–1. *National Contingency Plan.*

1–101. The National Oil and Hazardous Substance Pollution Contingency Plan (hereafter NCP), originally published pursuant to Section 311 of the Federal Water Pollution Control Act (Public Law 92–500, 33 U.S.C. 1321), shall be the primary vehicle for coordination of government response to releases of hazardous substances and pollutants and contaminants into the environment.

1–102. Subject to subsection 1–103 of this section, the Chairman of the Council on Environmental Quality is delegated all authority of the President under Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, hereafter referred to as the Act. In revising the NCP the Chairman shall consult with the National Response Team (hereafter NRT) as established under the NCP, and shall coordinate all such revisions with the Director of the Federal Emergency Management Agency prior to publication for notice and comment. Each Executive agency represented on the NRT shall, as appropriate, provide technical and administrative support to the Chairman.

1–103. The Administrator of the Environmental Protection Agency is delegated all authority of the President under subsection (8)(B) of Section 105 of the Act. In exercising this authority the Administrator shall consult with the NRT.

1–2. *Determination of Remedial Action.*

The head of each Executive agency having responsibility under the NCP for determination of the appropriate remedy or remedial action is delegated all authority of the President under Section 101(24) of the Act.

1–3. *Response Activities.*

1–301. The Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating are delegated, subject to the lines of jurisdiction in the NCP, all authority of the President under:

(a) Subsection (a) of Section 104 of the Act, subject to the further delegation of authority contained in section 1–303 of this Order.

(b) Subsections (c), (d), (f), and (g) of Section 104 of the Act.

(c) The first sentence of subsection (h) of Section 104 of the Act.

1–302. The Administrator of the Environmental Protection Agency is delegated, in consultation with the Executive agencies which may exercise emergency procurement powers under the NCP, all of the authority of the President under the second sentence of subsection (h) of Section 104 of the Act.

1–303. The head of each Executive agency having responsibilities for response actions under the NCP is delegated all authority of the President, to be exercised in accordance with the NCP, to undertake any necessary response actions under subsection (a) of Section 104 of the Act, and to act under subsection (b) of Section 104 of the Act, except as provided in section 1–304 below.

1–304. The Secretary of Health and Human Services, in consultation with the Administrator of the Environmental Protection Agency or the Secretary in the Department in which the Coast Guard is operating, as appropriate, is delegated all authority of the President, to be exercised in accordance with the NCP, to make the determination under subsection (b) of Section 104 of the Act relating to illness, disease and complaints thereof. The determination under subsection (i) of Section 104 as to the existence of a public health emergency shall be made by the head of the Public Health Service.

1–305. The head of each Executive agency designated in the NCP as having responsibility for determining the need for response to a release under Title I of the Act, or for enforcing the provisions of Title I of the Act, is delegated the authority to designate officers, employees and representatives under subsection (e) of Section 104 of the Act. The heads of each department and agency shall, in consultation with the Attorney General, develop guidelines or policies relating to the performance of the functions prescribed in subsection (e)(1) of Section 104. Regulations under subsection (e)(2)(C) of Section 104 respecting the manner in which data which may be entitled to protection under subsection (e)(2) of Section 104 of the Act shall be submitted and designated shall be promulgated by the Administrator of the Environmental Protection Agency in consultation with the NRT.

1–306. With respect to Department of Defense facilities, all actions taken under the delegations of this Order shall be consistent with statutes and Executive Orders protecting national security information.

1–4. *Abatement Action.*

The Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating are delegated, in consultation with the Attorney General and subject to the lines of jurisdiction and procedures specified in the NCP, all authority of the President under subsection (a) of Section 106 of the Act.

1–5. *Liability.*

1–501. The Secretary of Transportation is delegated all authority of the President under subsection (c)(1)(C) of Section 107 of the Act.

1–502. The Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating are delegated, subject to the lines of jurisdiction specified in the NCP and acting through the Attorney General, all authority of the President under subsection (c)(3) of Section 107 of the Act.

1–503. The head of any Executive agency designated as a trustee under the NCP, as specified in subsection (h) of Section 111 of the Act, is delegated all authority of the President under subsection (f) of Section 107 of the Act.

1–504. The Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, is delegated the authority of the President under subsection (k)(4)(B) of Section 107 of the Act to establish, after a public hearing, a rule determining the feasibility of an optional system of private insurance.

1–505. The Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Treasury, is delegated all authority of the President under subsection (k)(4)(D) of Section 107 of the Act and all residual authority under (k)(4)(B) of Section 107 of the Act.

1–6. *Financial Responsibility.*

1–601. The Federal Maritime Commission is delegated all authority of the President under subsection (a) of Section 108 of the Act.

1–602. The Administrator of the Environmental Protection Agency and the Secretary of Transportation are delegated all authority of the President under subsection (b) of Section 108 of the Act. The Secretary shall exercise such

authority for all transportation related facilities and the Administrator shall exercise all other such authority.

1–7. *Employee Protection.*

The Secretary of Labor, in consultation with the Administrator of the Environmental Protection Agency and with the Secretary of Transportation, is delegated all authority of the President under subsection (e) of Section 110 of the Act.

1–8. *Uses of the Fund.*

1–801. This subsection of this Order refers to payment of government costs as specified in subsection (a)(4) of Section 111 of the Act. Money available in the Fund for such government costs shall be in amounts which the Director of the Office of Management and Budget shall allocate to the head of each Executive agency having responsibilities for activities specified in subsection (a)(4) of Section 111 of the Act. Each such head is delegated, with respect to the amount so allocated to his agency by the Director, all authority of the President under subsection (f) of Section 111 of the Act relating to designating Federal officials under the President's authority who may obligate money in the Fund. Any official so designated by an agency head may obligate amounts only up to the amount allocated to the agency head by the Director of the Office of Management and Budget under this subsection of this Order.

1–802. This subsection of this Order refers to payment of government response costs specified in subsection (a)(1) of Section 111 of the Act. Money available in the Fund for such government response costs shall be in a single amount which the Director of the Office of Management and Budget shall allocate to the Administrator of the Environmental Protection Agency for payment of government response costs as specified in subsection (a)(1) of Section 111 and as provided in the NCP. The Administrator of the Environmental Protection Agency is delegated, with respect to the amount so allocated by the Director, all authority of the President under subsection (f) of Section 111 of the Act relating to designating Federal officials under the President's authority who may obligate money in the Fund. Any official so designated by the Administrator may obligate amounts up to the amount allocated to the Administrator by the Director of the Office of Management and Budget under this subsection of this Order.

1–803. This subsection of this Order refers to payment of claims specified in subsections (a)(2) and (a)(3) of Section 111 of the Act. Money available in the Fund shall be allocated in amounts which the Director of the Office of Management and Budget allocates to the Administrator of the Environmental Protection Agency for payment of claims against the Fund. The Administrator of the Environmental Protection Agency is delegated, with respect to the amounts so allocated by the Director, all authority of the President under subsection (f) of Section 111 of the Act relating to designating Federal officials under the President's authority who may obligate money in the Fund for payment of claims. The claims referred to in this subsection of this Order are claims for necessary response costs as specified in subsection (a)(2) of Section 111 of the Act and for payment of claims for natural resources, other than the natural resource costs provided for under subsection (c)(1) and (c)(2) of Section 111. Any official so designated by the Administrator may obligate amounts only up to the amount allocated to the Administrator by the Director of the Office of Management and Budget under this subsection of this Order.

1–805. The Administrator of the Environmental Protection Agency, in consultation with the Attorney General, is delegated all authority of the President under the second sentence of Section 111(f) of the Act.

1–806. The head of any Executive agency designated under the NCP as trustee, as specified in subsection (h) of Section 111 of the Act, is delegated all authority of the President under subsection (b) of Section 111 of the Act.

1–807. (a) Subject to the further delegations of subsection 1–807(b) of this Order, the Administrator of the Environmental Protection Agency, in consulta-

tion with the Secretary of Transportation and with Executive agencies designated in the NCP as trustees of natural resources as specified in subsection (h) of Section 111 of the Act, is delegated all authority of the President under subsection (g) of Section 111 of the Act.

(b) The head of any Executive agency that owns or bare-boat charters and operates a public vessel is delegated the responsibility of the President under subsection (g) of Section 111 of the Act relating to appropriate notification to potential injured parties as a result of releases from such public vessel. Such notification, to the extent practicable, shall be in accordance with the regulations issued under subsection (a) of this paragraph.

1–9. *Claims Against the Fund.*

1–901. The Administrator of the Environmental Protection Agency, in consultation with the Attorney General, is delegated all authority of the President under:

a. Subsections (b)(2) (A), (B), (C), and (D) of Section 112 of the Act.

b. Subsection (b)(3) of Section 112 of the Act.

1–902. The Administrator of the Environmental Protection Agency is delegated all authority of the President under subsections (b)(4) (A), (B), (C), (E), (F), (H), and (I), and subsection (c)(3) of Section 112 of the Act. In exercising the authority of subsection (b)(4)(C) of Section 112 relating to enforcement of subpoenas in the United States District Courts, the Administrator of the Environmental Protection Agency shall act through the Attorney General.

1–903. The Administrator of the Enironmental Protection Agency, in consultation with Executive agencies designated in the NCP as trustees of natural resources as specified in subsection (h) of Section 111 of the Act, is delegated all authority of the President under subsection (b)(1) of Section 112 of the Act.

1–904. The head of the Executive agency having responsibility under the NCP is delegated all authority of the President to be exercised in accordance with the NCP under subsection (b)(4)(D) of Section 112 of the Act.

1–10. *Studies.*

1–1001. The Administrator of the Environmental Protection Agency, in consultation with the NRT, is delegated all authority of the President under subsection (a)(1) of Section 301 of the Act.

1–1002. The Secretary of the Treasury is delegated all authority of the President under subsection (b) of Section 301 of the Act.

1–1003. The Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration, and the head of any Executive agency designated under the NCP as a trustee, as specified in subsection (h) of Section 111 of the Act, is delegated, subject to the lines of jurisdiction specified in the NCP, all authority of the President under subsection (c) of Section 301 of the Act. Publication of all regulations under subsection (c) of Section 301 of the Act shall be coordinated with the NRT.

1–1004. The Attorney General, in consultation with the Administrator of the Environmental Protection Agency and the Council on Environmental Quality, shall conduct the study provided for in subsection (e) of Section 301 of the Act, seeking the assistance of the parties specified in that subsection.

1–11. *Litigation.*

Authority to represent the United States and the Fund, and the responsibility for the conduct and control of all litigation arising under the Act, shall be vested in the Attorney General. Nothing in this Executive Order shall be construed as delegating the President's authority to require the Attorney General to commence litigation.

1–12. *Consultation.*

1–1201. Authorities and functions delegated or assigned by this Order shall be exercised subject to consultation with the Secretaries of departments and the heads of agencies with operating or regulatory responsibilities which may be significantly affected.

1–1202. Any action which may affect the conduct of foreign relations of the United States shall be consistent with the NCP and be taken in consultation with the Secretary of State.

Jimmy Carter

THE WHITE HOUSE,
January 19, 1981.

[FR Doc. 81–3664
Filed 1–28–81; 4:36 pm]
Billing code 3195–01–M

Presidential Documents

Memorandum of January 20, 1980

Hiring Freeze

Memorandum for the Heads of Executive Departments and Agencies

I am ordering today a strict freeze on the hiring of Federal civilian employees to be applied across the board in the executive branch.

This action is necessary because the national budget is out of control. Estimates of Federal spending for fiscal years 1981 and 1982 have—in a single year—increased by $100 billion.

Last July, during my campaign for the Presidency, I pledged that we would take this action as a first step towards controlling the growth and size of government and stopping the drain on the economy by the public sector.

Imposing a freeze now can eventually lead to a significant reduction in the size of the Federal work force. This begins the process of restoring our economic strength and returning the Nation to prosperity.

The Director of the Office of Management and Budget will issue detailed instructions concerning this freeze. I am delegating to him authority to grant exemptions in those rare and unusual circumstances where exemptions are necessary for the delivery of essential services.

I ask that in carrying out this directive you insure the smallest impact possible on those areas of your agencies' operations that vitally affect the public, such as the processing of social security claims and the payment of veterans and retirement benefits. You should seek efficient use of personnel and funds by making reallocations within your respective agencies to meet highest priority needs and to assure that essential services are not interrupted.

Obviously, contracting with firms and institutions outside the government to circumvent the intent of this directive must not be permitted.

This begins the process of revising and reducing the 1981 and 1982 budgets, a project that will occupy much of our time during the coming weeks and months.

This will be a demanding period for all of us; it is also a time of challenge and an unusual opportunity to serve our Nation well. I am relying upon you for strict implementation of this directive.

Ronald Reagan

THE WHITE HOUSE,
Washington, January 20, 1981.

Editorial Note: The Office of the Federal Register was requested to print the memorandum in the **Federal Register** by the Acting Counsel to the President.

[FR Doc. 81-3645
Filed 1-28-81; 4:37 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12287

Decontrol of Crude Oil and Refined Petroleum Products

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), and notwithstanding the delegations to the Secretary of Energy in Executive Order No. 11790, as amended by Executive Order No. 12038, and in order to provide for an immediate and orderly decontrol of crude oil and refined petroleum products, it is hereby ordered as follows:

Section 1. All crude oil and refined petroleum products are exempted from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended. The Secretary of Energy shall promptly take such action as is necessary to revoke the price and allocation regulations made unnecessary by this Order.

Sec. 2. Notwithstanding Section 1 of this Order:

(a) All reporting and record-keeping requirements in effect under the Emergency Petroleum Allocation Act, as amended, shall continue in effect until eliminated or modified by the Secretary of Energy. The Secretary of Energy shall promptly review those requirements and shall eliminate them, except for those that are necessary for emergency planning and energy information gathering purposes required by law.

(b) The State set-aside for middle distillates (Special Rule 10, 10 CFR Part 211, Subpart A, Appendix A) shall remain in effect until March 31, 1981.

(c) The special allocation of middle distillates for surface passenger mass transportation (Special Rule 9, 10 CFR Part 211, Subpart A, Appendix A) shall remain in effect until March 31, 1981.

(d) The Buy-Sell lists and orders issued prior to this Order under the Buy-Sell Program and the Emergency Buy-Sell Program (10 CFR 211.65) shall remain in effect according to their terms and the Secretary of Energy may issue such further orders as may be necessary to give effect to lists and orders issued prior to this Order.

(e) The Canadian Allocation Program (10 CFR Part 214) shall remain in effect until March 31, 1981.

Sec. 3. The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations and take such actions as he deems necessary to implement this Order, including the promulgation of entitlements notices for periods prior to this Order and the establishment of a mechanism for entitlements adjustments for periods prior to this Order.

Sec. 4. The Secretary of Energy is authorized to take such other actions as he deems necessary to ensure that the purposes of this Order are effectuated.

Sec. 5. Because advance notice of and public procedure on the decontrol provided by this Order would be likely to cause actions that could lead to economic distortions and dislocations, and would therefore be contrary to the public interest, this Order shall be effective immediately.

Ronald Reagan

THE WHITE HOUSE,
January 28, 1981.

Editorial Note: The President's statement of January 28, 1981, on signing Executive Order 12287, is printed in the Weekly Compilation of Presidential documents (vol. 17, no. 4).

[FR Doc. 81-3646
Filed 1-28-81; 4:38 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 20
Friday, January 30, 1981

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 511

Classification Under the General Schedule

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These regulations cover the adjudication of General Schedule position classification appeals by the Office of Personnel Management. In addition, the regulations provide for the implementation of agency position and personnel actions, actions directed by the Office, and implementation of agency and Office appellate decisions.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Frank T. Catenaccio [202] 632–7744.

SUPPLEMENTARY INFORMATION:

Background

On May 23, 1980, OPM published proposed regulations in the **Federal Register** [45 FR 34895] on the adjudication of position classification appeals under the General Schedule (GS). The purposes of the proposed regulations were to: (a) Incorporate changes mandated by Presidential Reorganization Plan #2; (b) Incorporate changes mandated by the Civil Service Reform Act of 1978; (c) Streamline the appellate process; and (d) Increase the level of classification consistency within OPM Regions and Federal departments and agencies. The proposed regulations also incorporated procedural changes in the adjudication of classification appeals whereby the Classification Appeals Office now has responsibility for the adjudication of agency and employee appeals of evaluation certifications issued under OPM's authority as stated in 5 U.S.C. 5103 and 5110.

Discussion of Comments

Nineteen written comments were received within the specified 60-day period concerning this regulation; fifteen were from agencies, and four were from labor organizations.

Five agencies commented on the proposed change in nomenclature, i.e., changing "position classification appeal" to "adminisrative classification review." These agencies argued that the proposed change would cause confusion among employees who would not be able to differentiate between a periodic agency classification review and an appellate review under 5 U.S.C. 5112(b). In addition, some agencies argued that additional expense would be incurred since changes in agency regulations would be required to insure consistency between OPM and local agency regulations. The agency comments were found to have merit and have been adopted in our final regulation. The appellate process is now called a "classification appeal."

Four agencies and two labor organizations commented on § 511.602, Notification of classification decision, which will result in a change to lower grade. Two agencies asked if a notice must be given to an employee who is eligible for retained grade under 5 U.S.C. 5362. Section 536.216 of the Office's regulations provides that an agency "Shall give to the employee * * * a letter explaining the action and the nature of the grade retention entitlements." The information required by § 511.602 may be incorporated in that letter for employees who are eligible for retained grade benefits. Therefore, the requirement that a written notice be given to all employees when the agency proposes a change to lower grade has been retained.

On the same section, one labor organization commented that the letter to the employee should outline all appellate and grievance avenues available to the employee. Section 511.602(c) has been added incorporating this recommendation. Another labor organization commented that the term "prompt" should be made specific. Having reviewed this suggestion, OPM concluded additional amplification was not considered warranted.

Finally, on this same section, an agency asked if they need have an appellate system in order to comply with the intent of § 511.602. This aspect of the regulation has been clarified by adding that the notice to the employee must include classification appeal rights at the agency level "if the agency has an established appellate system."

Several agencies and labor organizations commented on § 511.604, filing an appeal. Two agencies asked if the agency must issue a written decision. This has been clarified by adding that if the agency has an established appellate system, a written decision is required. The purpose of this section is to give both employees and agencies an opportunity to review the classification of a position within the agency. OPM will provide, in revised FPM guidance, instructions on how agencies may forward appeals to OPM regions if they decide not to make a classification decision under the local appellate system.

Both agencies and labor organizations commented on the proposed extension of time limits allowing agencies 45 days to process appeals directed to OPM through the agency. Two labor organizations recommended that the present 30-day requirement be maintained or shortened to 15 days, while agencies argued that a longer period is required due to shortages of staffs and other workload requirements. After careful consideration, it has been decided to allow agencies 60 days to process employee appeals forwarded to OPM through the agency. This additional time period will allow most agencies ample time to consider all of the employee's arguments without overburdening existing staff levels. This change does not preclude GS employees from appealing directly to OPM under § 511.604(a) if the employee believes 60 days is an inordinate period of time.

Several agency comments on § 511.605, Time limits, demonstrated a lack of understanding of OPM's classification authorities, i.e., 5 U.S.C. 5103, 5 U.S.C. 5110, and 5 U.S.C. 5112. Rather than provide clarification of these authorities in regulation, a new section will be added to Federal Personnel Manual Chapter 511, Subchapter 6, defining the classification authorities cited above.

In connection with this section, one labor organization recommended that

the 45-day time limit for requesting reconsideration of an appellate decision should begin when the decision is received and not from the date of the decision as provided in the proposed regulation. After careful review of this recommendation, it was decided that the proposed regulation was reasonable. Section 511.702 requires that a certificate be implemented not later than the beginning of the fourth pay period following the date of the certificate. This is generally 42 calendar days. The proposal that an appellant or agency must request reconsideration prior to the implementation date of the certificate is therefore reasonable.

Two agencies requested that the 45-calendar day time limit in § 511.605(c) be extended to either four pay periods or 60 calendar days. After careful consideration of these comments, it was decided that the 45-day requirement is reasonable and that this limit would remain in the final regulations. There is no significant difference between 45 calendar days and four pay periods, which is 42 calendar days; OPM internal policy now requires that copies of all appellate decisions be sent to agency headquarters. The 45-day time limit is reasonable for agencies to request reconsideration if this course of action is found to be necessary.

On the same paragraph i.e., § 511.605(c), one labor organization recommended that the 45-day time period begin with the appellant's receipt of the decision. OPM requires that each appellant provide in the initial appeal a mailing address for himself or his representative. Rarely will it require more than four days for the decision to be delivered, and the appellant would still have approximately 40 days to file the request for reconsideration. Since the proposed regulation is reasonable, the proposed time period and the method of computation have not been changed.

Several questions were raised concerning § 511.606, Form and content of an appeal. Comments were submitted by both agencies and labor organizations. One labor organization commented that material submitted by the agency should be made available to the appellant, upon request. This comment was found to have merit and this section has been rewritten to incorporate this recommendation. Specifically, § 511.606(c) has been rewritten to provide that agencies must make available to individual appellants all information forwarded by the agency to OPM concerning the appellant's appeal when requested by the appellant. This will reduce unnecessary administrative costs since the information is available to the appellant under the Privacy Act. Other comments on this section requested clarification concerning the submission of additional material to OPM. § 511.606 has been revised to reflect OPM's current practice of allowing either the agency or the appellant to submit relevant information concerning the position at any time following the initial filing of a classification appeal.

A considerable number of comments were received from both agencies and labor organizations concerning § 511.607, Nonappealable issues. This section has been rewritten to clarify its intent. Most agencies that commented on this section recommended that an employee's appeal should not be accepted if the accuracy of the official position description was raised as an issue by the appellant. These agencies recommended that since it is management's right to assign duties, the appeal should be adjudicated on the basis of those duties formally assigned by management. Labor organizations, on the other hand, argued that the accuracy of the position description is a valid appeal issue. After careful consideration of all comments made on this section, the regulation has been rewritten to reflect current OPM practice, which is to direct appellants back to their agency if they disagree with the official position description and have them try to resolve the difference informally or formally through the agency's administrative or negotiated grievance procedure, as appropriate. OPM will decide the appeal on the basis of duties and responsibilities assigned by management and performed by the appellant. If OPM factfinding shows that the appellant is, in fact, performing grade-controlling duties which are not recorded in the official position description, the agency may, before the effective date of the certificate, remove the duty(s) or formally recognize them in the position description of record. This approach is fairest to both appellants and agencies and is consistent with OPM authority as provided in section 5112(a) of title 5, United States Code.

Several agencies and labor organizations questioned the decision to restrict the issue of position-to-position comparisons from consideration under the appellate process as stated in § 511.607(b)(4) of the regulations. It is the position of OPM that 5 U.S.C. 5107 requires that positions be classified on the basis of a comparison with published OPM classification standards and not other positions. Since agencies are responsible for ensuring that all positions under their administrative control are classified properly, the requirement stated in § 511.612, Finality of decision, which provides that agencies shall review their own classification decisions for identical, similar or related positions to ensure consistency with the Office's certificate, will fully satisfy employee concerns, i.e., other positions within the agency, doing identical work, be classified consistent with their position. A revised appendix to FPM chapter 511, subchapter 6, will outline the specific requirements to ensure that other positions within the agency are classified consistent with OPM certificates.

Several other minor grammatical corrections were made to this section.

Two of the four labor organizations who commented on the proposed regulations recommended that § 511.608, Employee representatives, be rewritten or clarified. In developing these criteria, OPM drew on the language contained in Part 771 of the Office's regulations which were adopted several years ago to deal with disallowance of representatives in agency administrative procedures. This language is therefore neither new nor untried. In the past, OPM has provided some additional clarification of the intent of these provisions. While the disallowance of an appellant's representative will have to be reviewed on a case-by-case basis, some of the examples already provided by OPM are:

"Conflict of interest or position." One example of conflict of interest, but not by any means the only one, would be representation of a supervisor or management official by an official of a labor organization that represents or has pending a petition to represent employees under (1) the supervisor's or management official's direction or control, or an employee of an association, federation, or council with whom such a labor organization is affiliated. Conflict of position refers to an incompatibility between the representative's functions and an employee's official duties. One, again not the only, example would be a supervisor or management official serving as a representative in a case concerning the assignment of duties and responsibilities to a subordinate employee who is appealing the classification of the position.

"Unreasonable cost to the Government." Such disallowance will have to be determined based on the case-by-case situation. Considerations here might be excessive transportation costs, if the agency pays these, or time away from the job if an employee's representative is not at the worksite.

"Priority work assignments." These are official assignments with high priority or a short deadline from which an employee cannot be spared.

These clarifications pertain to this subpart as well.

Finally, one labor organization recommended that if the employee's representative is disallowed by the agency that any time limits imposed on the appellant be suspended until the issue of the disallowance is resolved. The only time limits in the proposed regulation are filing dates. Since the appeal or request for reconsideration must be filed by a given date, the disallowance of a representative will have no bearing on the ability of the appellant to meet these time limits because additional material can be filed at a later date.

Section 511.612, Finality of decision, has been rewritten in order to clarify some misunderstanding concerning the finality of an appellate decision and OPM's discretionary authority to reopen and reconsider an appellate decision. Additional information has been placed in the FPM to also clarify the relationship between an appellate decision and a reconsideration of that decision. One agency recommended that the certificate should be suspended while the agency reviews the classifications of other similar, related and identical positions within the agency. OPM does not agree that a suspension is required or desirable. If the agency believes that the certificate is not proper, it may request reconsideration under § 511.613, Classification Appeals Office. Agencies may use temporary compliance authority, § 511.615, to give a temporary promotion, or the appellant may be temporarily reassigned to another position at the same grade level, while the reconsideration request is pending. If, however, there is no disagreement over the OPM classification determination the agency must move expeditiously to ensure consistency within the agency. More specific guidance on agency compliance actions can be found in a new revision to FPM chapter 511 and Appendix C of the chapter.

Most agency comments on § 511.614, Review by the Director, have been incorporated into the final regulations. While one agency suggested that the Director be given authority to reopen "For the good of the service," the omnibus nature of § 511.614(b) covers this situation. New and material information will be referred to the Classification Appeals Office for processing under § 511.613.

Section 511.615, Temporary compliance authority, has been totally rewritten. Briefly stated, temporary compliance is designed to give the appellant any immediate benefit of an appellate decision even if the agency is requesting reconsideration. Conversely, if the decision requires a change to lower grade, the appellant could be removed temporarily from the position, if another vacant position is available, pending the issuance of the reconsideration decision. Use of this authority by agencies will prevent costly adverse actions if the appellate decision is reversed in reconsideration.

Section 511.701, Effective dates generally, has been rewritten to be consistent with the requirements for grade and pay retention. An agency may now extend the effective date of a position action to correspond with the date of the personnel action if the employee is entitled to grade or pay retention benefits.

Finally, three labor organizations submitted recommendations concerning § 511.703, Retroactive effective date. Two of the recommendations concerned grammatical errors which have been corrected. One recommendation concerned an oversight since the issue of "loss of pay" was omitted in the proposed regulation. This omission has been corrected. The final recommendation concerned the 15-day time limit within which the employee must file his or her appeal in order to preserve the possibility of retroactive adjustment. Since the benefits of this section stem from the Back Pay Act [5 U.S.C. 5596], the statutory provisions require a "timely appeal." Since these provisions apply to an employee who has been changed to lower grade or pay and who is not eligible for retained grade or pay, the provisions outlined in § 511.602 of the Office's regulations must also be compiled with by the agency. This means that the employee has received a written notice of the agency's proposed change to lower grade. This proposal period along with the 15 days following the actual change to lower grade provides the employee with ample time to submit his or her appeal. The recommendation was therefore not adopted.

OPM has determined that this is a significant regulation for the purposes of E.O. 12044, Improving Government Regulations.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is amending the Table of Sections and revising Subparts F and G of 5 CFR Part 511, to read as follows:

PART 511—CLASSIFICATION UNDER THE GENERAL SCHEDULE

Sec.

* * * * *

Subpart F—Classification Appeals

511.601 Applicability of regulations.
511.602 Notification of classification decision.
511.603 Right to appeal.
511.604 Filing an appeal.
511.605 Time limits.
511.606 Form and content of an appeal.
511.607 Nonappealable issues.
511.608 Employee representatives.
511.609 Ascertainment of facts.
511.610 Notification.
511.611 Cancellation of employee appeal.
511.612 Finality of decision.
511.613 Classification Appeals Office.
511.614 Review by the Director.
511.615 Temporary compliance authority.

Subpart G—Effective Dates of Position; Classification Actions or Decisions

511.701 Effective dates generally.
511.702 Agency or Office classification appeal decisions.
511.703 Retroactive effective date.

Authority: 5 U.S.C. 5115, 5338, 5351.

Subpart F—Classification Appeals

§ 511.601 Applicability of regulations.

This subpart applies to a request from an employee or an agency for the Office to review the classification of a position subject to chapter 51 of title 5, United States Code, or for the Office to determine whether a position is subject to that chapter.

§ 511.602 Notification of classification decision.

An employee whose position is reclassified to a lower grade which is based in whole or in part on a classification decision is entitled to a prompt written notice from the agency. This includes employees who are eligible for retained grade or pay. If the reclassification is due to an Office classification certificate issued under the authority of 5 U.S.C. 5110, the agency will also explain the reasons for the reclassification action to the employee. This notice shall inform the employee:

(a) Of his or her right to appeal the classification decision to the agency (if the agency has an established appeal system and it has the authority to review the classification decision), or to the Office as provided in this subpart if such an appeal has not already been made;

(b) Of the time limits within which the employee's appeal must be filed in order to preserve any retroactive benefits under § 511.703; and

(c) Any other appeal or grievance rights available under applicable law, rule, regulation or negotiated agreement.

§ 511.603 Right to appeal.

(a) *Employee appeal.* An employee, or the employee's designated representative acting on behalf of an employee, may request an Office decision as to:

(1) The appropriate occupational series or grade of the employee's official position.

(2) The inclusion under or exclusion from chapter 51 of title 5, United States Code, of the official position by the employee's agency or the Office, except in the case of a position located in the Office of the Architect of the Capitol.

(b) *Agency appeal.* The head of an agency, or an authorized representative, may appeal any classification certificate issued by the Office under sections 5103 or 5110 of title 5, U.S.C., with respect to any position in the agency.

§ 511.604 Filing an appeal.

(a) *Employee.* An employee may appeal by writing to the Office directly, or by forwarding the appeal through the employing agency.

(b) Referral of an employee appeal to the Office. An agency shall forward, within 60 calendar days of its receipt in the agency, and employee's appeal filed through the agency to the Office when:

(1) The employee has directed the appeal to the Office and the agency's written decision is not favorable; or

(2) The agency is not authorized to act on the employee's appeal; or

(3) The agency has not decided the appeal within the established time period.

§ 511.605 Time limits.

(a) *Employees.* (1) An employee may submit an appeal of his or her official position at any time. If the employee has suffered a loss in grade or pay, is not entitled to retained grade or pay, and desires retroactive adjustments, the time limits in § 511.703 must be observed.

(2) If the employee is appealing an agency decision or an Office classification certificate issued under 5 U.S.C. 5103 or 5110, the employee shall promptly appeal if he or she disagrees with the classification certificate. Employees must meet the time limits provided in § 511.703 in order to preserve the right to retroactive adjustment.

(b) *Agency.* An agency may appeal an Office classification certificate issued under authority of section 5103 or 5110 of title 5, United States Code, at any time. Heads of agencies should appeal prior to the implementation date of the certificate if they disagree with the classification rationale.

(c) *Reconsideration.* An employee or agency may request reconsideration of an Office appellate decision. The request must be in writing, and filed not later than 45 calendar days after the decision is issued. This time limit may be waived under exceptional circumstances by either the Classification Appeals Office or the Director.

§ 511.606 Form and content of an appeal.

(a) *Employee appeal.* An employee's appeal shall be in writing, and shall contain the reasons why the employee believes his or her position is erroneously classified, or should be brought under or excluded from chapter 51 of title 5, United States Code. The agency, when forwarding the employee's appeal or when requested by the Office, shall furnish all relevant facts concerning the position and the agency's justification for its classification decision. The agency shall also comment on the information submitted by the employee if requested to do so by the Office. Either the employee or agency may submit relevant information to the Office at any time following the initial filing of an appeal.

(b) *Agency appeal.* An agency's appeal shall be in writing, and shall contain its reasons and justification for requesting a review of the Office's certificate.

(c) *Inspection of the Office's appellate record.* The employee, an employee's representative and the agency will be permitted to inspect the Office's appellate record on request. Agencies will make available to appellants copies of any and all information submitted by the agency to the Office with respect to the appellant's individual appeal.

§ 511.607 Nonappealable issues.

(a) The following issues are not appealable to the Office under this subpart. Such issues may be reviewed under administrative or negotiated grievance procedures if applicable:

(1) The accuracy of the official position description including the inclusion or exclusion of a major duty in the official position description. When the accuracy of the official position description is questioned by the employee, the employee will be directed to review this matter with his or her supervisor. If management and the employee cannot resolve their differences informally, the accuracy of the position description should be reviewed in accordance with administrative or negotiated grievance procedures. If the accuracy of the position description cannot be resolved in this manner, the Office will decide the appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee;

(2) An assignment or detail out of the scope of normally performed duties as outlined in the official position description;

(3) The accuracy, consistency or use of agency supplemental classification guides; or,

(4) The title of the position unless a specific title is authorized in a published Office classification standard or guide, or the title reflects a qualification requirement or authorized area of specialization.

(b) The following issues are neither appealable nor reviewable;

(1) The class, grade, or pay system of a position to which the employee is not officially assigned by an official personnel action;

(2) An agency's proposed classification decision;

(3) The class, grade, or pay system of a position to which the employee is detailed or temporarily promoted; employees serving under term promotions in accordance with § 335.102(g) of this title may appeal the classification of their position to the Office under these procedures.

(4) The classification of the employee's position based on position-to-position comparisons and not standards;

(5) The accuracy of grade level criteria contained in an Office classification guide or standard; or

(6) A classification decision that has been issued by the Office under this subpart when there has been no change in the governing classification standard(s) or the major duties of the position.

§ 511.608 Employee representatives.

An employee may select a representative of his or her choice to assist in the preparation and presentation of an appeal. An agency may disallow an employee's representative when the individual's activities as a representative would cause a conflict of interest or position; an employee who cannot be released from his or her official duties because of the priority needs of the Government; or an employee whose release would give rise to unreasonable costs to the Government.

§ 511.609 Ascertainment of facts.

The employee, a designated representative, and the agency shall furnish such facts as may be requested

by the Office within the time frames specified. The facts shall be in writing when so requested. The Office, in its discretion, may investigate or audit the position. A representative may not participate in OPM on-site audits unless specifically requested to do so by the Office.

§ 511.610 Notification.

The Office shall notify the employee, or a representative if one is designated, and the agency in writing of its decision.

§ 511.611 Cancellation of an employee appeal.

An employee's appeal shall be cancelled and the employee so notified in writing in the following circumstances:

(a) On receipt of the employee's written request for cancellation.

(b) On failure to prosecute, when the employee or the designated representative does not furnish requested information, or proceed with the advancement of the appeal.

The Office may at its discretion reopen a cancelled appeal on a showing that circumstances beyond the control of the employee prevented pursuing the appeal.

§ 511.612 Finality of decision.

An appellate decision made by the Office is final unless reconsidered by the Office. There is no further right of appeal. The Office may reconsider a decision at its discretion. The decision shall constitute a certificate which is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. Agencies shall review their own classification decisions for identical, similar or related positions to insure consistency with the Office's certificate.

§ 511.613 Classification Appeals Office.

The Office's Classification Appeals Office may, at its discretion, reopen and reconsider a certificate issued under this subpart.

(a) The Classification Appeals Office may remand to the respective region of the Office any request for reconsideration which requires extensive factfinding or investigation. Requests which contain new and material information, or disagreements over the significance of information, will be remanded to the regional deciding official for a decision.

(b) The Classification Appeals Office may reopen and reconsider a decision only when written argument or evidence is presented which establishes a reasonable doubt concerning the technical accuracy of the decision.

§ 511.614 Review by the Director.

The Director may, at his or her discretion, reopen and reconsider any decision when written argument or evidence is submitted which tends to establish that:

(a) The previous decision involves an erroneous interpretation of law or regulation, or a misapplication of established policy:

(b) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Director.

§ 511.615 Temporary compliance authority.

Agencies may use temporary or conditional compliance action, e.g., a temporary promotion or a temporary reassignment when available, if:

(a) A position has been certified by the Office under either section 5110 or 5112 of title 5, United States Code;

(b) The certificate has not been suspended; and,

(c) The agency or employee has requested reconsideration.

This authority will not be used if the position has been downgraded and the employee is entitled to retained grade under section 5362 of title 5, United States Code.

Subpart G—Effective Dates of Position Classification Actions or Decisions

§ 511.701 Effective dates generally.

(a) *Agency classification actions.* (1) A classification action is a determination to establish or change the title, series, grade or pay system of a position based on application of published position classification standards or guides. This is a position action.

(i) The effective date of a position action taken by an agency shall be the date an official with properly delegated authority approves (certifies) the proposed classification. This is accomplished when the authorized official(s) signs the allocation of the position.

(ii) The effective date of a position action may be extended to correspond with the effective date of the personnel action when:

(A) The position is being changed to lower grade or pay; and

(B) The employee occupying the position is eligible for retained grade or pay under 5 U.S.C. 5362–5363.

(iii) These provisions do not pertain to Merit Pay System determinations made under Part 540 of this title.

(2) A position action is implemented by a personnel action. The personnel action must occur within a reasonable period of time following the date of the position action.

(3) If the position action requires a personnel action which will result in a loss of grade or pay to the occupant of the position, the agency must advise the employee, in writing, of the position action and the proposed date of the personnel action. This notice shall be issued prior to taking a personnel action.

(4) Except as provided in § 511.703, classification actions may not be made retroactive.

(b) *Office of Personnel Management's classification decision.* (1) The effective date of a classification decision made by means of a certificate issued under the authority of section 5110, title 5, United States Code is not earlier than the date of the certificate, and not later than the beginning of the fourth pay period following the date of the certificate, unless a subsequent date is specifically stated in the certificate. Except as otherwise provided by this paragraph the filing of an appeal of such a certificate does not delay its effective date.

(2) The implementation of the certificate may be suspended when it is determined before its effective date that a review of the classification decision is warranted and suspension is desirable. The determination to suspend implementation may be made by:

(i) A regional director, or a designee, when the decision is made by the regional office; or,

(ii) The Assistant Director, Agency Compliance and Evaluation, or a designee, when the decision is made within the central office or by a region, or

(iii) The Director with respect to any classification decision.

Suspending the implementation of a certificate does not automatically change the effective date except when the certificate requires that the grade or pay of the position be reduced and the employee is not entitled to retained grade or pay.

(3) When the original decision requires that the grade or pay of the position be reduced and the employee is not entitled to retained grade or pay the reviewing authority shall issue a new certificate if it sustains the original decision. Since demotions cannot be made retroactive, the effective date of the new certificate shall be not earlier than the date of the certificate, and not

later than the beginning of the fourth pay period after the date of the certificate unless a subsequent date is specifically stated in the certificate.

§ 511.702 Agency or Office classification appeal decisions.

(a) Subject to § 511.703, the effective date of a change in the classification of a position resulting from a classification appeal decision by either an agency or the Office is not earlier than the date of the decision and not later than the beginning of the fourth pay period following the date of the decision, except when a subsequent date is specifically provided in the decision.

(b) The implementation of the decision may be suspended by the Office when it determines before the effective date that a review of the decision is warranted. The determination to suspend implementation may be made by:

(1) The regional director, or a designee, when the appellate decision is made by an agency under the jurisdiction of the region; or

(2) The Assistant Director, Agency Compliance and Evaluation, or the Chief, Classification Appeals Office when the appellate decision is made within the central office, by a region or by an agency; or

(3) The Director with respect to any appellate decision.

Suspending the implementation does not change the effective date of the decision except when the original decision requires that the grade or pay of the position be reduced and the employee is not entitled to grade or pay retention.

(c) When the original decision requires that the grade or pay position be reduced and the employee is not entitled to grade or pay retention, the reviewing authority, if sustaining the original decision, shall issue a new certificate and the effective date of the new certificate shall be not earlier than the date of the new decision and not later than the beginning of the fourth pay period following the date of the new decision, unless a subsequent date is specifically stated in the new decision.

§ 511.703 Retroactive effective date.

(a) *Applicability.* A retroactive effective date may be required only if the employee is wrongfully demoted.

(b) *Downgrading.* (1) The effective date of a classification appellate certificate or agency appellate decision can be retroactive only if it corrects a classification action which resulted in a loss of grade or pay. In order for the decision to be made retroactive, the employee must file the initial request for review with either the agency or the Office not later than 15 calendar days after the effective date of the reclassification action.

(2) However, if the appellate decision raises the grade of the position above the original grade, retroactivity will apply only to the extent of restoration to the original grade.

(3) The right to a retroactive effective date provided by this section is preserved on subsequent appeals from an agency or Office classification decision when the subsequent appeal is filed not later than 15 calendar days following receipt of written notification of a final agency administrative decision or 15 calendar days after the effective date of the action taken as a result of the classification decision, whichever is later.

(c) *Grade change based on new duties and responsibilities.* Retroactivity may be based only on duties and responsibilities existing at the time of demotion and cannot be based on duties and responsibilities assigned later.

(d) *Retroactivity when time limits are extended.* The right to a retroactive effective date provided by this section may be preserved at the discretion of the Office, on a showing by the employee that he or she was not notified of the applicable time limit and was not otherwise aware of it, or that circumstances beyond his or her control prevented filing an appeal within the prescribed time limit.

[FR Doc. 81-3488 Filed 1-29-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 730

[Amdt. 3]

Rice Program for Crop Years 1978–81

Correction

In FR Doc. 80-37295 appearing on page 79745 in the issue of Tuesday, December 2, 1980, make the following correction:

On page 79746, second column, paragraph (3) of § 730.25(c), in the third line, ". . . is planted shall reestablish . . ." should have read " . . . is planted shall not reestablish . . . ".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 290]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period February 1–7, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: February 1, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A final impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on January 27, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to

give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 910.590 is added as follows:

§ 910.590 Lemon Regulation 290.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period February 1, 1981 through February 7, 1981, is established at 205,000 cartons.

(b) As used in this section, "handled" and "carton[s]" mean the same as defined in the marketing order.

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

Dated: January 28, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-3724 Filed 1-29-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 987

Domestic Dates Produced or Packed in Riverside County, California; Amendment of Administrative Rules

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends § 987.162 of the administrative rules and requires handlers to include certain additional information on current reports. This information is necessary for the California Date Administrative Committee (CDAC) to more effectively administer this program.

EFFECTIVE DATE: January 30, 1981.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5053. The Final Impact Statement on this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has not been classified "significant". The proposal was published in the January 7, 1981, issue of the **Federal Register** (46 FR 1742) and invited written comments. None was received.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making this final action effective less than 30 days after publication in the **Federal Register** in that the crop year began October 1, 1980, and handlers are acquiring dates from the 1980 crop. The CDAC requires this information as soon as possible to more effectively administer the marketing agreement and order.

This action is pursuant to the marketing agreement, as amended, and Order No. 987, as amended, regulating the handling of domestic dates produced or packed in Riverside County, California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

It is found that amending § 987.162 to provide the CDAC with more up-to-date information concerning each handler's sources of supply and utilizing a report currently used on a regular basis as hereinafter set forth will tend to effectuate the declared policy of the Act.

Therefore, § 987.162 of Subpart — Administrative Rules (7 CFR 987.101–987.172) is revised to read as follows:

§ 987.162 Handler acquisition and disposition.

Handlers shall file CDAC Form No. 6 with the Committee by the 10th of each month, reporting at least the following for the preceding month: (a) Their acquisition of field run dates; (b) their shipments of marketable dates in each outlet category; (c) their shipments of free dates and disposition of restricted dates, whenever applicable, and (d) their purchase from other handlers of DAC, Export, Product, Graded and field run dates. In addition, this report shall include the names and addresses of any producers not previously identified pursuant to § 987.38, the quantity of dates acquired from each producer, the location of such producer's date garden, the acreage of that garden, and the estimated current season's production from that garden.

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

Dated: January 27, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-3556 Filed 1-29-81; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Quality Service

7 CFR Part 2870

Increase in Fees and Charges

Correction

In FR Doc. 80–40818 appearing on page 7 in the issue of Friday, January 2, 1981, make the following correction:

On page 9, middle column, the amendment for § 2870.74 now reading,

"**§ 2870.74 [Removed]**

17. Section 2870.75 is removed"

should have read,

"**§ 2870.74 [Removed]**

17. Section 2870.74 is removed".

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 544, 545, 546, and 571

[No. 81–18]

Amendments Relating to Officers and Directors of Federal Associations

Dated: January 16, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: The Federal Home Loan Bank Board is removing certain regulatory restrictions on the permissible length of employment contracts made between Federal associations and their officers. The Board is also amending its rules on mergers with respect to the number of directors allowed on the board of the resulting association.

EFFECTIVE DATE: February 27, 1981.

FOR FURTHER INFORMATION, PLEASE CONTACT: James C. Stewart, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Telephone number: (202) 377–6457.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board is adopting several amendments to its regulations in order to remove the current limitation on the length of employment contracts into which Federal associations may enter. The Board is also authorizing an addition to its list of pre-approved charter amendments for federally-chartered savings and loan associations to allow Federals to increase the maximum number of directors on their boards from 15 to 25, and is amending its rules on mergers to allow for expanded boards of directors. Each of these amendments is discussed below.

A. Employment Contracts

Under § 545.25–1 of the Rules and Regulations for Federal Savings and Loan Associations, Federal stock and Federal mutual associations that have amended their bylaws in conformity with 12 CFR 544.6(k) may enter into employment contracts with officers for up to three years when the contract is made either in connection with a conversion or merger or between the association and a "new officer" as defined in subparagraph (b)(3) of § 545.25–1. Otherwise, employment contracts are limited to terms not exceeding one year.

The Board believes that the present employment contract limits are too restrictive. For example, in the context of mergers, officers of merging associations, in some instances, are reluctant to acquiesce in mergers unless longer term employment can be assured. Accordingly, the current rule can inhibit mergers between Federal associations. It is the Board's view that the current restrictions generally put Federal associations at a considerable disadvantage to other financial institutions. Because §§ 563.39 and 571.5 of the Insurance Regulations refer to § 545.25–1, the rule for Federal associations also may have an adverse impact on mergers involving State-chartered insured institutions.

To remedy this problem, the Board is amending § 545.25–1 to eliminate the current explicit restrictions on the length of employment contracts that may be offered to the officers of Federal associations. In its view, the terms and conditions of employment contracts should primarily be a matter of business judgment of the board of directors. Potential abuses of employment contracts, such as sales of control in mergers or unwarranted depletion of assets, can be avoided without imposing specific numerical limits on associations. Many of the necessary standards are already contained in the regulations.

Section 545.25–1(c) requires inclusion in the contract of clauses allowing the association to terminate the agreement at any time or when the officer is suspended or removed or when the association is in default. To provide further protection to the Federal Savings and Loan Insurance Corporation and prevent obstacles to resolution of supervisory mergers, the Board is amending paragraph (c) by adding another required clause authorizing termination of future employment contract obligations by the Corporation when it enters into an assistance agreement with the association and by the Board in the case of a supervisory merger, or when the association is determined to be in an unsafe or unsound condition. Exercise of the power under such a clause will only affect the officers' right to continued employment under the contract. Such exercise will not constitute dismissal of the officer nor will it jeopardize vested rights.

Section 563.39 specifies that an employment contract may be deemed an unsafe or unsound practice when it either may lead to material financial loss or damage or could materially interfere with exercise by directors of their duty or discretion with respect to employment or termination of officers. To deter other possible abuses, the Board is revising its policy statement on mergers, Insurance Regulation § 571.5, to indicate that longer-term employment contracts may raise questions as to sale of control of the disappearing association and will be scrutinized carefully. The Board is also amending the merger approval delegation to the Principal Supervisory Agent in §§ 546.2(h) and 563.22(e) to require that any merger involving an employment contract with a term greater than five years must be submitted to the Board.

The Board is also taking this opportunity to conform the wording of present paragraph (c) of § 545.25–1 with other recent changes in the Insurance Regulations.

B. Boards of Directors of Resulting Associations

Under the Board's Policy Statement on mergers of insured institutions, a surviving Federal association may temporarily expand its board of directors to as many as 25 members to accommodate directors of the disappearing association. *See* 12 CFR § 571.5(d)(1). The surviving Federal association is then required to leave subsequent vacancies unfilled until the board is reduced to 15 directors as allowed by current charters. The Board is of the view that the current method of reducing the size of a surviving Federal association's board is unsatisfactory. The prohibition against filling vacancies can arbitrarily cause the association to lose the services of its most valued directors. The Board revises the rule on reducing the number of directors to allow merging associations to determine for themselves how the appropriate number of directors will be achieved. The only requirement will be that the board must be within the limitations of the surviving association's charter and by-laws within three years. Until that time, the number of directors may be no greater than the total number of directors on the boards of both associations on the date of their respective approvals of the plan of merger.

C. Increase in the Maximum Number of Directors

Under current charters, mutual Federal associations may have between five and fifteen directors. It is the Board's view that Federal associations should have the option of increasing the size of their boards. The new twenty-five director limit is generally consistent with state and Federal laws regarding the number of directors allowed to other financial institutions. To implement this position, the Board is authorizing an addition to the list of pre-approved charter amendments to enable Federal associations to increase their number of directors to twenty-five.

The Board finds that: (1) notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11, because immediate implementation serves the public interest by relaxing regulatory restrictions that may impede mergers involving Federal associations. In order to allow Federal associations time to conform agreements and contracts to these rules, the effective date of the regulations will be delayed until February 27, 1981.

Accordingly, the Board hereby amends Parts 544 and 545 of Subchapter C and Part 571 of Subchapter D of Chapter V, Title 12 of the *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 544—CHARTER AND BY-LAWS

1. Amend § 544.2 by adding a new paragraph (g), to read as follows:

§ 544.2 Amendment of charter.

* * * * *

(g) Revise the first sentence of Section 5 to read:

The association shall be under the direction of a board of directors of at least 5 but not more than 25, as fixed in the association's by-laws *except* that the number of directors may be increased to a number greater than 25 with the approval of the Federal Home Loan Bank Board as part of a merger agreement.

PART 545—OPERATIONS

§ 545.25–1 [Amended]

2. Delete paragraph (b) of § 545.25–1 (*Employment contracts.*)

3. In subparagraph (c)(3) of § 545.25–1, eliminate the phrase "566.4 or § 566.5 of this chapter," and replace with "Section 5(d)(4)(c) or Section 5(d)(5)(A) of the

Home Owners' Loan Act, 12 U.S.C. 1464(d)(4)(C) and (d)(5)(A).".

4. In subparagraph (c)(4) of § 545.25–1, eliminate the phrase "§ 566.3 or § 566.5 of this chapter," and insert in its place "Section 5(d)(4)(D) or Section 5(d)(5)(A) of the Home Owners' Loan Act, 12 U.S.C. 1464(d)(4)(D) and (d)(5)(A),".

5. Redesignate paragraph (c) of § 545.25–1 as paragraph (b), and add a new subparagraph (6) to read as follows:

§ 545.25–1 Employment contracts.

* * * * *

(b) *Required provisions.*

* * * * *

(6) All obligations under the contract may be terminated: (i) by the Federal Savings and Loan Insurance Corporation, at the time the Corporation enters into an agreement to provide assistance to or on behalf of the association under the authority contained in § 406(f) of the National Housing Act; and (ii) by the Federal Home Loan Bank Board at the time the Board approves a supervisory merger to resolve problems related to operation of the association or when the association is determined by the Board to be in an unsafe or unsound condition. Any rights of the parties that have already vested, however, shall not be affected by such action.

* * * * *

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

6. Amend § 565.2(h) by deleting the word "and" from subparagraph (11), by redesignating subparagraph (12) as (13), and by adding a new subparagraph (12) to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(h) * * *

(12) No employment contract offered to an officer of the disappearing association exceeds 5 years in length; and

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

7. Amend paragraph (e) of § 56.22 by deleting the word "and" from subparagraph (11); by redesignating subparagraph (12) as subparagraph (13); and by adding a new subparagraph (12) to read as follows:

§ 563.22 Mergers, consolidations, or purchase of bulk assets.

* * * * *

(e) * * *

(12) No employment contract offered to an officer of the disappearing association exceeds 5 years in length.

* * * * *

PART 571—STATEMENTS OF POLICY

8. Amend § 571.5(d)(1) to read as follows:

§ 571.5 Mergers.

* * * * *

(d) *Managerial and financial aspects.* (1) *Managerial aspects.* The Board's primary requirement is that the resulting institution have the managerial and financial resources to operate successfully. The experience and the performance record of the persons to be in control or in key managerial positions will be evaluated as to the probability of sound operation of the resulting institution. If the merger agreement provides for a temporary increase in the board of directors of a surviving Federal association to a number in excess of that permitted by the association's charter, the Board will deem such merger-agreement provision to be an application for an appropriate charter amendment. The maximum number of directors, however, may not exceed a number equal to the total number of directors on the boards of the involved associations on the date on which each association adopted the plan of merger, and the number of directors must be reduced within three years to not more than 25.

* * * * *

10. Amend § 571.5(e)(4) by adding the following at the end thereof:

* * * * *

(e) *Factors relating to fairness and disclosure of the plan.*

* * * * *

(4) *Employment contracts.* * * *

Since an employment contract with an officer of the disappearing association for an excessive term of years may constitute a sale of control, the Board will carefully scrutinize longer term employment contracts to ensure that this is not the effect or the purpose of the contract. Associations should be able to demonstrate that longer term employment contracts have a reasonable business purpose.

(Section 5 of the Home Owners' Loan Act, 12 U.S.C. 1464; Sections 402, 403, and 407 of the National Housing Act, 12 U.S.C. 1725, 1726, & 1730; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Compilation))

By the Federal Home Loan Bank Board

Robert D. Linder,

Acting Secretary.

[FR Doc. 81–3494 Filed 1–29–81; 8:45 am]

BILLING CODE 6720–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

[IRPS 80–12]

Statement of Interpretation and Policy: Verification of Member Accounts

AGENCY: National Credit Union Administration.

ACTION: Statement of interpretation and policy.

SUMMARY: This document permits the use of statistical sampling in satisfaction of the requirements of Section 115 of the Federal Credit Union Act (12 U.S.C. 1761d) and § 741.2 of the National Credit Union Administration Rules and Regulations relating to the verification of members' accounts.

EFFECTIVE DATE: December 24, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Harry E. Moore, Staff Accountant, Office of Examination and Insurance, telephone number (202) 357–1065.

Text of Statement of Interpretation and Policy [IRPS 80–12]

Section 115 of the Federal Credit Union Act (12 U.S.C. 1761d) and § 741.2 of the National Credit Union Administration Rules and Regulations (12 CFR 741.2) state in part that "* * *[t]he supervisory committee shall cause the passbooks and accounts of the members to be verified with the records of the treasurer from time to time, and not less frequently than once every two years."

The National Credit Union Administration Board interprets these sections to allow supervisory committees of Federal credit unions and Federally insured state chartered credit unions to use statistical sampling in carrying out this required verification activity. The statistical sampling must include the following minimum standards:

(1) An error (occurrence) rate of 0.5 percent, a precision level of 1 percent; and a confidence level of 95 percent;

(2) A random method of selection that will consist of using:

(a) Random number tables without replacement;

(b) Random number generators;

(c) Systematic selection; or

(d) Cluster selection; and

(3) The following statistical measurement methods:

(a) Estimation Sampling For Attributes; or

(b) Discovery Sampling; and

(4) The use of positive verifications (those requiring a reply) where adequate internal controls are not maintained and for such accounts as those having no activity for a year or more, deceased members' accounts, large balance accounts, or those having unusual activity.

A verification of "*all*" members' accounts will always be performed if the statistical sampling discloses ficitious or unauthorized transactions within the sample or where the subsidiary records do not agree with the General Ledger control accounts by a material amount.

When a certified public accounting firm is engaged by the supervisory committee to perform a verification of members' accounts, it may use whatever method of random statistical sampling it deems appropriate, which is consistent with generally accepted auditing standards (GAAS) of the American Institute of Certified Public Accountants. The verification activity must be a part of an audit that will result in the issuance of an audit report expressing an opinion on the financial statements. The opinion must be unqualified with respect to members' accounts. Otherwise, the certified public accounting firm will be subject to the above minimum standards.

Records of those accounts that were verified, using either statistical sampling or a verification of all members' accounts will be maintained. In regard to the use of statistical sampling, the record will include a detailed explanation as to which sampling method was used, the random number that was used to determine the starting point, the method of selection including the interval used, if applicable, the precision level, the confidence level and the occurrence (error) rate that was used. These records will be retained until the supervisory committee's next verification of members' accounts is completed. If these minimum standards and procedures are not adhered to, it may be interpreted as a violation of Section 115 of the Act or the National Credit Union Administration Rules and Regulations, § 741.2.

Rosemary Brady,

Secretary, NCUA Board.

January 21, 1981.

[FR Doc. 81-3064 Filed 1-29-81; 8:45 am]

BILLING CODE 7535-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Regulation E; Docket No. R-0326]

Electronic Fund Transfers; Exemptions; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Correction of final rule.

SUMMARY: This document corrects the regulatory language of § 205.3(d)(3) in FR Doc. 81-1146 appearing at page 2972 in the issue of Tuesday, January 13, 1981, relating to electronic fund transfers and exemptions.

EFFECTIVE DATE: January 29, 1981.

FOR FURTHER INFORMATION CONTACT: Ann Marie Bray, Staff Assistant, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3378).

In FR Doc. 81-1146 appearing at page 2974 in the issue of Tuesday, January 13, 1981, 1st column, § 205.3(d)(3) should read:

(3) From a consumer's account to an account of the financial institution, such as a loan payment; [3a] or

* * * * *

Board of Governors of the Federal Reserve System, January 22, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-3549 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Revision 2—Amendment 17]

Delegation of Authority To Conduct Program Activities in the Field Office; Correction

AGENCY: Small Business Administration.

ACTION: Correction of final rule.

SUMMARY: This document corrects a final rule published in the **Federal Register** on October 15, 1980 (45 FR 68385) concerning delegation of authority to Branch Managers and Assistant Branch Managers for Finance and Investment in the El Paso and Corpus Christi Branch Offices to conduct program activities in the field offices.

DATES: Effective October 15, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 L St., N.W., Washington, D.C. 20416 (202) 653-6703.

In FR Doc. 80-32042 appearing at page 68387 in the issue for Wednesday, October 15, 1980, under § 101.3-2 the following corrections are made:

1. Item number 13 is corrected to read as follows:

"13. Part II, Section A, paragraph 1a(1)(i) and 1a(2)(i) are revised as follows:."

2. Item number 14 is corrected by removing the brackets from references to paragraphs h thru l in the amending instructions and from the codified text in the table under paragraph 2.

Additionally, item number 14 is corrected by changing the columnar headings "Approve" and "Decline" to read "Home Loans" and "Business Loans" respectively.

3. Item number 15 is corrected by removing the brackets from references to paragraphs h thru l in the amending instructions and from the paragraphs h thru l in the codified text under paragraph 3 and by adding a period after each paragraph designation.

4. Item number 16 is corrected by removing the brackets from references to paragraphs h thru l in the amending instructions and from the paragraphs h thru l in the codified text under paragraph 4 and by adding a period after each paragraph designation.

5. Item number 17 is corrected by removing the brackets from references to paragraph 5 in the amending instructions and from the codified text under paragraph 5 and adding a period after the paragraph designation.

6. Item number 20 is corrected as follows:

"Part II, Section A, paragraph 8a. (9) is revised as follows"

7. Item number 22 is corrected as follows: "Part II, Section B, paragraph 2a, and 2b are amended by adding paragraphs (16) and (17); paragraph 2c is amended by adding paragraphs (12) and (13)." Codified text under paragraph 2c is corrected to read paragraphs (12) and (13) in lieu of (16) and (17), respectively.

Dated: January 16, 1981.

Oleta F. Waugh,

Federal Register Liaison Officer.

[FR Doc. 81-3464 Filed 1-29-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Texas-3); Order No. 125]

High-Cost Gas Produced from Tight Formations; Cisco Sandstone Formation

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Cisco Sandstone Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or John Bassett, (202) 357-8589/Ting Chin, (202) 357-8595.

SUPPLEMENTARY INFORMATION:

Issued: January 23, 1981.

The Commission hereby amends § 271.703(d) of its regulations to include the Cisco Sandstone Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued October 24, 1980, (45 FR 71587, October 29, 1980),[1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c), that the Cisco Sandstone Formation be designated as a tight formation.

Evidence submitted by Texas and the commenters supports Texas' assertion that the Cisco Sandstone Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately established good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective January 23, 1981.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Section 271.703(d) is amended by adding new subparagraph (12) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(1) *The Cotton Valley Group in Texas.* * * *

(2) *The Mancos "B" Formation in Colorado.* * * *

(3) *The Frontier Formation in Wyoming.* * * *

(4) *The Mesaverde Formation in Wyoming.* * * *

(5) *The Austin-Mississippian Formation in New Mexico.* * * *

(6) *The Mancos "B" Formation in Colorado.* * * *

(7) *The Fort Union Formation in Colorado.* * * *

(8) *The Mesaverde Formation in Colorado.* * * *

(9) *The Mancos Formation to the base of the Mancos "B" Zone in Colorado.* * * *

(10) *The Canyon Sandstone Formation in Texas.* * * *

(11) *The Wattenberg J Sand Formation in Colorado.* * * *

(12) *The Cisco Sandstone Formation in Texas.* RM79-76 (Texas-3)

(i) *Delineation of formation.* The Cisco Sandstone Formation is found in Reagan County, Texas.

(ii) *Depth.* The top of the Cisco Sandstone Formation is located at an approximate depth of 8,260 feet, with an approximate thickness of 28 feet.

[FR Doc. 81-3504 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Comments were invited and two were received. No party requested a hearing in the matter, and no hearing was held.

18 CFR Part 271

[Docket No. RM79-76 (Colorado-1); Order No. 124]

High-Cost Gas Produced From Tight Formations; Wattenberg J Sand Formation

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts, with certain modifications, the recommendation of the Colorado Oil and Gas Conservation Commission that the Wattenberg J Sand Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

SUPPLEMENTARY INFORMATION:

Issued January 23, 1981.

The Commission hereby amends § 271.703(d) of its regulations to include the Wattenberg J Sand Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, on September 23, 1980, (45 FR 65608, October 3, 1980),[1] based on a recommendation by the Colorado Gas Conservation Commission (Colorado) that the Wattenberg J Sand Formation should be designated as a tight formation in accordance with § 271.703(c).

[1] Comments were invited and received. No party requested a hearing in this matter, and no hearing was held.

Evidence submitted by Colorado and the commenters supports Colorado's assertion that the Wattenberg J Sand Formation meets the guidelines contained in § 271.703(c)(2). The Commission generally adopts the Colorado recommendation, with the modification discussed below.

In the Preamble to the Interim Rule in Docket No. RM79–6, issued on February 20, 1980, which promulgated the tight formation designation procedures, the Commission expressed its policy of excluding from designated tight formations any areas which had been substantially developed by infill drilling. The Commission stated that:

> While new infill wells are not excluded from qualification under this rule, jurisdictional agencies should be sensitive to the fact that some portions of tight formations have been developed to such an extent as to indicate that the incentive maximum lawful price is not necessary to encourage full production of the formation. If the agency has information which indicates such portions can be developed without the incentive price, such portions should be excluded from the jurisdictional agency's recommendation. *(Memeo, p. 27.)*

On June 27, 1980 the Office of General Counsel issued a letter of interpretation [2] regarding the significance of this discussion to the Interim Rule. According to that interpretation, under the Interim Rule, if a jurisdictional agency had information which in its judgment indicated that a portion of a formation, which was being developed pursuant to an infill drilling program, could be developed without the tight formation incentive price, such portion should be excluded from the recommendation. In issuing the Final Rule the Commission clarified the uncertainty that had been created under the Interim Rule by adding a guideline specifically dealing with formations or portions of formations that are currently being developed by infill drilling programs. This guideline is contained in § 271.703(c)(2)(i)(D) of the final regulations and provides that:

> (D) If the formation or any portion thereof was authorized to be developed by infill drilling prior to the date of recommendation and the jurisdictional agency has information which in its judgment indicates that such formation or portion subject to infill drilling can be developed absent the incentive price established in paragraph (a) of this section then the jurisdictional agency shall not include such formation or portion thereof in its recommendation.

[2] Letter from Robert R. Nordhaus, General Counsel, to John Soule (June 27, 1980), sent to all jurisdictional agencies on same date by letter from Howard Kilchrist, Director, Division of NGPA Compliance.

In its review of the recommendation, the Commission found that Colorado submitted information in this docket and in a separate docket, indicating that certain areas within the recommended formation had been authorized to be developed by infill drilling prior to the date the recommendation was made, and that certain areas within the infill area can be developed without the incentive price.[3] Accordingly, pursuant to the Interim and the Final Rules, the Commission has excluded these areas from the area to be designated as a tight formation in the Commission's regulations. The excluded areas include only those developed 320-acre drilling units for which the infill drilling order authorized the drilling of additional wells. The excluded areas do not include those drilling units covered by the infill order, in which wells were not completed for production in the Wattenberg J Sand at the time the infill order was issued. Colorado's recommendation, as modified, (see Appendix), satisfies the guidelines for designation as a tight formation in § 271.703(c) of the Commission's regulations. The Commission amends § 271.703(d) to include the Wattenberg J Sand Formation as a designated tight formation. This limited exclusion is consistent with statements of Colorado and Amoco Production Co., in the record, to the effect that the available economic data may not be directly applicable to the entire Wattenberg J Sand area covered in the infill drilling order. The exclusion further comports with the language in the Preamble to Order No. 99, that infill drilling does not include drilling activity where the original units had not been drilled prior to the adoption of the rules which permitted drilling additional wells on the original units. The exclusion does not preclude future consideration of these areas as tight formations, if information and economic data become available which show that all or part of the excluded area would not be developed absent the incentive price under section 107(c)(5).

This amendment shall become effective immediately. The Commission has found that the public interest dictates new natural gas supplies be developed on an expedited basis, and therefore that incentive prices should be made available as soon as possible. The need to make incentive prices available immediately creates good cause to waive the thirty day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301–3432; Administrative Procedure Act, 15 U.S.C. § 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective January 23, 1981.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Section 271.703(d) is amended by adding new subparagraph (11) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(1) *The Cotton Valley Group in Texas.* * * *

(2) *The Mancos "B" Formation in Colorado.* * * *

(3) *The Frontier Formation in Wyoming.* * * *

(4) *The Mesaverde Formation in Wyoming.* * * *

(5) *The Austin-Mississippian Formation in New Mexico.* * * *

(6) *The Mancos "B" Formation in Colorado.* * * *

(7) *The Fort Union Formation in Colorado.* * * *

(8) *The Mesaverde Formation in Colorado.* * * *

(9) *The Mancos Formation to the base of the Mancos "B" Zone in Colorado.* * * *

(10) *The Canyon Sandstone Formation in Texas.* * * *

(11) *The Wattenberg J Sand Formation in Colorado.* RM79–76 (Colorado–1)

(i) *Delineation of formation.* The Wattenberg J Formation is located north and east of Denver, Colorado on the western flank of the Denver-Julesberg Basin, underlying approximately 702,000 acres of land in Boulder, Adams, Larimer and Weld Counties, Colorado.

(ii) *Depth.* The Wattenberg J Formation ranges from a depth of 7,600

[3] Colorado issued an Infill Drilling Order covering portions of the Wattenberg J Sand Formation, in Colorado Oil and Gas Conservation Commission's Order No. 232–20. In the hearing and testimony related to Order No. 232–20, information presented show that portions of the Wattenberg J Sand were economical to develop without the incentive price allowed under section 107(c)(5). This information was submitted to the Commission in Docket No. RM79–3, as part of Colorado's application for approval of alternative filing requirements under § 274.207 of the Commission's regulations.

feet to 8,400 feet. The average depth is approximately 8,000 feet.

[FR Doc. 81-3503 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 271

[Docket No. RM79-76 (Texas-4); Order No. 126]

High-Cost Gas Produced From Tight Formations; Vicksburg UV Formation

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Vicksburg UV Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or John Bassett, (202) 357-8589/Ting Chin, (202) 357-8595.

SUPPLEMENTARY INFORMATION:

Issued: January 23, 1981.

The Commission hereby amends § 271.703(d) of its regulations to include the Vicksburg UV Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued October 24, 1980, (45 FR 71589, October 29, 1980),[1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c), that the Vicksburg UV Formation be designated as a tight formation.

Evidence submitted by Texas and the commenters supports Texas' assertion that the Vicksburg UV Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately established good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective January 23, 1981.

Lois D. Cashell,

Acting Secretary.

Section 271.703(d) is amended by adding new subparagraph (13) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(1) *The Cotton Valley Group in Texas.* * * *

(2) *The Mancos "B" Formation in Colorado.* * * *

(3) *The Frontier Formation in Wyoming.* * * *

(4) *The Mesaverde Formation in Wyoming.* * * *

(5) *The Austin-Mississippian Formation in New Mexico.* * * *

(6) *The Mancos "B" Formation in Colorado.* * * *

(7) *The Fort Union Formation in Colorado.* * * *

(8) *The Mesaverde Formation in Colorado.* * * *

(9) *The Mancos Formation to the base of the Mancos "B" Zone in Colorado.* * * *

(10) *The Canyon Sandstone Formation in Texas.* * * *

(11) *The Wattenberg J Sand Formation in Colorado.* * * *

(12) *The Cisco Sandstone Formation in Texas.* * * *

(13) *The Vicksburg UV Formation in Texas.* RM79-76 (Texas-4)

(i) *Delineation of formation.* The Vicksburg UV Formation is found in Hidalgo County, Texas.

(ii) *Depth.* The top of the Vicksburg UV Formation is located at an approximate depth of 12,304 feet with an approximate thickness of 1,155 feet.

[FR Doc. 81-3505 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 271

[Docket No. RM79-76 (Texas-5) (Order No. 127)]

High-Cost Gas Produced from Tight Formations; Vicksburg Y Formation

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Vicksburg Y Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or John Bassett, (202) 357-8589/Ting Chin, (202) 357-8595.

SUPPLEMENTARY INFORMATION:

Issued: January 23, 1981.

The Commission hereby amends § 271.703(d) of its regulations to include the Vicksburg Y Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, issued October 24, 1980, (45 FR 71589, October 29, 1980),[1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c), that the

[1] Comments were invited and two were received. No party requested a hearing in this matter, and no hearing was held.

[1] Comments were invited and two were received. No party requested a hearing in this matter, and no hearing was held.

Vicksburg Y Formation be designated as a tight formation.

Evidence submitted by Texas and the commenters supports Texas' assertion that the Vicksburg Y Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately established good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 331–3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective January 23, 1981.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Section 271.703 is amended by adding new subparagraph (d)(14) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(1) *The Cotton Valley Group in Texas.* * * *

(2) *The Mancos "B" Formation in Colorado.* * * *

(3) *The Frontier Formation in Wyoming.* * * *

(4) *The Mesaverde Formation in Wyoming.* * * *

(5) *The Austin-Mississippian Formation in New Mexico.* * * *

(6) *The Mancos "B" Formation in Colorado.* * * *

(7) *The Fort Union Formation in Colorado.* * * *

(8) *The Mesaverde Formation in Colorado.* * * *

(9) *The Mancos Formation to the base of the Mancos "B" Zone in Colorado.* * * *

(10) *The Canyon Sandstone Formation in Texas.* * * *

(11) *The Wattenberg J Sand Formation in Colorado.* * * *

(12) *The Cisco Sandstone Formation in Texas.* * * *

(13) *The Vicksburg UV Formation in Texas.* * * *

(14) *The Vicksburg Y Formation in Texas.* RM79–76 (Texas-5)

(i) *Delineation for formation.* The Vicksburg Y Formation is found in Hidalgo County, Texas.

(ii) *Depth.* The top of the Vicksburg Y Formation in the McAllen Ranch Field is located at an approximate depth of 13,595 feet in the north and 13,244 feet in the south and ranges in thickness from approximately 1,955 feet in the north to 1,717 feet in the south.

[FR Doc. 81-3500 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 131

[Docket No. 77N-0143]

Cultured and Acidified Milks, Cultured and Acidified Buttermilks, Yogurts, and Eggnog; Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document establishes standards of identity for cultured milk, cultured lowfat milk, acidified milk, acidified lowfat milk, yogurt, lowfat yogurt, nonfat yogurt, and eggnog. Second, it renames the proposed standards for cultured buttermilk and acidified buttermilk as cultured skim milk and acidified skim milk, respectively. Finally, it incorporates provisions for buttermilk, lowfat buttermilk, and skim milk buttermilk into the appropriate cultured and acidified product standards. The yogurt standards established by this rule are based on consideration of the international standards for these foods developed by the Codex Alimentarius Commission. The purpose of this action is to promote honesty and fair dealing in the interest of consumers and to facilitate international trade.

DATES: Effective July 1, 1983 for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date; voluntary compliance beginning March 31, 1981; objections by March 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) issued a proposal in the Federal Register of June 10, 1977 (42 FR 29919) to establish standards of identity for cultured buttermilk, acidified buttermilk, yogurt, lowfat yogurt, nonfat yogurt, cultured milk, cultured lowfat milk, acidified milk, acidified lowfat milk, and eggnog. The purpose of the proposed action was to standardize the composition and names of these nonstandardized foods which would, in turn, make informed consumer choices and interstate sale of the products easier. Interested persons had until October 10, 1977 to comment.

In the preamble to the proposal, FDA stated that informal consideration was being given to the international Codex Alimentarius Commission recommended standards for plain and plain sweetened yogurt (Codex standard No. A–11(a)) and flavored yogurt (Codex standard No. A–11(b)). At that time only standard A–11(a) had been made final and sent to governments of member countries for acceptance. The United States, as a member nation of the Joint Food and Agriculture Organization/World Health Organization (FAO/WHO), is under treaty obligation to consider all recommended international standards. The rules of procedure of the Codex Alimentarius Commission state that a standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations.

Formal consideration of these standards for acceptance was deferred until standard A–11(b) was made final. Since publication of the proposal, standard A–11(b) has been made final and sent to governments of member countries for acceptance. Since no substantive changes were made to the Codex standard A–11(b) between the draft and final versions, the agency believes that formal consideration, in essence, has been given to the acceptance of both of the Codex recommended standards. Each of the two Codex standards, A–11(a) and (b), is included in this document for informational purposes. The final regulations establishing standards of identity for yogurt, lowfat yogurt, and nonfat yogurt include both changes from

the proposed standards based on the comments received and provisions of the two Codex standards (A–11(a) and (b)) which are being adopted with specified deviations.

Standard for Yoghurt (Yogurt) and Sweetened Yoghurt (Sweetened Yogurt)—(A–11–(a))

1. Definitions

1.1 Yoghurt is a coagulated milk product obtained by lactic acid fermentation through the action of Lactobacillus bulgaricus and Streptococcus thermophilus, from milk and milk products as listed in 2.3 and with or without those listed in 2.5. The microorganisms in the final product must be viable and abundant.

1.2 Sweetened yoghurt is yoghurt to which one or more sugars only have been added.

1.3 'Sugars' mean any carbohydrate sweetening matter.

2. Essential Composition and Quality Factors

2.1 *Yoghurts*

2.1.1 *Yoghurt*

Minimum milkfat content: 3.0% m/m

Minimum milk solids non-fat content: 8.2% m/m

2.1.2 *Partially skimmed yoghurt*

Maximum milkfat content: less than 3.0% m/m

Minimum milkfat content: more than 0.5% m/m

Minimum milk solids non-fat content: 8.2% m/m

2.1.3 *Skimmed yoghurt*

Maximum milkfat content: 0.5% m/m

Minimum milk solids non-fat content: 8.2% m/m

2.2 *Sweetened yoghurts*

Yoghurt, partly skimmed yoghurt and skimmed yoghurt complying with the requirements of sections 2.1.1 and 2.1.2 and 2.1.3 respectively, and containing sugars. The compositional requirements refer to the milk part of the sweetened yoghurts.

2.3 *Essential raw materials*

—Pasteurized milk or concentrated milk, or

—Pasteurized partly skimmed milk or concentrated partly skimmed milk, or

—Pasteurized skimmed milk or concentrated skimmed milk, or

—Pasteurized cream, or

—A mixture of two or more of these products.

2.4 *Essential additions*

—Cultures of Lactobacillus bulgaricus and Streptococcus thermophilus.

2.5 *Optional additions*

—Milk powder, skimmed milk powder, unfermented buttermilk, concentrated whey, whey powder, whey proteins, whey protein concentrate, water-soluble milk proteins, edible casein, caseinates, manufactured from pasteurized products.

—Cultures of suitable lactic acid producing bacteria in addition to those in 2.4.

—Sugars (in sweetened yoghurt only).

3. Food Additives

None.

4. Labelling

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

4.1 *The name of the food*

The name of the product shall be Yoghurt, or Yogurt, subject to the follow provisions:

4.1.1 Yoghurt with not less than 3.0% milkfat content should be designated as yoghurt unqualified.

4.1.2 For yoghurt with less than 3.0% milkfat but with more than 0.5% milkfat the designation shall include partly skimmed, low fat or any other suitable qualifying description. Accompanying the name of the food shall be a milkfat statement in multiples of 0.5%, e.g. 1.0%, 1.5%, 2.0% etc. whichever is closest to the actual milkfat content of the yoghurt.

4.1.3 For yoghurt with less than 0.5% m/m milkfat content the designation shall include skimmed or any other suitable qualifying description.

4.1.4 The provisions given in 4.1.1, 4.1.2 and 4.1.3 apply also to yoghurt to which sugar or sugars have been added in accordance with section 2.2, with the proviso that the designations concerned shall be accompanied by the term "Sweetened".

4.1.5 Where milk other than cow's milk is used for the manufacture of the product or any part thereof, a word or words denoting the animal or animals from which the milk has been derived should be inserted immediately before or after the designation of the product except that no such insertion need be made if the consumer would not be misled by its omission.

4.2 *List of ingredients*

A complete list of ingredients shall be declared on the label in descending order of proportion.

4.3 *Net contents*

The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement or by volume in one or more of the following systems of measurement: metric ("Système International"), U.S. or British units as required by the country in which the product is sold.

4.4 *Name and address*

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

4.5 *Country of origin (manufacture)*

The country of manufacture of the food shall be declared except that foods sold within the country of manufacture need not declare the country of manufacture.

4.6 *Date marking*

There shall be an indication in clear of the date of production, that is, the date the final product was packaged for final sale or the sell-by date.

Standard for Flavoured Yoghurt and Products Heat-Treated After Fermentation—(A–11–(b))

1. Scope

This standard applies to flavoured yoghurt and the products heat-treated after fermentation.

2. Definitions

2.1 *Flavoured Yoghurt* is a coagulated milk product obtained by lactic acid fermentation through the action of Lactobacillus bulg. and Strep. thermophilus from milk products as listed in 3.3.1, to which have been added, flavouring foods or other flavouring ingredients as listed in 3.3.2 with or without optional ingredients. The micro-organisms in the final product must be viable and abundant.

2.2 *Products heat-treated after fermentation* are products as described under 2.1 which have been submitted to a heat-treatment after fermentation. They need not contain viable and abundant micro-organisms.

2.3 *"Sugars"* mean any carbohydrate sweetening matter.

3. Essential Composition and Quality Factors

3.1 The milk part of flavoured yoghurts shall comply with the requirements for yoghurts as specified under 3.2.

3.2 *Yoghurts*

3.2.1 *Yoghurt*

Minimum milkfat content: 3.0% m/m

Minimum milk solids non-fat content: 8.2% m/m

3.2.2 *Partially skimmed yoghurt*

Maximum milkfat content: less than 3.0% m/m

Minimum milkfat content: more than 0.5% m/m

Minimum milk solids non-fat content: 8.2% m/m

3.2.3 *Skimmed yoghurt*

Maximum milkfat content: 0.5% m/m

Minimum milk solids non-fat content: 8.2% m/m

3.3 *Essential raw materials*

3.3.1 Pasteurized milk or concentrated milk, or

—Pasteurized partly skimmed milk or concentrated partly skimmed milk, or

—Pasteurized skimmed milk or concentrated skimmed milk, or

—Pasteurized cream, or

—A mixture of two or more of these products.

3.3.2 Natural flavouring ingredients such as fruit (fresh, canned, quick frozen, powdered), fruit purée, fruit pulp, jam, fruit syrup, fruit juice, honey, chocolate, cocoa, nuts, coffee, spices and other harmless natural flavouring foods.

3.4 *Essential additions*

—Cultures of Lactobacillus bulgaricus and Streptococcus thermophilus.

3.5 *Optional additions*

—Sugars

—Milk powder, skimmed milk powder, unfermented buttermilk, concentrated whey, whey powder, whey proteins, whey protein concentrate, water-soluble milk proteins, edible casein, caseinates, manufactured from pasteurized products.

—Cultures of suitable lactic acid producing bacteria in addition to those in 3.4.

—Harmless natural colouring ingredients.

4. Food Additives

4.1 *Flavours*

The terms below are defined in the "List of Additives Evaluated for their Safety-in-use in Food", CAC/FAL 1–1973 and Supp. 1.

4.1.1 Natural flavours and flavouring substances.

4.1.2 Natural identical flavouring substances.

4.1.3 Artificial flavouring substances appearing in the Codex List, CAC/FAL 1–1973 and Supp. 1.

4.2 *Food Colours (which come exclusively from flavouring substances as a result of carry-over)*

	Colour index (1971) No.	Maximum level (mg/kg)
Tartrazine	19140	18
Sunset Yellow FCF or Orange Yellow S	15985	12
Cochineal or Carminic Acid*	75470	20
Carmoisine or Azorubine	14720	57
Ponceau 4R or Cochineal Red A	16255	48
Erythrosine BS	45430	27
Indigo Carmine or Indigotine	73015	6
Green S or Acid Brilliant Green BS or Lissamine Green*	44090	2
Caramel Colours		150
Black PN or Brilliant Black BN	28440	12
Beetreet Red or Betanin		250
Chocolate Brown FB*		30
Red 2 G	18050	30
F.D. and C. Blue No. 1 (Brilliant Blue FCF)	42090	
Other Colouring ingredients extracted from natural fruit and vegetable sources*		

*Not yet cleared toxicologically.

4.3 *Stabilizers*

Furcellaran, Xanthan gum, Arabic, Locust (Carob) bean gum*, Karaya gum, Guar gum*, Tragacanth gum*, Agar-agar, Carrageenan, Sodium carboxymethylcellulose (cellulose gum), Sodium, potassium, calcium and ammonium alginates (Algin), Propylene glycol alginate	5000 mg/kg
Pectins	10 g/kg
Gelatine	10 g/kg
Starches and modified starches appearing in the Codex List (CAL/FAL 1–1973) and supplement [1]	10 g/kg

*Not yet cleared toxicologically.
[1] Endorsed by the Codex Committee on Food Additives.

4.4 *Preservatives (which come exclusively from flavouring substances as a result of carry-over)*

Sorbic acid and its sodium, potassium and calcium salts, sulphur dioxide, benzoic acid at levels in the final product resulting from those permitted in individual Codex standards for fruits and fruit based products, or within a maximum of 50 mg/kg (singly or in combination) in the final product.

5. Labeling

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

5.1 *The name of the food*

5.1.1 The name of the product shall be Flavoured Yoghurt, subject to the following provisions:

5.1.1.1 Yoghurt with not less than 3.0% milkfat content should be designated as yoghurt unqualified.

5.1.1.2 For yoghurt with less than 3.0% milkfat but with more than 0.5% milkfat the designation shall include partly skimmed, low fat or any other suitable qualifying description. Accompanying the name of the food shall be a milk fat statement in multiples of 0.5%, e.g. 1.0%, 1.5%, 2.0% etc. whichever is closest to the actual milk fat content of the yoghurt.

5.1.1.3 For yoghurt with less than 0.5% m/m milkfat content the designation shall include skimmed or any other suitable qualifying description.

5.1.2 The name of the product heat-treated after fermentation shall be that specified in national regulations, subject to provisions 5.1.1.1, 5.1.1.2 and 5.1.1.3.*

5.1.3 Where milk other than cow's milk is used for the manufacture of the product or any part thereof, a word or words denoting the animal or animals from which the milk has been derived should be inserted immediately before or after the designation of the product except that no such insertion need be made if the consumer would not be misled by its omission.

5.2 *List of Ingredients*

A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with sub-sections 3.2(b) and (c) of the Recommended International General Standard for the Labelling of Prepackaged Foods.

5.3 *Net Contents*

The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement or by volume in one or more of the following systems of measurement: metric ("Système International"), U.S. or British units as required by the country in which the product is sold.

5.4 *Name and Address*

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

5.5 *Country of origin (manufacture)*

The country of manufacture of the food shall be declared except that foods sold within the country of manufacture need not declare the country of manufacture.

5.6 *Date marking*

There shall be an indication in clear of the date of production, that is, the date the final product was packaged for final sale or the sell-by date of minimum durability date.

5.7 *Lot identification**

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

One hundred and sixteen letters, each containing one or more comments, were received in response to the June 10, 1977 proposal. The issues raised in the comments and the FDA's responses are as follows:

1. *Label declaration of terms "pasteurized" and "ultra-pasteurized".*

*The governments are requested to notify the specific names exclusively provided in their national regulations for the products heat-treated after fermentation.

*Provision proposed to be included in the Standard by the Secretariat in line with the decision taken by the Committee for other standards discussed at the 18th Session (see paras 84, 93 and 107) and in accordance with the recommendation of the Codex Committee on Food Labelling.

Several comments expressed the opinion that use of either term "pasteurized" or ultra-pasteurized" accompanying the name of any of the cultured or acidified foods, as proposed, is potentially misleading to consumers because it could be construed to imply that all of the ingredients in the foods underwent the designated heat process when , in fact, only the dairy ingredients are pasteurized or ultra-pasteurized.

The agency agrees with these comments and has deleted the terms "pasteurized" or "ultra-pasteurized" in conjunction with the names of cultured or acidified products from §§ 131.111, 131.112, 131.136, 131.138, 131.144, 131.146, 131.200, 131.203, 131.206, as set forth below. The agency concludes that the use of these terms is unnecessary because the dairy ingredients that may be used in the manufacture of these foods are required by applicable standards of indentity to be either pasteurized or ultra-pasteurized. The agency advises that it is the responsibility of the manufacturers to take the precautionary measures necessary to assure that ingredients to be added to these foods after culturing, such as bulky flavor to yogurts, or milkfat or butterfat flakes or granules to buttermilks, do not contaminate the food.

2. *Consistency with the Pasteurized Milk Ordinance.* One comment expressed concern that the proposed standards of identity for these dairy products be consistent with the definitions for the foods found in the "Grade A Pasteurized Milk Ordinance—1965 Recommendations of the U.S. Public Health Service" (PMO) because the PMO definitions have been adopted as law or regulation by many States.

The agency points out that the PMO definitions and the proposed regulations are consistent and, in fact, the proposed standards of identity were based on the 1965 PMO definitions. Further, it should be noted that FDA and the National Conference on Interstate Milk Shipments formally recommended that the State milk regulatory agencies adopt the proposed standards of identity, herein being made final, in place of the previously recommended PMO definitions for these products. The basis for this recommendation was that it would promote further uniformity in the composition of dairy products and in the labeling of these foods which become a part of interstate commerce.

3. *Alternative Forms and Types of Dairy Ingredients.* Several comments requested that alternative forms and types of dairy ingredients be permitted for use as the basic ingredients in yogurts and other cultured and acidified dairy products. The various reasons given were: (1) all of these ingredients are derived from milk; (2) when nonfat dry milk is reconstituted and used in a food, 21 CFR 101.4 allows it to be declared as "skim milk" in the ingredient statement; (3) ingredient statement declaration of nonfat dry milk and water necessary for reconstitution would adequately inform consumers of the type of dairy ingredients used; (4) use of any form and type of dairy ingredient that maintains the product's physical characteristics and nutritive content is consistent with the agency's philosophy of flexibility of ingredient use; and (5) yogurt produced from reconstituted nonfat dry milk is organoleptically indistinguishable from yogurt produced from fresh fluid skim milk.

The agency rejects the arguments presented in these comments. Traditionally, the dairy products included in the proposal have been made from fresh, fluid dairy ingredients. Concentrated or dried dairy ingredients are being permitted only to adjust the milk solids content. No sound reasons supporting the inclusion of alternative forms and types of dairy ingredients as basic ingredients for the manufacture of yogurts and other cultured and acidified dairy products were presented to refute the agency's conclusions regarding consumer expectations. Therefore, the agency concludes that the requested alternative forms and types of dairy ingredients will not be allowed as basic ingredients for the manufacture of yogurts and other cultured and acidified dairy products. The agency advises that any yogurt or other cultured or acidified dairy product that is being made with alternative forms and types of dairy ingredients not allowed by the standards of identify set forth below is a nonstandardized food and is required to be labeled in accordance with 21 CFR 101. For example, the name for a yogurt made solely from reconstituted milk would be "yogurt made from reconstituted milk" or another similar name.

4. *Milk-derived ingredients.* One comment proposed disallowing the use of all milk-derived ingredients and allowing the use of only concentrated skim milk and nonfat dry milk under the "other optional ingredients" provision because it feared that the proposed standards, if adopted, would allow "for processing a group of synthetic products that can be sold as and under the name of natural dairy products." The comment pointed out that "any number of combinations of milk, whey, and caseinate could be used to meet the milk solids not fat and protein requirements of the proposed standards," thereby making some of the products so produced deceptive to consumers.

The agency disagrees with this comment because milk-derived ingredients may be used only to increase the milk solids not fat content above the minimum set in each standard, not to meet the minimum. Furthermore, use of these ingredients may not result in a lowering of the ratio of protein to total nonfat solids content or of the Protein Efficiency Ration (PER). The standards clearly impose a limit on the use of these ingredients and there is no need to disallow their use.

Two comments proposed a definition for the term "milk-derived ingredients" which excluded some commonly used milk-derived ingredients. They maintained that the use of these excluded milk-derived ingredients would require products to be labeled "nondairy" and would interfere with the use of the "Grade A" designation on the label, as provided in the PMO.

The agency advises that the term "nondairy" is used by manufacturers, either voluntarily or as required by State laws, to distinguish their products which simulate dairy products from the dairy products being simulated. FDA does not require the use of the term "nondairy". In fact, if a milk-derived ingredient such as sodium caseinate is used in product, FDA advises manufacturers that the source of the ingredient should be noted in the ingredient declaration, that is * * * sodium caseinate (a milk derivative) * * *.

FDA would also like to correct the apparent misconception that milk-derived ingredients are not allowed for use in "Grade A" dairy products under the provisions of the 1965 PMO. Such ingredients are allowed under the 1965 PMO Definition Q "Optional Ingredients".

The agency is specifying the milk-derived ingredients permitted by revising paragraph (e)(1) of §§ 131.111, 131.136, 131.144, and 131.170; (d)(1) of §§ 131.112, 131.138, 131.146; and (c)(1) of §§ 131.200, 131.203 and 131.206 to replace the term "milk-derived ingredients" with a list of suitable ingredients that have been traditionally used in these products. Therefore, the final regulation is being revised to include the following ingredients: buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals.

The two comments above also suggested that the ingredients included in their proposed definition be permitted for use in unlimited quantities as long as

the ratio of protein to total nonfat solids content and the PER of all protein present are not decreased.

The agency does not agree with this suggestion. Because the comment does not explain its intended meaning of the phrase "unlimited quantities", the agency can only interpret this under its plain meaning. As already discussed, these milk-derived ingredients may be used only after the required milk solids not fat minima have been met.

5. *Determining level of acidity.* One comment suggested that a method for potentiometric determination of acidity (pH value) be provided for in addition to the Association of Official Analytical Chemists (AOAC) titration method provided for in the proposal. The comment maintained that flavors and colors many times interfere with a precise determination of the colorimetric endpoint of the titration.

FDA agrees and paragraph (f)(3) of §§ 131.111, 131.136, and 131.144; (e)(3) of §§ 131.112, 131.138, and 131.146; and (d)(3) of §§ 131.200, 131.203, and 131.206 have been revised to allow an equivalent potentiometric method to be used to determine acidity, as well as the AOAC titration method.

6. *Protein Efficiency Ratio.* One comment raised the possibility that the results of the Protein Efficiency Ratio (PER) method may not be adequate for FDA to enforce standards and, as a result, may allow "products of inferior nutritional quality as compared to a natural milk product" to enter the market.

The agency believes that PER test results can be used to enforce standards in those instances where ingredients have been added that have the effect of lowering the PER. It is recognized that the nutrient composition in relation to the bulk of some foods prevents incorporation of those foods, in their original form, in the biological evaluation test diet at the recommended nutrient levels (Official Methods of Analysis of the AOAC). Processes such as freeze-drying and/or lipid extraction may be necessary to reduce the volume of the product or to remove interfering substances before testing of the products.

A second comment suggested that protein quality and quantity limitations should be specified by insertion of the following phrase in paragraph (a) of each standard: "not less than 2.7 percent protein having a Protein Efficiency Ratio (PER) not less than that of whole milk (108 percent of casein)". This limitation would allow any safe and suitable dairy-derived ingredients, fluid or dry, to be used.

The agency does not concur with this suggestion. No data supporting this suggestion were submitted. FDA advises that while this 2.7 percent protein minimum requirement was once proposed for the ice cream standard, it has no bearing on the products included in this final regulation. Notwithstanding this fact, the proposed 2.7 percent protein minimum requirement for ice cream was subsequently revoked because of the possibility of a reduction in nutrient levels in some frozen desserts. This notice of revocation was published in the **Federal Register** of February 3, 1978 (43 FR 4596).

7. *Vitamin addition.* In response to FDA's request for information, two comments suggested that the agency provide for the addition of vitamins A and D to cultured milk and cultured lowfat milk. One of these comments further suggested allowing the addition of vitamins A and D to the foods covered in all the proposed standards.

FDA partially agrees with these comments and is providing for optional vitamin addition in a new paragraph (b) added to §§ 131.111, 131.112, 131.136, and 131.138. Appropriate labeling provisions are being added to paragraph (g) of §§ 131.111 and 131.136 and paragraph (f) of §§ 131.112 and 131.138. Vitamins A and D will not be permitted in yogurts and eggnog at this time because these two foods traditionally do not contain added vitamins. However, the agency invites any interested person who believes that adding vitamins to these products should be allowed to submit a petition presenting reasonable grounds in support of such action.

8. *Cultured and acidified products.* Several comments made suggestions relative to the proposed standards for buttermilk. Five comments requested that the proposed cultured buttermilk standard be revised to provide for a milkfat content of up to 2.0 percent rather than the proposed 0.5 percent and to require that a declaration of the percent milkfat appear on the label with the name of the food. They contended that presently marketed cultured buttermilk, as defined in the PMO since 1965, is not only a nonfat milk product but also includes products having the higher milkfat content. Further, these comments sought to either establish a separate standard for "cultured wholemilk buttermilk" with a minimum milkfat level of 3.25 percent, as in the PMO definition for wholemilk buttermilk, or to revise the proposed cultured buttermilk standard to include the names "cultured nonfat buttermilk" and "cultured wholemilk buttermilk". This comment pointed out that if the separate standard for "cultured wholemilk buttermilk" is established, then "cultured nonfat buttermilk" should be included in the "cultured buttermilk" standard since the milkfat content of the nonfat product falls in the 0–2.0 percent range suggested for cultured buttermilk. Similar changes were suggested for the acidified milk standards of identity.

One of the comments suggested alternative names for the proposed standards for cultured and acidified products. It suggested changing the names of the standards for acidified milk and cultured milk, acidified buttermilk and cultured buttermilk, and acidified lowfat and cultured lowfat milk to "acidified wholemilk buttermilk" and "cultured wholemilk buttermilk", "acidified nonfat (or skim) buttermilk" and "cultured nonfat (or skim) buttermilk", and "acidified buttermilk" and "cultured buttermilk", respectively. One comment suggested that "acidified skim milk" would be a more appropriate name than "acidified buttermilk" for the products described in the proposed § 131.113. Each of these standards would provide for the use of appropriate optional ingredients. It was also suggested that the products "acidified buttermilk" and "cultured buttermilk" should have their names accompanied by label declarations of the percent milkfat content.

The agency agrees with the intent of these comments. To accomplish the purposes set forth by their suggestions, FDA is revising and redesignating § 131.113, acidified buttermilk, as § 131.144, "acidified skim milk" and § 131.114, cultured buttermilk, as § 131.146, "cultured skim milk". To maintain the alphabetical order of Part 131 and accommodate the addition of §§ 131.144 and 131.146, the standard of identity for skim milk (§ 131.145) is being redesignated as § 131.143. In addition, in order to include cultured and acidified buttermilk and lowfat buttermilk in the standards for cultured and acidified milk and lowfat milk, FDA is revising §§ 131.111(e), 131.112(d), 131.136(e), and 131.138(d) by adding the optional ingredients that may be used in buttermilk (items (6), (7), (8), and (9) of each paragraph), and to include provisions for naming buttermilk products such as "acidified buttermilk", "cultured buttermilk", "acidified lowfat buttermilk" and "cultured lowfat buttermilk". Also, FDA is revising §§ 131.144(g) and 131.146(f) to include provisions for naming cultured and acidified skim milk products other than buttermilk as well as for buttermilk.

The following table summarizes the name and section number changes for the standards set forth below.

Proposal		Final Regulation	
§ 131.111	Acidified milk	§ 131.111	No change.
§ 131.112	Cultured milk	§ 131.112	No change.
§ 131.113	Acidified buttermilk.	§ 131.144	Acidified skim milk.
§ 131.114	Cultured buttermilk.	§ 131.146	Cultured skim milk.
§ 131.136	Acidified lowfat milk.	§ 131.136	No change.
§ 131.138	Cultured lowfat milk.	§ 131.138	No change.
§ 131.170	Eggnog	§ 131.170	No change.
§ 131.200	Yogurt	§ 131.200	No change.
§ 131.203	Lowfat yogurt	§ 131.203	No change.
§ 131.206	Nonfat yogurt	§ 131.206	No change.

One comment expressed the opinion that the use of traditional cultured product names in the names of acidified milk and acidified lowfat milk, for example, "kefir milk" as part of the name "acidified kefir milk" is false and misleading to consumers. In addition, the comment requested that the word "imitation" precede the name of the food when names of characterizing microorganisms are included in the name of the food. Consumers would then be alerted that certain characteristics of the food are not due to the action of characterizing microorganisms.

FDA disagrees with these comments. FDA points out that the acidified milk standards were designed to provide for acidified versions of any cultured milks that would be included in the general cultured milk standards. The proposed standards clearly permitted the use of names of microorganisms in the name of the food only when the microorganisms are present and impart the appropriate characteristics to the food. Therefore, in addition to coagulating dairy ingredients and imparting tartness to the product, either of which may be accomplished with food grade acidulants, the characterizing organisms must be present in the product to impart traditionally expected organoleptic characteristics to the food. FDA concludes that, rather than misleading consumers, the presence of the traditional name with the word "acidified" fully informs the consumer that there are basic differences in the product. Because the term "imitation" is required by regulation to be applied to foods that are nutritionally inferior to the products being imitated, the agency does not find it appropriate to use this term in the case of products where characterizing microorganisms are included in the names of standardized acidified products.

Two comments pointed out that it is common practice to color butter flakes and granules for the sake of standardization and uniformity. They interpret the prohibition on use of color that simulates the color of milkfat or butterfat as being extended to the butter flakes and granules. They requested that the proposed limitation on the use of color be removed.

FDA points out that since the butter flakes or granules are prepared from butter which may, under the Butter Act of 1923, contain color, it is reasonable to expect that the butter flakes or granules will also contain color. However, FDA concludes that it would not be in the best interests of the consumer to allow the addition of this color because it could make the products appear to be better or of greater value than they are.

FDA is aware that some companies manufacture products called "buttermilk flakes" or "flakes for buttermilk" which contain no butterfat. These "butter flakes substitutes" do contain milkfat, as well as color and other dairy ingredients provided for in the standards of identity for "cultured buttermilk" and "acidified buttermilk". The purpose of the flakes or granules is to give the cultured and acidified buttermilks physical characteristics similar to those of buttermilk obtained from the churning of cream into butter. The same effect is obtained using flakes or granules made from either butterfat or milkfat. FDA concludes that both forms of flakes and granules should be provided for in §§ 131.111(e), 131.112(d), 131.136(e), 131.138(d), 131.144(e), and 131.146(d), as set forth below. However, flakes or granules made with milkfat should not be declared as "butter flakes" or "butter granules" in either the name or the ingredient statement of cultured and acidified buttermilks. Instead, they must be declared as required by 21 CFR 101.3(e).

One comment requested that salt be permitted for optional use in acidified buttermilks and cultured buttermilks as a flavor potentiator.

FDA points out that the optional use of salt was permitted by the proposed standards of identity for acidified buttermilk and cultured buttermilk. In conjunction with providing for buttermilk within each of the cultured and acidified milk standards, as discussed above, salt has been included as an optional ingredient in §§ 131.111(e), 131.112(d), 131.136(e), 131.138(d), 131.144(e), and 131.146(d), as set forth below.

9. *Eggnog.* Several comments objected to allowing only those colors that do not impart a color simulating that of egg yolk, milkfat, or butterfat to be added to eggnog. They stated that inconsistencies in egg yolk color, due to season of the year, type of feed, or other factors, make the use of color necessary to achieve the consistent, uniform color that consumers expect of eggnog. Further, they stated that ingredient labeling will adequately inform consumers about the use of color.

FDA does not agree with these comments. The agency recognizes that egg yolk color is affected by several variables. However, the quantity of egg yolk ingredient required by the proposed standard would not color eggnog as deeply as most eggnogs in today's market are colored. The use of yellow color is deceptive to consumers in that it suggests that the egg yolk content of the food is higher than it actually is. Ingredient labeling does not rectify this situation since the mere declaration of color does not tell the consumer that there is not as much egg in the product as there appears to be. Therefore, FDA concludes that the proposed limitation on the type of color that may be added to eggnog will be retained because it is reasonable and will prevent consumer deception.

Two manufacturers expressed concern that their dry eggnog mixes, which are sold primarily to hospitals and other health care facilities, will not comply with the proposed standard of identity for eggnog. They believe that they would be required to label their products as "imitation." This belief is based on the fact that their products, when reconstituted, are either low in milkfat or egg yolk and, from a nutritional standpoint, low in cholesterol and/or sodium, or high in calories or protein. The manufacturers believe that the term "imitation" or any other qualifying term accompanying the name of their products will have a detrimental effect on patients' acceptability of the product.

The manufacturers further suggested modifying the proposed standard by changing the name of the food to "dairy eggnog," "holiday eggnog," or "party eggnog," applying the proposed eggnog standard to fluid products only, and permitting "lowfat" and "low cholesterol" label declarations, or alternatively, the use of a legend such as "a special institutional product" on the label. All of these changes would permit use of the name "eggnog" on dry mixes.

FDA rejects the arguments presented by these comments. The agency recognizes that egg and milk type beverages have long been a favorite vehicle for introduction of additional nutrients into the diets of patients. However, "eggnog" is being misused on the products cited in the comments. Eggnog enjoys a long time reputation among consumers as a fresh, fluid dairy product containing, basically, eggs, milk

and/or cream, and sugar. Furthermore, 46 States have standards of identity establishing minimum levels of egg yolk and/or milkfat for eggnog. Therefore, eggnog and its composition have become well established. When the products described in the comments are reconstituted, they do not compositionally resemble eggnog in that they are lower in egg yolk and/or milkfat than the traditional product and their nutrient content has been modified. The fact that at least two of the products cited contain less than the traditionally expected quantity of a valuable constituent (egg yolk solids and/or milkfat) places those products in violation of the Federal Food, Drug, and Cosmetic Act. The name "eggnog" cannot be used on the labels of these products without further qualifying terms such as "imitation" or "substitute" in accordance with 21 CFR 101.3. FDA, therefore, concludes that no changes in the nomenclature provisions of the proposed standard are warranted.

Citing the fact that the PMO definition includes no minimum milk solids not fat requirement, several comments expressed the opinion that the proposed minimum was too high and should be eliminated. One comment suggested that it should at least be reduced to 6.25 percent. No data were submitted in support of the 6.25 percent figure. All the comments maintained that eggnog is characterized by the egg yolk solids and milkfat content rather than the milk solids not fat content.

FDA agrees that the 9.0 percent minimum milk solids not fat may be too high inasmuch as the minimum level for milk and skim milk is 8.25 percent. However, the agency believes that eliminating the minimum milk solids not fat level or reducing the minimum to 6.25 percent would not assure that a reasonable milk solids not fat level is maintained. This consideration is consistent with other standards of identity for milk and milk products. Further, when an 8.25 percent milk solids not fat milk is combined with cream to adjust the milkfat level to 6.0 percent, the milk solids not fat level will be at least 8.25 percent since the cream used to adjust the milkfat level also contains milk solids not fat. FDA, therefore, concludes that a minimum milk solids not fat level of 8.25 percent is reasonable and is so providing in § 131.170(a), as set forth below.

Several comments requested that the addition of volatile flavors and colors to eggnog be allowed after pasteurization or ultra-pasteurization.

FDA advises that the manufacturers are not restricted to the use of volatile flavors and colors because there are flavorings and colors on the market that are sufficiently heat resistant to withstand pasteurization and ultra-pasteurization temperatures.

FDA, therefore, denies this request because the greatest degree of public health protection is achieved when all of the ingredients, including flavors and colors, are pasteurized or ultra-pasteurized.

One comment requested that eggnog-flavored milk be standardized. The product is defined in the PMO as containing a minimum of 3.25 percent milkfat and 0.5 percent egg yolk solids.

FDA advises that eggnog-flavored milk is covered by the standard of identity for milk (21 CFR 131.110). Section 131.110(c)(2)(ii) allows the addition of safe and suitable flavors. When added at the 0.5 percent level, egg yolk solids would be considered characterizing flavoring and the name "eggnog-flavored milk" may be declared on the label of the food.

10. *Yogurt, lowfat yogurt, and nonfat yogurt.* Eleven comments favored the three proposed levels of milkfat content. In response to the agency's request for information about the production of "yogurt" with a 3.25 percent milkfat minimum, most of those commenting stated that a preponderance of their production was "lowfat yogurt." However, several companies indicated that they either now market or intend to market a higher fat yogurt. One comment suggested a milkfat minimum of not less than 1.5 percent for "lowfat yogurt." A second comment wanted the term "lowfat" retained as part of the name of the 0.5–2.0 percent milkfat yogurt. Both comments also wanted the percent milkfat declaration provisions deleted because it confuses consumers and does not inform them about the food. Two comments pointed out that adding bulky flavors to yogurts would have the effect of lowering the milkfat and milk solids not fat levels of the entire product. They both requested that allowance be made for lowering the milkfat and milk solids not fat levels in proportion to the quantity of bulky flavoring ingredients added. Bulky flavoring ingredients are said to be added in quantities of up to 25 percent of the weight of the food.

FDA concludes that there is a sufficient amount of "yogurt" containing 3.25 percent milkfat or more being produced in this country to merit establishing the three proposed standards of identity. In addition, the agency advises that it is neither aware of any data, nor were any submitted, that support the requested milkfat minimum of not less than 1.5 percent for lowfat yogurt rather than the proposed level of not less than 0.5 percent. Thus, FDA concludes that this suggestion is without merit and will not provide for it in the regulation for "lowfat yogurt" set forth below. Further, FDA advises that it is not deleting the percent milkfat declaration requirement from the "lowfat yogurt" regulation because a declaration of actual fat content has more meaning to consumers than the term "lowfat" alone for a food that could contain anywhere from 0.5 to 2.0 percent milkfat.

FDA agrees with the comments that adding bulky flavors to yogurts lowers the milkfat and milk solids not fat contents of the resultant food. However, the agency rejects the comments' request to lower the milkfat and milk solids not fat levels in proportion to the quantity of bulky flavors added because there are no recognized methods to separate all of the bulky flavoring material from the yogurts. In addition, there is no method to accurately determine the amount of milkfat and milk solids not fat in every sample of bulky flavored yogurt, lowfat yogurt and nonfat yogurt. Therefore, the only practical way of determining the milkfat and milk solids not fat content of yogurts is to sample the yogurt, lowfat yogurt, or nonfat yogurt at the point of manufacture prior to the time the bulky flavoring material is added. For these reasons, FDA concludes that it will not make specific allowances for added bulky flavors, but will require that yogurt, lowfat yogurt, and nonfat yogurt meet the minimum or maximum requirements for milkfat or milk solids not fat prior to the addition of bulky flavors, as established by the applicable standard of identity. This is consistent with the Codex standard for bulky flavored yogurts.

FDA points out that the two Codex standards for yogurt set forth above provide for different milkfat levels than the U.S. standards set forth below. The Codex standard and the proposed U.S. standard are in accord regarding the milkfat level for nonfat yogurt. The Codex standard provides for "0.5 percent maximum" and the proposed U.S. standard sets the level at "less than 0.5 percent". For lowfat yogurt, the Codex standard provides for "less than 3.0 percent maximum" and the proposed U.S. standard sets the levels at "0.5 percent minimum to 2.0 percent maximum". Finally, for yogurt, the Codex standard provides for "3.0 percent minimum" and the proposed U.S. standard sets the level at "3.25 percent minimum".

FDA believes that the milkfat range provided for in the Codex standards

does not provide a clear delineation between lowfat yogurt and yogurt. Furthermore, the milkfat minima and maxima in the proposed U.S. standards are consistent with the already established milkfat levels used in the marketing of lowfat milk, lowfat dry milk, and lowfat cottage cheese. Therefore, FDA is retaining the milkfat levels as proposed.

Sixty-six comments, including 41 from consumers, were received regarding the proposed provision for "yogurt heat-treated after culturing". Comments, both pro and con, were received from industry, State agencies, academia, and two consumers regarding the use of heat treatment to extend the shelf-life of yogurts. Most of the opposing comments cited the benefits of the live culture microorganisms and maintained that use of the name "yogurt" on a heat-treated product constitutes misrepresentation and fraud to the consumer. Others opposing heat treatment of yogurts asserted that the shelf-life of the nonheat-treated product is sufficient for distribution and consumption. In addition, their comments were of the opinion that there was little, if any, of the heat-treated product now on the market. This was rebutted by a manufacturer who stated that he has been producing and marketing heat-treated yogurt in a large section of the country for 13 years, a process which he maintains establishes the product as yogurt. One opposing comment expressed concern that the enzyme lactase, which aids digestion of lactose in the human intestinal tract, would be destroyed. Many of these comments suggested that heat-treated yogurt be marketed under a fanciful name.

Many comments were received from consumers regarding the proposed labeling requirement for heat-treated yogurt. Most consumer comments received expressed approval of the proposed "heat-treated after culturing" labeling that would be used to differentiate heat-treated from nonheat-treated yogurts. The primary reason consumers gave for favoring the labeling was that they wanted to avoid buying heat-treated yogurts. Many industry comments favored the labeling as proposed, while others suggested alternatives such as "pasteurized after culturing", "dead organisms present", "denatured yogurt", and "heat-treated to inactivate culture". Some of the industry comments assumed that use of the "heat-treated after culturing" phrase applies only to yogurts that have been heat-treated to the point of commercial sterility and not to products that undergo milder heat treatments designed to just reduce the bacterial population or destroy the lactase. The comments assert that this type of heat treatment retards deterioration caused by excessive lactic acid production. One comment maintained that it is discriminatory to require only yogurts, of all the cultured products in the proposal, to bear "heat-treated after culturing" labeling.

FDA concludes that it is in the best interests of both consumers and international trade to permit heat treatment of yogurts and to require auxiliary labeling, as proposed, to inform consumers that the product has been heat-treated. The agency is aware of the controversy surrounding the question of whether "yogurt" must contain live microorganisms. While traditional yogurt contains viable microorganisms, a fact recognized by a substantial number of the consumers who commented, the word "yogurt" also describes a particular food to a large number of consumers who may be unaware of the presence of viable bacteria. FDA does not agree that allowing heat-treated products to be sold under the name "yogurt" is misleading to consumers as long as the name is accompanied by auxiliary labeling to distinguish heat-treated from nonheat-treated yogurts. After considering the suggested alternatives to the proposed phrase "heat-treated after culturing", the agency concludes that the suggested alternatives do not provide any more complete information than that which was proposed. Furthermore, the proposed phrase is consistent with terminology contained in the Codex standard for flavored yogurts.

FDA advises that, in regard to the inactivation of lactase by the heat treatment process, it is aware of research being done on the role of lactase from the bacterial cells in yogurts in digestion of lactose in the gastrointestinal tract of lactose-intolerant individuals. However, FDA believes that substantial experimentation is still required to clearly establish the value of bacterial lactase in vivo. FDA also advises that the "heat-treated after culturing" phrase must be used when any heat is applied to yogurts after completion of the culturing process, whatever the purpose. The purpose of the phrase "heat-treated after culturing" is to alert consumers that the food has been subjected to a heat treatment after culturing. Such treatment may cause partial or complete loss of volatile flavors and destruction of some or all of the enzymes and culture microorganisms. Regarding the assertion that "heat-treated after culturing" labeling for yogurts is discriminatory, FDA points out that heat treatment after culturing was proposed only in the yogurt standards. Therefore, auxiliary labeling is required only for these foods. FDA did not propose providing for heat treatment after culturing for the other cultured milk products, nor were any comments received to indicate that such a provision was needed. Consequently, the labeling statement "heat-treated after culturing" does not apply to these products.

A number of comments suggested that a separate standard of identity should be established for frozen yogurt because frozen yogurt and yogurt are too dissimilar in composition and form to be included in one standard of identity. One comment included a suggested standard for the frozen forms of these products. One comment suggested that if a separate standard is not established, the yogurt standard should be modified to provide for the manufacture of frozen forms of these yogurts.

FDA agrees that a separate standard for frozen yogurts may be warranted. The frozen forms of these foods are too dissimilar to be covered by the same standards of identity for the nonfrozen forms because of the process of manufacture and the resultant physical attributes. However, it is inappropriate to establish such a standard at this stage of the rulemaking procedure. The agency invites any interested person to submit a petition consistent with the requirements of 21 CFR 10.30 proposing standards of identity for the frozen or semifrozen forms of nonfat yogurt, lowfat yogurt, and yogurt. In the meantime, such foods are considered nonstandardized foods and may be sold under the name "frozen yogurt", "frozen lowfat yogurt", or "frozen nonfat yogurt", and must be further labeled in accordance with 21 CFR Part 101.

One comment pointed out that the normal titratable acidity for yogurt is 1.0–1.15 percent, expressed as lactic acid. Therefore, a minimum titratable acidity of 0.9 percent for all the standards would be more reasonable than the 0.5 percent level set in the proposed standards. A comment was also received regarding the titratable acidity of frozen yogurt. This comment stated that a titratable acidity of 0.5 percent would adversely affect their nonfruited varieties of frozen yogurt and suggested a titratable acidity of 0.35 percent for these frozen yogurts.

FDA agrees with the first comment and the appropriate changes have been made in paragraph (a) of §§ 131.200, 131.203, and 131.206, as set forth below. The comment on the titratable acidity of

frozen yogurts is not applicable to these standards because the proposed standards of identity for yogurts will not cover frozen forms of yogurt. This point will be considered, however, if a petition to establish a standard of identity is received in the future.

Two comments favored direct addition of preservatives to yogurts because the low pH of yogurts favors the growth of yeasts and molds which shortens the shelf life of the product. They indicated that some manufacturers already put small amounts of sorbates into their yogurts to extend their shelf lives. One of the comments pointed out that preservatives added by way of flavoring ingredients are allowed by the Codex standard for flavored yogurts (A-11(b)). Therefore, it seems reasonable to allow the direct addition of preservatives to yogurts.

FDA does not agree with the reasoning of the last comment. Any preservatives added to flavoring ingredients would be present only in sufficient quantity to perform their function in the flavoring. When added to yogurts, this quantity of preservative would probably not be sufficient to have a preserving effect in the yogurts. No data were submitted to indicate that preservatives would not have an adverse effect on the characterizing bacteria nor to support the contention that there is a need for the use of preservatives in yogurts. Therefore, FDA concludes that no justification has been provided for the use of preservatives as optional ingredients in any of these foods. The agency invites interested persons who believe that a need for preservatives exists, to submit a petition to amend the standards. The petition should provide data supporting the need for preservatives and demonstrating that their use would not be detrimental to the characterizing bacteria and would promote honesty and fair dealing in the interest of consumers.

One comment requested limiting the quantity of flavoring ingredient that may be used in yogurts to 25 percent, by weight, of the finished food. Two comments requested deletion of the term "characterizing flavoring ingredients" because the term too narrowly restricts the flavors that may properly be used in yogurt. Thus, a combination of flavors, none of which singly provide the characterizing flavor of the yogurt, may be used.

FDA believes the cost of flavoring ingredients, as well as organoleptic factors, make their use self-limiting and, that restricting their use is not necessary. FDA agrees with the latter two comments because it never intended to limit the type or source of flavoring ingredients that may be used in yogurts. Therefore, the word "characterizing" (due to interpretation of § 101.22(i)) is being deleted from paragraph (c)(3) of §§ 131.200, 131.203, and 131.206, as set forth below.

Two comments requested that the standards provide for yogurts prepared by direct acidification. One comment stated that such a product is on the market and enjoying consumer acceptance. The comments pointed out that a provision for foods prepared in this manner has precedent in the standards for "acidified sour cream" and "directly set cottage cheese".

FDA points out that the name "yogurt" traditionally belongs to a food containing the characterizing microorganisms *Lactobacillus bulgaricus* and *Streptococcus thermophilus* and possessing the flavor and aroma profiles, enzymes, and lactic acid created by these microorganisms. An acidified yogurt product would fall under the provisions of the acidified milk standards of identity, if in fact the flavor-, aroma-, and enzyme-producing organisms were present in the food. Therefore, FDA concludes that a separate standard of identity for acidified yogurt is not warranted.

One manufacturer stated that the proposed standards for yogurts will unreasonably interfere with the marketing of shelf-stable, bottled dressings for salads of various types such as "Italian", "Blue cheese", and "Thousand Island". The manufacturer claims these products contain 15 percent, by weight, of reconstituted nonfat yogurt (which is equivalent to 1.31 percent nonfat yogurt solids). They are concerned that the proposed standards of identity may: (1) be interpreted to apply to their products; (2) indirectly prohibit them from using yogurt as an ingredient in their dressings and the name "yogurt" as part of the name of their dressings; and (3) require them to include the phrase "heat-treated after culturing" as part of the name of their dressings. A suggested standard of identity for pourable dressings made with yogurt was submitted as part of the comment.

FDA sees no need to establish a standard of identity for pourable dressings containing nonfat yogurt, lowfat yogurt, or yogurt. The proposed standards of identity for yogurts will not interfere with the marketing of correctly labeled pourable dressings which utilize one of the three types of yogurt as an ingredient in the food. The standards of identity would not apply to a pourable dressing made with any one of the three types of yogurt as an ingredient, but they would apply to the type of yogurt used as an ingredient. Thus, if nonfat yogurt is used in the pourable dressing, it must comply with the requirements of the standard for nonfat yogurt and be declared as "nonfat yogurt" in the ingredient statement. Likewise, if reconstituted nonfat yogurt is used, it must be declared as "reconstituted nonfat yogurt". Standards of identity for a food do not preclude the use of that food as an ingredient in another food. To use the name "yogurt", "lowfat yogurt", or "nonfat yogurt" as part of the name of these dressings, the declared type of yogurt used must be in a sufficient quantity to characterize the dressing. It is questionable whether it is possible to characterize this manufacturer's dressings with nonfat yogurt since the amount of reconstituted nonfat yogurt used in the pourable dressings is relatively small. Furthermore, the spices and other flavors used to create the different types of dressings, e.g., "Italian reconstituted nonfat yogurt dressing", would probably mask the flavor of the reconstituted nonfat yogurt, and spices and other flavor ingredients would actually provide the flavor that characterizes the dressing. It is doubtful that there is sufficient nonfat yogurt in the dressings to have a physical effect on their consistency. If the dressings do contain a significant quantity of nonfat yogurt solids, there is nothing to prevent the manufacturer from making a factual statement on the label that the product contains reconstituted nonfat yogurt.

One comment requested that the term "milk solids not fat" be replaced with "solids not fat" in the standards for yogurts. Thus, solids, other than milk-derived solids, that maintain the protein quantity and quality levels provides for in the standards could be used, e.g., isolated soy protein. The comment stated that this action, along with changing the 8.25 percent milk solids not fat level to an 8.25 percent solids not fat level, would make these standards consistent with FDA's "safe and suitable" policy. The comment also stated that "industry and consumers view the product name 'yogurt' as a means of identifying the basic physical and organoleptic nature of the product and not as a means to restrict the exact compositional nature."

FDA disagrees with the comment's perception of how industry and consumers view yogurt. "Yogurt" has a well-established historical identity gained over the period of hundreds of years of manufacture and consumption in various parts of the world. Consumers expect yogurt to be a fresh dairy product composed primarily of dairy ingredients.

A "yogurt-like" product containing isolated soy protein, or any other ingredient which replaces the milk components normally found in yogurt, would be a substitute product made in semblance of yogurt and must be labeled as either a "substitute" or an "imitation", in accordance with 21 CFR 101.3(e). Substitution of nondairy ingredients for normally expected dairy ingredients is not suitable in these products. Therefore, FDA concludes that the requested changes would not be consistent with the agency's "safe and suitable" policy and would not be in the best interests of consumers.

One comment asked whether the bacteria *Lactobacillus acidophilus* would be permitted in the manufacture of yogurt.

FDA concludes that *Lactobacillus acidophilus* may be used, as can any other lactic-acid producing bacteria, but only in addition to the *Lactobacillus bulgaricus* and *Streptococcus thermophilus* cultures that characterize the food.

One comment suggested that the yogurt standards should provide nomenclature for other physical forms of yogurt such as "yogurt drink" for the liquid form.

FDA recognizes that yogurts in the liquid form are valid forms of yogurt. However, it is not necessary to provide for this type of labeling in the standards because label regulations found in 21 CFR 101.3(c) provide sufficient guidelines for the use of terms describing the physical form of a food. Therefore, FDA concludes that this type of nomenclature need not be provided for in the individual yogurt standards.

One comment requested that the alternative spelling "yogourt" be provided for in the standards of identity for yogurts. The comment explained that the prefix "yogo" is a registered trademark of the company and that they have been utilizing the spelling "yogourt" on their product for almost 30 years. They believe it would cause an unreasonable hardship to change the spelling because consumers have come to identify it with their brand.

FDA rejects this requested change. The agency believes that "yogurt" is the more commonly accepted spelling of the name of these products and any other spelling of the standardized name would be confusing, and possibly misleading to the consumer. However, the agency advises that the fanciful name "yogourt" may be used, where appropriate, but the word "yogurt" must appear on the label as part of the name of yogurt, lowfat yogurt, and nonfat yogurt.

One comment thought that the word "yogurt" should be printed in larger size type than the words "lowfat" or "nonfat" thus giving emphasis to the word "yogurt". The comment maintained that on a package where the lid is the principal display panel, such as a yogurt container, the smaller type size for the words "lowfat" and "nonfat" is necessary.

FDA points out that the full names of the foods are "lowfat yogurt" and "nonfat yogurt". Hence, it is reasonable to expect the entire name of the food to be in the same size type. This is consistent with the requirements of other milk and cream standards of identity, such as for "lowfat milk". The size of the package has no bearing on this requirement. Therefore, the requested change is not being made.

One comment expressed the opinion that it was unfair that lowfat and nonfat yogurts must have nutrition labeling while it is not required for the higher fat content yogurt. This comment suggested that nutrition labeling be required for all yogurts.

FDA advises that, in accordance with 21 CFR 101.9, nutrition labeling is required when any nutrition claim such as "nonfat", "lowfat", or the percent milkfat declaration required on lowfat products is used on the label of a food. The agency has no authority to require nutrition labeling on a food when neither nutrients are added nor nutrition claims are being made about the food. Therefore, FDA cannot require nutrition labeling for "yogurt" except when a nutrition claim is made.

One comment requested that the percent milk solids added to yogurts be declared on the label to provide more information for lactose-intolerant consumers.

FDA advises that a "percent milk solids added" declaration will not impart information about the lactose content of yogurts for several reasons. First, the milk solids content includes all solids obtained from milk, i.e., milkfat and nonfat milk solids. Second, the nonfat milk solids fraction is made up of several compounds of which lactose is only one. Third, much of the lactose component is broken down to glucose and galactose by the lactic acid-producing bacteria during the culturing process. These simple sugars are easily digestible by lactose-intolerant consumers. The FDA concludes that such a declaration would not inform consumers about the lactose content of yogurts and, therefore, has not included this requirement in the regulations set forth below.

One comment thought it necessary to differentiate between natural yogurt and yogurt made with stabilizers and other such ingredients. No suggested label statements were submitted.

FDA points out that full ingredient labeling will adequately inform consumers of all the ingredients used in yogurts, thus making informed choices easier.

Several consumers wanted the "make-procedure" noted on the label of yogurts.

FDA assumes that by "make-procedure" these comments refer to whether or not yogurts have been heat treated after culturing. FDA concludes that the requirement that the phrase "heat treated after culturing" appear on the label of foods which have been so processed adequately informs consumers of the "make-procedure" which was used.

11. *Characterizing flavoring ingredients.* FDA advises that it is deleting the word "characterizing" as a descriptor for the optional ingredient "characterizing flavoring ingredients" from paragraph (e)(3) of §§ 131.111 *Acidified milk;* 131.136 *Acidified lowfat milk;* 131.144 *Acidified skim milk;* and 131.170 *Eggnog;* and from paragraph (d)(3) of §§ 131.112 *Cultured milk;* 131.138 *Cultured lowfat milk;* and 131.146 *Cultured skim milk,* to be consistent with the change to the yogurt standards discussed earlier in this document.

The document published in the **Federal Register** of June 10, 1977, proposed the use of "safe and suitable" nutritive carbohydrate sweeteners and acids. However, based on information resulting from a series of public hearings held between August 1978 and October 1978, it appears that consumers want in food standards a specific listing, by name, of those ingredients which characterize the food rather than simply a general provision for the use of "safe and suitable" ingredients. A notice requesting public comment on a tentative proposed revision of the agency's policy regarding the use of "safe and suitable" provisions in food standards was published in the **Federal Register** of December 21, 1979 (44 FR 75990). Consistant with consumer request, FDA, therefore, is listing in the final regulations set forth below, the suitable nutritive carbohydrate sweeteners and acids that may be used. The agency requests comments concerning the completeness of the list. If any commonly used nutritive carbohydrate sweeteners have been omitted, they will be included in the regulation at the time a notice confirming the effective date of the final regulation is published. Comments should be submitted to the Dockets Management Branch, Food and Drug

Administration (address above), during the period for objections.

After considering the comments received, FDA concludes that it will promote honesty and fair dealing in the interests of consumers to establish standards of identity for the foods discussed above, as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 131 is amended by (1) redesignating § 131.145 *Skim milk* as § 131.143 *Skim milk*, and (2) adding §§ 131.111, 131.112, 131.136, 131.138, 131.144, 131.146, 131.170, 131.200, 131.203, and 131.206 to read as follows:

§ 131.111 Acidified milk.

(a) *Description.* Acidified milk is the food produced by souring one or more of the optional dairy ingredients specified in pargaph (c) of this section with one or more of the acidifying ingredients specified in paragraph (d) of this section, with or without the addition of characterizing microbial organisms. One or more of the other optional ingredients specified in paragraphs (b) and (e) of this section may also be added. When one or more of the ingredients specified in paragraph (e)(1) of this section are used, they shall be included in the souring process. All ingredients used are safe and suitable. Acidified milk contains not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.5 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the microbial culture and, when applicable, the addition of flakes or granules of butterfat or milkfat.

(b) *Vitamin addition (optional).* (1) If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units thereof, within limits of good manufacturing practice.

(2) If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units thereof, within limits of good manufacturing practice.

(c) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(d) *Optional acidifying ingredients.* Adipic acid, citric acid, fumaric acid, glucono-*delta*-lactone, hydrochloric acid, lactic acid, malic acid, phosphoric acid, succinic acid, and tartaric acid.

(e) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food: *Provided*, That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients.

(2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup, dried maltose sirup; malt extract, dried malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of this chapter, except table sirup.

(3) Flavoring ingredients.

(4) Color additives that do not impart a color simulalting that of milkfat or butterfat.

(5) Stabilizers.

(6) Butterfat or milkfat, in the form of flakes or granules.

(7) Aroma- and flavor-producing microbial culture.

(8) Salt.

(9) Citric acid, in a maximum amount of 0.15 percent by weight of the milk used, or an equivalent amount of sodium citrate, as a flavor precursor.

(f) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—As determined by the method prescribed in section 16.059, "Roese-Gottlieb Method (Reference Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(3) Titratable acidity—As determined by the method prescribed in section 16.023, "Acidity (2)—Official Final Action," or by an equivalent potentiometric method.

(g) *Nomenclature.* The name of the food is "acidified milk". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter, and may be accompanied by a declaration such as a traditional name of the food or the generic name of the organisms used, thereby indicating the presence of the characterizing microbial organisms or ingredients when used, e.g., "acidified kefir milk", "acidified acidophilus milk", or when characterizing ingredients such as those in paragraph (e) (6), (7), (8), and (9) of this section are used, the food may be named "acidified buttermilk".

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The phrase "vitamin A" or "vitamin A added", or "vitamin D" or "vitamin D added", or "vitamins A and D added", as appropriate. The word "vitamin" may be abbreviated "vit.".

(ii) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(2) The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

(h) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 131.112 Cultured milk.

(a) *Description.* Cultured milk is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph (c) of this section with characterizing microbial organisms. One or more of the other optional ingredients specified in paragraphs (b) and (d) of this section may also be added. When one or more of the ingredients specified in paragraph (d)(1) of this section are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Cultured milk contains not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.5 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition to the microbial culture, and when applicable, the addition of flakes or granules of butterfat or milkfat.

(b) *Vitamin addition (optional).* (1) If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units thereof, within limits of good manufacturing practice.

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(2) If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units thereof, within limits of good manufacturing practice.

(c) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(d) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food: *Provided,* That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients.

(2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup, dried maltose sirup; malt extract, dried malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of this chapter, except table sirup.

(3) Flavoring ingredients.

(4) Color additives that do not impart a color simulating that of milkfat or butterfat.

(5) Stabilizers.

(6) Butterfat or milkfat, in the form of flakes or granules.

(7) Aroma- and flavor-producing microbial culture.

(8) Salt.

(9) Citric acid, in a maximum amount of 0.15 percent by weight of the milk used, or an equivalent amount of sodium citrate, as a flavor precursor.

(e) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—section 16.059, "Roese-Gottlieb Method (Reference Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(3) Titratable acidity—As determined by the methods prescribed in section 16.023 "Acidity (2)—Official Final Action," or by an equivalent potentiometric method.

(f) *Nomenclature.* The name of the food is "cultured milk". The full name of the food shall appear on the principal display panel in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter, and may be accompanied by a declaration such as a traditional name of the food or the generic name of the organisms used, thereby indicating the presence of the characterizing microbial organisms or ingredients, e.g., "kefir cultured milk", "acidophilus cultured milk", or when characterizing ingredients such as those in paragraph (d) (6), (7), (8), and (9) of this section, and lactic acid-producing organisms are used the food may be named "cultured buttermilk".

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The phrase "vitamin A" or "vitamin A added", or "vitamin D" or "vitamin D added", or "vitamin A and D added", as appropriate. The word "vitamin" may be abbreviated "vit.".

(ii) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(2) The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

(g) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 131.136 Acidified lowfat milk.

(a) *Description.* Acidified lowfat milk is the food produced by souring one or more of the optional dairy ingredients specified in paragraph (c) of this section with one or more of the acidifying ingredients specified in paragraph (d) of this section, with or without the addition of characterizing microbial organisms. One or more of the other optional ingredients specified in paragraphs (b) and (e) of this section may also be added. When one or more of the ingredients specified in paragraph (e)(1) of this section are used, they shall be included in the souring process. All ingredients used are safe and suitable. Acidified lowfat milk contains not less than 0.5 percent nor more than 2.0 percent milkfat and not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.5 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the microbial culture and, when applicable, the addition of flakes or granules of butterfat or milkfat.

(b) *Vitamin addition (optional).* (1) If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units thereof, within limits of good manufacturing practice.

(2) If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units thereof, within limits of good manufacturing practice.

(c) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(d) *Optional acidifying ingredients.* Adipic acid, citric acid, fumaric acid, glucono-*delta*-lactone, hydrochloric acid, lactic acid, malic acid, phosphoric acid, succinic acid, and tartaric acid.

(e) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food: *Provided,* That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients.

(2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup, dried maltose sirup; malt extract, dried malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of this chapter, except table sirup.

(3) Flavoring ingredients.

(4) Color additives that do not impart a color simulating that of milkfat or butterfat.

(5) Stabilizers.

(6) Butterfat or milkfat in the form of flakes or granules.

(7) Aroma- and flavor-producing microbial culture.

(8) Salt.

(9) Citric acid, in a maximum amount of 0.15 percent by weight of the dairy ingredients used, or an equivalent amount of sodium citrate, as a flavor precursor.

(f) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—As determined by the method prescribed in section 16.059, "Roese-Gottlieb Method (Reference

Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(3) Titratable acidity—As determined by the method prescribed in section 16.023, "Acidity (2)—Official Final Action," or by an equivalent potentiometric method.

(g) *Nomenclature.* The name of the food is "acidified lowfat milk". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter, and may be accompanied by a declaration such as a traditional name of the food or the generic name of the organisms used, thereby indicating the presence of the characterizing microbial organisms or ingredients when used, e.g., "acidified kefir lowfat milk", "acidified acidophilus lowfat milk", or when characterizing ingredients such as those in paragraph (e)(6), (7), (8), and (9) of this section are used, the food may be named "acidified lowfat buttermilk".

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The phrase "—— percent milkfat", the blank to be filled in with the fraction ½ or multiple thereof closest to the actual fat content of the food.

(ii) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(iii) The phrase "vitamin A" or "vitamin A added", or "vitamin D" or "vitamin D added", or "vitamins A and D added", as appropriate. The word "vitamin" may be abbreviated "vit.".

(2) The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

(h) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 131.138 Cultured lowfat milk.

(a) *Description.* Cultured lowfat milk is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph (c) of this section with characterizing microbial organisms. One or more of the other optional ingredients specified in paragraphs (b) and (d) of this section may also be added. When one or more of the ingredients specified in paragraph (d)(1) of this section are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Cultured lowfat milk contains not less than 0.5 percent nor more than 2 percent milkfat and not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.5 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the microbial culture and, when applicable, the addition of flakes or granules of butterfat or milkfat.

(b) *Vitamin addition (optional).* (1) If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units thereof, within limits of good manufacturing practice.

(2) If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units thereof, within limits of good manufacturing practice.

(c) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(d) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food: *Provided,* That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

(2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup, dried maltose sirup; malt extract, dried malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of this chapter, except table sirup.

(3) Flavoring ingredients.

(4) Color additives that do not impart a color simulating that of milkfat or butterfat.

(5) Stabilizers.

(6) Butterfat or milkfat, in the form of flakes or granules.

(7) Aroma- and flavor-producing microbial culture.

(8) Salt.

(9) Citric acid, in a maximum amount of 0.15 percent by weight of the milk used, or an equivalent amount of sodium citrate, as a flavor precursor.

(e) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—As determined by the method prescribed in section 16.059, "Roese-Gottlieb Method (Reference Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(3) Titratable acidity—As determined by the method prescribed in section 16.023, "Acidity (2)—Official Final Action," or by an equivalent potentiometric method.

(f) *Nomenclature.* The name of the food is "cultured lowfat milk." The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter, and may be accompanied by a declaration such as a traditional name of the food or the generic name of the organisms used, thereby indicating the presence of the characterizing microbial organisms or ingredients, e.g., "kefir cultured lowfat milk", "acidophilus cultured lowfat milk," or when characterizing ingredients such as those in paragraph (d)(6), (7), (8) and (9) of this section, and lactic acid-producing organisms are used the food may be named "cultured lowfat buttermilk".

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The phrase "vitamin A" or "vitamin A added," or "vitamin D" or "vitamin D added", or "vitamins A and D added", as appropriate. The word "vitamin" may be abbreviated "vit.".

(ii) The phrase "— percent milkfat", the blank to be filled in with the fraction ½ or multiple thereof closest to the actual fat content of the food.

(iii) The word "sweetened" if nutritive carbohydrate sweetner is added without the addition of characterizing flavoring.

(2) The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

(g) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 131.144 Acidified skim milk.

(a) *Description.* Acidified skim milk is the food produced by souring one or more of the optional dairy ingredients specified in paragraph (c) of this section with one or more of the acidifying ingredients specified in paragraph (d) of this section, with or without the addition of characterizing microbial organisms. One or more of the other opitonal ingredients specified in paragraphs (b) and (e) of this section may also be added. When one or more of the ingredients specified in paragraph (e)(1) of this section are used, they shall be included in the souring process. All ingredients used are safe and suitable. Acidified skim milk contains less than 0.5 percent milkfat and not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.5 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the microbial culture and when applicable, the addition of flakes or granules of butterfat or milkfat.

(b) *Vitamin addition (optional).* (1) If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units thereof, within limits of good manufacturing practice.

(2) If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units thereof, within limits of good manufacturing practice.

(c) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(d) *Optional acidifying ingredients.* Adipic acid, citric acid, fumaric acid, glucono-*delta*-lactone, hydrochloric acid, lactic acid, malic acid, phosphoric acid, succinic acid, and tartaric acid.

(e) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food: *Provided*, That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients.

(2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup, dried maltose sirup; malt extract, dried malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweetners listed in Part 168 of this chapter, except table sirup.

(3) Flavoring ingredients.

(4) Color additives that do not impart a color simulating that of milkfat or butterfat.

(5) Stabilizers.

(6) Butterfat or milkfat in the form of flakes or granules.

(7) Aroma- and flavor-producing microbial culture.

(8) Salt.

(9) Citric acid, in a maximum amount of 0.15 percent by weight of the dairy ingredients used, or an equivalent amount of sodium citrate, as a flavor precursor.

(f) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—As determined by the method prescribed in section 16.059, "Roese-Gottlieb Method (Reference Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids conttent as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(3) Titratable acidity—As determined by the method prescribed in section 16.023, "Acidity (2)—Official Final Action," or by an equivalent potentiometric method.

(g) *Nomenclature.* The name of the food is "acidified skim milk" or alternatively, "acidified nonfat milk". The full name of the food shall appear on the principal display panel of the food in type of uniform size, style and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter, and may be accompanied by a declaration such as a traditional name of the food or the generic name of the organisms used, thereby indicating the presence of the characterizing microbial organisms or ingredients when used, e.g., "acidified kefir skim milk", "acidified acidophilus skim milk", or when characterizing ingredients such as those in paragraph (e)(6), (7), (8), and (9) of this section are used, the food may be named "acidified skim milk buttermilk" or alternatively "acidified nonfat buttermilk".

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The phrase "vitamin A" or "vitamin A added", or "vitamin D" or "vitamin D added", or "vitamins A and D added", as appropriate. The word "vitamin" may be abbreviated "vit.".

(ii) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(2) The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

(h) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 131.146 Cultured skim milk.

(a) *Description.* Cultured skim milk is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph (c) of this section with characterizing microbial organisms. One or more of the other optional ingredients specified in paragraphs (b) and (d) of this section may also be added. When one or more of the ingredients specified in paragraph (d)(1) of this section are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Cultured skim milk contains less than 0.5 percent milkfat and not less than 8.25 percent milk solids not fat and has a titratable acidity of not less than 0.5 percent, expressed as lactic acid. The food may be homogenized and shall be pasterurized or ultra-pasterurized prior to the addition of the microbial culture and, when applicable, the addition of flakes or granules of butterfat or milkfat.

(b) *Vitamin addition (optional).* (1) If added, vitamin A shall be present in such quantity that each 946 milliliters (quart) of the food contains not less than 2,000 International Units thereof, within limits of good manufacturing practice.

(2) If added, vitamin D shall be present in such quantity that each 946 milliliters (quart) of the food contains 400 International Units thereof, within limits of good manufacturing practice.

(c) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(d) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food:

Provided, That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

(2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup, dried maltose sirup; malt extract, dried malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of this chapter, except table sirup.

(3) Flavoring ingredients.

(4) Color additives that do not impart a color simulating that of milkfat or butterfat.

(5) Stabilizers.

(6) Butterfat or milkfat, in the form of flakes or granules.

(7) Aroma- and flavor-producing microbial culture.

(8) Salt.

(9) Citric acid, in a maximum amount of 0.15 percent by weight of the milk used, or an equivalent amount of sodium citrate, as a flavor precursor.

(e) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—As determined by the method prescribed in section 16.059, "Roese-Gottlieb Method (Reference Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(3) Titratable acidity—As determined by the method prescribed in section 16.023, "Acidity (2)—Official Final Action," or by an equivalent potentiometric method.

(f) *Nomenclature.* The name of the food is "cultured skim milk" or alternatively, "cultured nonfat milk". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter, and may be accompanied by a declaration such as a traditional name of the food or the generic name of the organisms used, thereby indicating the presence of the characterizing microbial organisms or ingredients, e.g., "kefir cultured nonfat milk", "acidophilus cultured nonfat milk", or when characterizing ingredients such as those in paragraph (d) (6), (7), (8), and (9) of this section, and lactic acid-producing organisms are used the food may be named "cultured skim milk buttermilk" or alternatively "cultured nonfat buttermilk".

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name.

(i) The phrase "vitamin A" or "vitamin A added" or "vitamin D" or "vitamin D added", or "vitamins A and D added", as appropriate. The word "vitamin" may be abbreviated "vit.".

(ii) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(2) The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

(g) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 131.170 Eggnog.

(a) *Description.* Eggnog is the food containing one or more of the optional dairy ingredients specified in paragraph (b), one or more of the optional egg yolk-containing ingredients specified in paragraph (c) of this section, and one or more of the optional nutritive carbohydrate sweeteners specified in paragraph (d) of this section. One or more of the optional ingredients specified in paragraph (e) of this section may also be added. All ingredients used are safe and suitable. Eggnog contains not less than 6 percent milkfat and not less than 8.25 percent milk solids not fat. The egg yolk solids content is not less than 1 percent by weight of the finished food. The food shall be pasteurized or ultra-pasteurized and may be homogenized.

(b) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(c) *Egg yolk-containing ingredients.* Liquid egg yolk, frozen egg yolk, dried egg yolk, liquid whole eggs, frozen whole eggs, dried whole eggs, or any one or more of the foregoing ingredients with liquid egg white or frozen egg white.

(d) *Nutritive carbohydrate sweeteners.* Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup, dried maltose sirup; malt extract, dried malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of this chapter, except table sirup.

(e) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food: *Provided,* That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

(2) Salt.

(3) Flavoring ingredients.

(4) Color additives that do not impart a color simulating that of egg yolk, milkfat, or butterfat.

(5) Stabilizers.

(f) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—As determined by the method prescribed in section 16.059, "Roese-Gottlieb Method (Reference Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(g) *Nomenclature.* The name of the food is "eggnog". The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter. If the food is ultra-pasteurized, the phrase "ultra-pasteurized" shall accompany the name of the food wherever it appears on the label in letters not less than one-half of the height of the letters used in the name. The following terms may accompany the name of the food on the label:

(1) The word "pasteurized" if the food has been pasteurized.

(2) The word "homogenized" if the food has been homogenized.

(h) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 131.200 Yogurt.

(a) *Description.* Yogurt is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph (b) of this section with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus bulgaricus* and *Streptococcus thermophilus.* One or more of the other optional ingredients specified in paragraph (c) of this section may also be added. When one or more of the ingredients specified in paragraph (c)(1) of this section are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Yogurt, before the addition of bulky flavors, contains not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat, and has a titratable acidity of not less than 0.9 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the bacterial culture and bulky flavoring material. To extend the shelf life of the food, yogurt may be heat treated after culturing is completed, to destroy viable microorganisms.

(b) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(c) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food: *Provided,* That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

(2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup, dried maltose sirup; malt extract, dried malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of this chapter, except table sirup.

(3) Flavoring ingredients.

(4) Color additives.

(5) Stabilizers.

(d) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—As determined by the method prescribed in section 16.059 "Roese-Gottlieb Method (Reference Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(3) Titratable acidity—As determined by the method prescribed in section 16.023, "Acidity (2)—Official Final Action," or by an equivalent potentiometric method.

(e) *Nomenclature.* The name of the food is "yogurt". The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter.

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavor.

(ii) The parenthetical phrase "(heat-treated after culturing)" shall follow the name of the food if the dairy ingredients have been heat-treated after culturing.

(2) The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

(f) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 131.203 Lowfat yogurt.

(a) *Description.* Lowfat yogurt is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph (b) of this section with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus bulgaricus* and *Streptococcus thermophilus.* One or more of the other optional ingredients specified in paragraph (c) of this section may also be added. When one or more of the ingredients specified in paragraph (c)(1) of this section are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Lowfat yogurt, before the addition of bulky flavors, contains not less than 0.5 percent nor more then 2 percent milkfat and lot less than 8.25 percent milk solids not fat, and has a titratable acidity of not less than 0.9 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the bacterial culture and bulky flavoring material. To extend the shelf life of the food, lowfat yogurt may be heat-treated after culturing is completed, to destroy viable microorganisms.

(b) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(c) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food: *Provided,* That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

(2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose, maltose sirup, dried maltose sirup; malt extract, dried malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of this chapter, except table sirup.

(3) Flavoring ingredients.

(4) Color additives.

(5) Stabilizers.

(d) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—As determined by the method prescribed in section 16.059 "Roese-Gottlieb Method (Reference Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(3) Titratable acidity—As determined by the method prescribed in section 16.023, "Acidity (2)—Official Final Action," or by an equivalent potentiometric method.

(e) *Nomenclature.* The name of the food is "lowfat yogurt". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter.

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name.

(i) The phrase "— percent milkfat", the blank to be filled in with the fraction ½ or multiple thereof closest to the actual fat content of the food.

(ii) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(iii) The parenthetical phrase "(heat-treated after culturing)" shall follow the name of the food if the dairy ingredients have been heat-treated after culturing.

(2) The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

(f) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

§ 131.206 Nonfat yogurt.

(a) *Description.* Nonfat yogurt is the food produced by culturing one or more of the optional dairy ingredients specified in paragraph (b) of this section with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. One or more of the other optional ingredients specified in paragraph (c) of this section may also be added. When one or more of the ingredients specified in paragraph (c)(1) of this section are used, they shall be included in the culturing process. All ingredients used are safe and suitable. Nonfat yogurt, before the addition of bulky flavors, contains less than 0.5 percent milkfat and not less than 8.25 percent milk solids not fat, and has a titratable acidity of not less than 0.9 percent, expressed as lactic acid. The food may be homogenized and shall be pasteurized or ultra-pasteurized prior to the addition of the bacterial culture and bulky flavoring material. To extend the shelf life of the food, nonfat yogurt may be heat-treated after culturing is completed, to destroy viable microorganisms.

(b) *Optional dairy ingredients.* Cream, milk, partially skimmed milk, or skim milk, used alone or in combination.

(c) *Other optional ingredients.* (1) Concentrated skim milk, nonfat dry milk, buttermilk, whey, lactose, lactalbumins, lactoglobulins, or whey modified by partial or complete removal of lactose and/or minerals, to increase the nonfat solids content of the food: *Provided*, That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

(2) Nutritive carbohydrate sweeteners. Sugar (sucrose), beet or cane; invert sugar (in paste or sirup form); brown sugar; refiner's sirup; molasses (other than blackstrap); high fructose corn sirup; fructose; fructose sirup; maltose; maltose sirup, dried maltose sirup; malt extract, dired malt extract; malt sirup, dried malt sirup; honey; maple sugar; or any of the sweeteners listed in Part 168 of this chapter, except table sirup.

(3) Flavoring ingredients.

(4) Color additives.

(5) Stabilizers.

(d) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed., 1980,[1] which is incorporated by reference.

(1) Milkfat content—As determined by the method prescribed in section 16.059, "Roese-Gottlieb Method (Reference Method) (11)—Official Final Action," under the heading "Fat."

(2) Milk solids not fat content—Calculated by subtracting the milkfat content from the total solids content as determined by the method prescribed in section 16.032, "Method I—Official Final Action," under the heading "Total Solids."

(3) Titratable acidity—As determined by the method prescribed in section 16.023, "Acidity (2)—Official Final Action," or by an equivalent potentiometric method.

(e) *Nomenclature.* The name of the food is "nonfat yogurt". The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color. The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter.

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The word "sweetened" if nutritive carbohydrate sweetener is added without the addition of characterizing flavoring.

(ii) The parenthetical phrase "(heat-treated after culturing)" shall follow the name of the food if the dairy ingredients have been heat-treated after culturing.

(2) The term "homogenized" may appear on the label if the dairy ingredients used are homogenized.

(f) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 2, 1981, submit to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Dockets Management Branch docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin March 31, 1981, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983, shall fully comply. Notice of the filing of objections or lack thereof will be published in the Federal Register.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: January 19, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

Note.—Incorporation by reference provisions approved by the Director of the Office of the Federal Register on September 19, 1980, and is on file at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408.

[FR Doc. 81-3129 Filed 1-28-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 178

[Docket No. 79F-0332]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for the safe use of cyclic neopentanetetrayl bis(octadecyl phosphite) containing up to 1 weight percent of triisopropanolamine as an antioxidant and/or stabilizer for polymers intended for food-contact applications. This action responds to a food additive petition filed by Borg-Warner Chemicals.

DATES: Effective January 30, 1981; objections by March 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Kenneth J. Falci, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A notice published in the Federal Register of October 2, 1979 (44 FR 56743) announced that a food additive petition (FAP 7B3319) had been filed by Borg-Warner Chemicals, Technical Centre, Washington, WV 26181, proposing to amend § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of cyclic neopentanetetrayl bis(octadecyl phosphite) containing triisopropanolamine as an antioxidant and/or stabilizer for polymers in contact with food.

After evaluating data in the petition and other relevant material, the Food and Drug Administration (FDA) concludes that § 178.2010 should be amended to provide for the safe use of the petitioned additive.

FDA has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. FDA's finding of no significant impact and the environmental assessment may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 178 is amended in § 178.2010(b) by revising the item "Cyclic neopentanetetrayl bis(octadecyl phosphite)" in the "substances" column to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances and limitations
* * * * *
Cyclic neopentanetetrayl bis(octadecyl phosphite) (CAS Reg. No. 3806-34-6) (which may contain not more than 1 percent by weight of triisopropanolamine (CAS Reg. No. 122-20-3)); the phosphorous content is in the range of 7.8 to 8.2 weight percent— * * *
* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 2, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection for which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective January 30, 1981.

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

Dated: January 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-3478 Filed 1-29-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytetracycline Hydrochloride Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc., providing for intramuscular use of a 100 milligrams per milliliter (mg/mL) oxytetracycline hydrochloride injection for treating certain infections of swine.

EFFECTIVE DATE: January 30, 1981.

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

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed a supplemental new animal drug application (NADA 94-114) providing for intramuscular use of a 100 mg/ml oxytetracycline hydrochloride injection in swine for treating bacterial enteritis, pneumonia, and leptospirosis and in sows as an aid in controlling infectious enteritis. The regulation currently provides for intramuscular use of 100 mg/mL injection in cattle, for intramuscular or intravenous use of 50 mg/mL injection in cattle, and for intramuscular use of a 50 mg/mL injection in swine and sows. The regulation is amended in § 522.1662a(e) (21 CFR 522.1662(e)) to reflect this approval and to editorially revise certain portions of the text.

Approval of this supplemental application poses no increased human risk from exposure to residues of oxytetracycline because the approval concerns using a 100 mg/mL oxytetracycline injectable in the same manner as currently provided for the 50 mg/mL injectable. As in the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this approval did not require reevaluation of the safety and effectiveness data in the parent application.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Brueau of Veterinary Medicine (21 CFR 5.83), § 522.1662a is amended by revising paragraph (e) to read as follows:

§ 522.1662a Oxytetracycline hydrochloride injection.

* * * * *

(e)(1) *Specifications.* Each milliliter of sterile solution contains 100 milligrams of oxytetracycline (as oxytetracycline hydrochloride).

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

(3) *Conditions of use*—(i) *Beef cattle and nonlactating dairy cattle*—(*a*) *Amount.* 3 to 5 milligrams of oxytetracycline per pound of body weight per day; 5 milligrams per pound of body weight per day for treatment of anaplasmosis, severe foot-rot, and severe cases of other indicated diseases.

(*b*) *Indications for use.* Treatment of diseases due to oxytetracycline-susceptible organisms as follows: Pneumonia and shipping fever complex associated with *Pasteurella* spp. and *Hemophilus* spp., foot-rot and diphtheria caused by *Fusobacterium necrophorum*, bacterial enteritis (scours) caused by *Escherichia coli*, wooden tongue caused by *Actinobacillus lignieresii*, leptospirosis caused by *Leptospira pomona*, and wound infections and acute metritis caused by *Staphylococcus* spp. and *Streptococcus* spp. If labeled for use by or on the order of a licensed veterinarian, it may be used for the treatment of anaplasmosis caused by *Anaplasma marginale* and anthrax caused by *Bacillus anthracis*.

(*c*) *Limitations.* Administer intramuscularly. Treatment of all diseases should be instituted early and continue for 24 to 48 hours beyond remission of disease symptoms, but not to exceed a total of 4 consecutive days. Consult your veterinarian if no improvement is noted within 48 hours. Do not inject more than 10 milliliters per site in adult cattle, reducing the volume according to age and body size to 1 to 2 milliliters in small calves. Exceeding the highest recommended dose of 5 milligrams per pound of body weight, administering at recommended levels for more than 4 consecutive days, and/or exceeding 10 milliliters intramuscularly per injection site may result in antibiotic residues beyond the withdrawal time. Discontinue treatment at least 15 days prior to slaughter. Not for use in lactating dairy cattle.

(ii) *Swine*—(*a*) *Amount.* 3 to 5 milligrams of oxytetracycline per pound of body weight per day. Sows: 3 milligrams of oxytetracycline per pound of body weight, administered once, approximately 8 hours before farrowing or immediately after completion of farrowing.

(*b*) *Indications for use.* For treatment of bacterial enteritis (scours, colibacillosis) caused by *Escherichia coli*, pneumonia caused by *Pasteurella multocida*, and leptospirosis caused by *Leptospira pomona*. Sows: as an aid in control of infections enteritis (baby pig scours, colibacillosis) in suckling pigs caused by *Escherichia coli*.

(*c*) *Limitations.* Administer intramuscularly. Do not inject more than 5 milliliters per site in adult swine, reducing the volume according to age and body size to 1 to 2 milliliters in young pigs. Discontinue treatment at least 22 days prior to slaughter.

* * * * *

Effective date. This regulation is effective January 30, 1981.

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

Dated: January 19, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-3304 Filed 1-29-81; 8:45 am]

BILLING CODE 4110-03-M

PANAMA CANAL COMMISSION

35 CFR Part 103

Order of Passage of Vessels Through the Panama Canal

AGENCY: Panama Canal Commission.

ACTION: Interim rule.

SUMMARY: On December 4, 1980, [45 FR 80313] the Panama Canal Commission published a notice of proposed rulemaking proposing to amend its regulations concerning the order of passage of vessels through the Panama Canal. The intent of the proposed rule was to increase efficiency in the use of the Canal and to provide better service to users. The Commission proposed to do so by establishing and testing a plan for scheduling vessels passing through the Canal. The test began on January 11, 1981. This interim rule, which is identical to the proposed rule, will be in effect for the duration of the test.

DATES: Interim rule effective January 30, 1981; comments must be received on or before March 13, 1981.

ADDRESSES: Comments may be mailed to the Secretary, Panama Canal Commission, 425 Thirteenth Street NW., Washington, D.C. 20004, or delivered to Room 312, Pennsylvania Bldg., 425 Thirteenth Street NW., Washington, D.C., between 8:00 a.m. and 4:30 p.m. Comments may also be submitted to the Marine Director, Panama Canal Commission, Balboa, Republic of Panama, or delivered to Room 310, Administration Building, Balboa Heights, between 7:15 a.m. and 4:15 p.m. Comments may also be mailed to Marine Director, Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT:

Michael Rhode, Jr., Secretary, Panama Canal Commission, Room 312, Pennsylvania Bldg., 425 Thirteenth Street, NW., Washington, D.C. 20004, (202) 724-0104

Captain John D. Thurber, Marine Director, Panama Canal Commission (telephone Republic of Panama 52-7917)

SUPPLEMENTARY INFORMATION: This document changes the rules and practice governing the scheduling of vessels passing through the Panama Canal. The purpose of the change is to conduct a test nine weeks or longer in duration in order to determine the feasibility of adopting a system of booking and advance scheduling for vessels that transit the Panama Canal. On December 4, 1980, [45 FR 80313] the Panama Canal Commission published a proposed rule which would be in effect for the duration of the test. This rule is identical to the proposed rule, which was published with a 32 day comment period. Several comments were received and will be discussed below.

The interim rule provides the framework for the booking and advance scheduling system for vessels that transit the Canal. The operational details, such as the reservation

procedures, the phasing-in of the system during the test, etc., are for determination by the Canal authorities. This permits the making of changes that are deemed necessary based on experience under the test or comments received. On December 8, 1980, the Commission's Marine Director, issued the following Notice to Shipping which sets forth the details of the system:

Marine Director's Notice to Shipping No. 27-80: to all steamship agents, owners, operators.

Subject: Panama Canal Transit Booking and Prescheduling System.

I. Background

Studies have shown that a plan for scheduling vessel transits based upon reservations and advance notice of expected arrival time may result in a traffic pattern in which there is less variation from day to day in the number of arrivals. Such uniformity, if attained, should increase Canal efficiency by making possible a more nearly continuous flow of vessel traffic, which must be scheduled to take into account ship size, handling characteristics, and the need for tugboat assistance or special procedures. In light of those studies, the Panama Canal Commission has published a notice in the **Federal Register** on December 4, 1980 (45 FR 80313) to the effect that a reservation system will be established on a trial basis. The proposed system is expected to reduce the waiting time of vessels at the Canal, and in the case of those that are booked or prescheduled, to obviate the need for early arrival at the waterway merely to obtain a place in the transit schedule. Non-participating vessels will continue to be scheduled generally in accordance with their order of arrival.

II. Description and Conditions

A. The Panama Canal transit reservation system provides for customer participation in two voluntary advanced scheduling plans as follows:

Transit Booking—A limited number of vessels will be assigned a transit date if written request of reservation is received by Canal authorities not earlier than 30 days, and not later than 14 days, prior to such date. The specific order of transit among "booked vessels" on any given date will be determined by Canal authorities.

Prescheduled Transits—A limited number of vessels will be assigned a date on which they will appear on the list of vessels scheduled to transit based on written notice of their Estimated Time of Arrival (ETA). Such written notice must be received by Canal authorities not earlier than 13 days, and not later than three days, prior to the vessel's ETA. Specific order of transit among "prescheduled vessels" for any given day will be determined by Canal authorities.

B. Preference for passenger vessels and priority transits for warships of all nations will continue.

C. Vessels on an initial transit of the Canal may not participate unless they:

(1) Have sister ships which have transited previously.

(2) Arrive no less than 24 hours before the date of transit.

(3) Otherwise satisfy transit requirements.

D. Dead Tows may not participate.

E. A booked vessel which does not transit as a result of reduction in Canal capacity will be rescheduled on a priority basis the following day.

F. A prescheduled vessel which does not transit as a result of reduction in Canal capacity will be transited as soon as possible thereafter.

G. Canal authorities may suspend or discontinue, in whole or in part, the transit booking and prescheduling system if it is determined that it adversely affects the efficient operation of the Canal.

III. Reservation Procedures

To request or cancel transit reservations, the vessel's agent must complete and deliver a "Ship Due Form" to Marine Traffic Control, giving all pertinent information such as the vessel's characteristics, restrictions, grade of cargo, etc. The agent will indicate whether his request is for a transit booking or a prescheduled transit reservation. A copy of the form will be given to the agent as confirmation of the reservation and that information will be entered on the reservation log.

Requests for a transit booking or prescheduled transit may be denied in the case of vessel operators or agents who establish a record of numerous or repeated cancellations.

IV. Cancellations

Transit bookings may be cancelled without penalty if notice of the cancellation is received by Canal authorities at least seven (7) days prior to the day of the intended transit. Prescheduled transits may be cancelled without penalty if notice of the cancellation is received by Canal authorities at least forty-eight (48) hours prior to the day of the intended transit.

V. Penalties

Canal authorities shall impose a 24-hour "time of arrival" delay penalty in placing a vessel in the transit schedule whenever the vessel has been "booked or prescheduled" and does not arrive at the Canal by midnight (2359 hours) of the day prior to the intended transit. A vessel that is not ready to proceed at the time fixed for transit will be treated as if it had not arrived in time. In each such case, 24 hours will be added to vessel's arrival time. This penalty will not be applied if the late arrival is caused by "force majeure" or is due to humanitarian reasons, as determined by the Marine Director.

VI. Testing and Evaluation

A. In order to determine the feasibility of adopting the transit booking and the prescheduled transit system, a test of nine (9) weeks or longer in duration will be conducted beginning January 11, 1981. Requests for transit bookings and prescheduling will be accepted commencing December 29, 1980.

B. During the test period, transit bookings and prescheduling will be implemented in accordance with the following schedule:

	Jan. 11-19	Jan. 20-27	Jan. 28; Feb. 4	Feb. 5-12	Feb. 13; Mar. 14
Prescheduled transits:					
Vessels 91' beam and over	4	4	2	2	2
Vessels under 91' beam	4	8	6	8	10
Booked Transits:					
Vessels 91' beam and over	0	0	4	4	4
Vessels under 91' beam	0	0	4	6	10
Totals	8	12	16	20	26

C. In the event that booking assignments are not requested, a corresponding increase in prescheduled transits may be made. Direction of transit will be a factor in accepting reservations of large or restricted vessels. Totals for the respective phases may not include more than two vessels under 91' beam that are also under restriction, i.e., clearcut, daylight, or daylight in the Cut, etc.

D. By increasing the number of reservations permitted, the test will determine optimum levels, the impact that leveling the number of arrivals may have on capacity, and the effect of the reservations on flexibility in scheduling transits.

E. During the course of the test, modifications may occur. Any such changes will be implemented promptly when necessary to allow the test to continue. The imposition of a transit reservation fee or financial penalty for cancellation may be announced after further evaluation.

John D. Thurber,

Marine Director.

In response to questions concerning the above notice, which were raised at a meeting of Steamship agents meeting on December 10, 1980, the following letter was sent to the President of the Camara Maritima de Panama (Maritime Chamber of Panama):

Balboa Heights, Panama

December 23, 1980.

Mr. E. Wachtel, President, Camara Maritima de Panama, Box 5024, Cristobal, Rep. of Panama.

Dear Ed: At the Customers' meeting with Panama Canal Commission officials held December 10, 1980, it was agreed that the Commission would clarify and amend some of the general procedures outlined in Marine Director's Memorandum to Shipping No. 27-80 with regard to the booking/prescheduling system. Mr. David Owen, who acted as Chairman of the meeting, suggested that a letter addressed to the Camara Maritima de Panama would suffice to address the matters under consideration. Accordingly, the following amendments and clarifications are submitted:

Description and Conditions

Booked vessels may not be cancelled and subsequently prescheduled.

Swapping will be permitted only between regularly scheduled vessels as is now the practice; i.e., restricted to vessels from the

same line, transiting in the same direction and meeting the same Canal requirements. Booked/prescheduled vessels will not be permitted to swap.

Once booking or prescheduling is closed for any given day, it will not be reopened to fill a slot which becomes available due to a cancellation.

Reservation Procedures

With respect to the second paragraph of Section III of the memorandum, it was requested by the Camara members that a record of numerous or repeated cancellations not be used as a basis for denying an agent use of the reservation system. In view of the fact that the language as shown is in the formal notice, published on December 4, 1980, in the **Federal Register**, it may not be withdrawn by separate agreement with some of the parties potentially affected. You are advised, however, that this provision will be fairly applied by the Canal authorities and will not be invoked against an agent when it appears that an excessive number of cancellations should be attributed to particular steamship lines rather than against one of your members.

Penalties

A delay caused by *Force Majeure* is one which could not have been prevented by human care, skill, or foresight, and results from natural causes. Depending upon foreseeability, such causes may include tempest, floods, lightning, etc. The Canal authorities will determine whether the facts establish that the delay was due to *Force Majeure*.

A vessel that is not ready to proceed at the time fixed for transit will not be assessed the 24-hour penalty, if the National Port Authority certifies in writing that the delay was not the fault of the vessel. Vessels so certified by the NPA will be entered into the regular system and scheduled in accordance with their ETA.

Sincerely yours,

John D. Thurber,

Marine Director.

On December 29, 1980, the Commission published a correction of notice of proposed rulemaking [45 FR 85480], correcting several typographical errors in the proposed rule as published on December 4, 1980.

Written comments were received during the comment period from 14 interested parties. Most of the comments expressed critical views, but indicated a willingness on the part of the vessel operators to participate in the test. Eight of the comments asserted, in essence, that the system discriminated against short haul operators who call at ports from which the Canal can be reached within three days or less. Two comments suggested that the rule be changed to give the short haul operators special consideration. The Commission believes that even the short haul operators can predict, with some degree of certainty, their time of arrival (ETA) at the Canal more than three days in advance. One comment stated that an accurate ETA would often be precluded because of unpredictable and variable circumstances that delay a vessel, and that this would unfairly subject it to the 24-hour penalty. The Commission recognizes that operators of many vessels will not, for various reasons, be able to book or preschedule transits. The rule provides, therefore, that "[g]enerally, regular transits will amount to or exceed approximately one third of the total number of vessels moved through the Canal on any given day." Further, after considering the two-day and seven-day cancellation periods for prescheduled transits and booked transits, respectively, and the time required to draw up the actual order of transit, the Commission concludes that the requirement that booking requests be received not later than 14 days in advance and that prescheduling requests be received not later than three days in advance, are reasonable. If however, test experience indicates that a change in this regard is both desirable and feasible, the Commission will reconsider the matter.

Four of the comments asserted that the system would encourage manipulation by unscrupulous individuals. The Commission recognizes that attempts may be made to utilize the system improperly. It is for this reason that the rule provides for a 24-hour penalty for missed transits and that operators or agents who establish a record of numerous or repeated cancellations may be denied use of the system. The Commission also is considering the assessment of a fee for booking and prescheduling and a financial penalty for missed transits.

Two of the comments asserted that there were no benefits to be derived from the system by operators. The Commission believes that vessels which have been booked or prescheduled should be able to realize substantial fuel savings. Also, since those vessels booked or prescheduled will not have to queue up for transit, congestion in the anchorages should be reduced. A safer anchorage is a benefit for all vessels.

One comment asserted that, without a commitment that a prescheduled transit will be effected on the date in question, there is no value to the system, as the operator must protect himself by arriving as early as possible. The commitment to transit on a date certain is the primary distinguishing feature between the booking and the prescheduling plans. A prescheduled reservation evidences a commitment by the Commission to place the vessel on the schedule for the day in question; it is not, however, an absolute guarantee that the vessel will transit that day. An operator who has a prescheduled reservation need not protect himself by racing to arrive as early as possible. In fact, early arrival will not change his prescheduled position. As indicated in the Marine Director's Notice to Shipping No. 27–80, when a prescheduled vessel does not transit on the date in question due to reduced Canal capacity, it will be transited as soon as possible thereafter. Thus, operators of prescheduled (or booked) vessels need concern themselves only with arrival at the Canal by 2359 hours on the day prior to the intended transit and being ready to proceed at the time fixed for transit.

Two of the comments asserted that there should be no penalty; one also contended that it was unreasonable to prohibit operators and agents from using the system because of numerous or repeated cancellations due to circumstances beyond their control. The Commission believes that the 24-hour penalty (and, possibly, a financial penalty) is necessary to establish some degree of control over the system. It is apparent from past experience and from several of the comments received that manipulation by some operators or agents is a possibility. It is hoped that the 24-hour penalty (and, if implemented, the financial penalty) will discourage such practices. If it does not, the Commission will exclude from the system those operators or agents who abuse it. The letter to the President of the Camara Maritima de Panama notes that it is intended that the exclusionary provision be applied fairly by the Canal authorities.

Two comments suggested the gathering of certain data; one recommended accurate monitoring of the test. The Commission intends to accurately monitor the test and will attempt to gather the requested data for use in evaluating the test.

One comment urged a reduction from seven to four days in the minimum period for canceling booked transits. The Commission feels that the seven-day period is reasonable. A booked reservation evidences a commitment by the Commission to transit a vessel on a date certain. The seven-day period is intended to discourage speculative reservations by operators or agents which could result in cancellations disruptive of the system. In order to determine whether a shorter period could be prescribed without an attendant increase in cancellations due to speculative booking requests, the Commission has decided to reduce the

period to four days after the fourth or fifth week of the test.

One comment suggested that the regulation be changed to indicate that the carriers or agents are authorized to submit requests for reservation. The Marine Director's Notice to Shipping No. 27-80 indicates that the agents may submit the requests. Operators may, of course, act on their own behalf.

One comment suggested that operators of vessels calling at "Canal ports" be permitted to request prescheduled transits after they can predict cargo completion time, even if the request is submitted after the expiration of the request period in § 103.8(a)(3) of the regulation. The Commission feels that this suggestion is unworkable and cannot be implemented. Vessels calling at ports in Panama should be able to predict their cargo completion time with some accuracy. As indicated by the December 23, 1980 letter to the President of the Camara Maritima de Panama, vessels that are not ready to proceed at the time fixed for transit will not be subject to the 24-hour penalty, if the National Port Authority certifies in writing that the delay was not the fault of the vessel. Such vessels will be entered in the regular system and scheduled in the same manner as other regular transits, with their time of arrival at a terminal port being a consideration in fixing their order of passage. [It is to be noted that the December 23 letter erroneously stated that such vessels would be scheduled in accordance with their ETA.]

One comment stated that when a cancellation opens a space, owners should be allowed to request booking or prescheduling for that reservation, so long as the request is made within the allowable time frame. The Commission considered re-opening canceled spaces when notice is received within the pertinent request period. It was decided, however, that to do so would only complicate the system by making necessary a "request pending" list. The Commission will consider doing so if experience under the test indicates that it is feasible and can be done without unduly complicating the system.

Notice of any changes in the details of the system which the Commission plans to implement as a result of the test or comments received will be given by means of Marine Director's Notices to Shipping. Any changes to the basic framework of the system will, of course, be incorporated in the final rule which will be implemented after appropriate notice.

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

For the reasons set out at 45 FR 80313–80314 and above, Part 103 of Title 35 of the Code of Federal Regulations is amended as follows:

1. The authority citation is revised as follows:

Authority: Sec. 1801, Pub. L. 96-70, 93 Stat. 492 (22 U.S.C. 3811); E.O. 12173, 44 FR 69271; E.O. 12215, 45 FR 36043.

2. Section 103.8 is revised to read as follows:

§ 103.8 Preference within transit schedule; order of transiting vessels.

(a) Except as provided in section 103.9, and subject to the limitations imposed by Article III of the 1901 Treaty to Facilitate the Construction of a Ship Canal, entered into by the United States and Great Britain, and by Articles II and VI of the 1977 Treaty between the United States and the Republic of Panama concerning the Permanent Neutrality and Operation of the Panama Canal, vessels arriving for transit of the Canal will be placed in the transit schedule in accordance with the following rules:

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

"Booked for transit" means that a vessel has been assigned a date on which it will be moved through the Panama Canal.

"Prescheduled for transit" means that a vessel has been assigned a date on which it will appear on the list of vessels that the Canal authorities intend to move through the waterway on that day. Such assignment does not constitute a commitment by the Panama Canal Commission to effect the transit on the date in question.

"Regular transit" means the movement through the Canal of a vessel that has not been booked or prescheduled for transit.

(2) *Transit bookings.* A limited number of vessels will be booked for transit on a date certain if written request is received by the designated Canal authorities not earlier than 30 days, and not later than 14 days, prior to such date. Preference among booked vessels will be determined by the order in which requests are received. The specific order of transit will be determined by the Canal authorities.

(3) *Prescheduled transits.* A limited number of vessels will be prescheduled for transit on a date certain if written request is received by the designated Canal authorities not earlier than 13 days, and not later than three days, prior to the vessel's estimated time of arrival. Preference among prescheduled vessels will be determined by the order in which requests are received. The number of vessels which will be prescheduled for any given date and the specific order of transit will be determined by the Canal authorities.

(4) *Regular transits.* Vessels which are neither booked nor prescheduled for transit may be dispatched through the Canal in the order determined by the Canal authorities. Priority of arrival at a terminal port does not give a vessel the right to pass through the Canal ahead of another that may arrive later; however, the order of arrival will be a consideration in fixing the sequence of passage. Generally, regular transits will amount to or exceed approximately one-third of the total number of vessels moved through the Canal on any given day.

(b) The Canal authorities shall impose a penalty of 24 hours' delay in placing a vessel in the transit schedule when such vessel has been booked or prescheduled and does not arrive at a terminus of the Canal by midnight of the day prior to the intended transit. This penalty will not be applied if the late arrival is due to *force majeure* or to delay for humanitarian purposes. A prescheduled transit may be canceled without penalty if notice of the cancellation is received by the Canal authorities at least 48 hours prior to the day of the intended transit. A booked transit may be canceled without penalty if notice of the cancellation is received by the Canal authorities at least seven days prior to the day of the intended transit. Requests for booking or prescheduling may be denied in the case of vessel operators or agents who establish a record of numerous or repeated cancellations.

(c) The Canal authorities may suspend or discontinue, in whole or in part, the booking and prescheduling system established by paragraphs (a)(2) and (3) of this section if they determine that its continued use adversely affects the efficient operation of the Canal.

Michael Rhode, Jr.,

Secretary.

January 26, 1981.

[FR Doc. 81-3489 Filed 1-29-81; 8:45 am]

BILLING CODE 3640-01-M

POSTAL SERVICE

39 CFR Part 111

Folders, Pop-Ups, and Multilayer Materials as Permissible Novelty Pages in Second-Class Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends §§ 425.82, 482.33 and 483.1 of the Domestic Mail Manual to permit the inclusion of folders, "pop-ups", and multilayer materials as novelty pages in copies of second-class publications. These novelty pages had in the past been prohibited because of the difficulty of measuring their surface area for purposes of postage computation. A new provision, however, has been added to the regulations prescribing a method of measurement.

EFFECTIVE DATE: January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Martin L. Cohen, Office of Mail Classification, (202) 245–4569.

SUPPLEMENTARY INFORMATION: On September 16, 1980, the Postal Service published for comment in the **Federal Register** proposed changes to the Domestic Mail Manual as described above (45 FR 61318). Interested persons were invited to submit written comments concerning the proposed changes by October 16, 1980.

A total of twenty-nine comments were received, twenty-six written and three oral. All comments were from businesses and publishers. Twenty-three commenters favored the proposal, six stated no preference, and none opposed the proposal.

Nineteen of the commenters stated that the adoption of the rule would improve their businesses because the new types of permissible advertisements would lead to increased subscriptions and advertising content, enhance the exhibition of advertising and nonadvertising materials, and allow advertisers to display their products in a more dramatic manner. Of that number, ten stated that, by allowing "pop-ups" advertisements in the second-class publications, they could be more competitive with television. Four commenters indicated that the proposal would enable publications to also be more competitive with radio.

One commenter wants to amend postal regulations to permit the inclusion of folders, "pop-ups" and multilayer materials in controlled circulation publications as well. The extension of this rule change to controlled circulation mail would be difficult because the other regulations in second-class mail concerning enclosures, novelty pages and other material which may be included in a second-class publication would need to be applied to controlled circulation mail as well. Additionally, we expect controlled circulation mail to be merged with second-class mail in the near future as a result of expected decisions from the Postal Rate Commission and the Governors of the Postal Service in the pending postal rate adjustment case, Postal Rate Commission Docket No. R80–1. If that merger occurs, present controlled circulation publications would become second-class publications and would then be allowed to carry the materials permitted by this rulemaking.

Two commenters want postal regulations to be amended to allow the inclusion of envelopes (to be used for other than subscription purposes) in copies of publications mailed at the second-class rates of postage. One commenter wants the rule extended to other novel items such as slide charts which have a piece of paper sealed between two other sheets and which can slide back and forth under an opening in the top sheet. These proposals go beyond the scope of the proposed changes and therefore will not be adopted at this time. These comments will be considered by the Postal Service as requests for future changes.

Eight commenters expressed their satisfaction with the new method of measuring advertisements.

For the above reasons and after careful consideration of all the comments, the Postal Service hereby adopts, without change, the following amendments to the Domestic Mail Manual, which is incorporated by reference in the **Federal Register.** See 39 CFR 111.1.

Part 425—What May Be Mailed at the Second-Class Rates

1. In 425.8, add new .82h, i and j to read as follows:

425.8 Novelty pages.

* * * * *

.82 Examples.

* * * * *

h. *Pop-up* sheets having figures that appear to "pop-up" out of the page, giving a three-dimensional effect, when the publication is opened or the page unfolded. "Pop-ups," whether advertising or nonadvertising, usually consist of die-cut pieces pasted to a folded sheet which is bound into a publication. The procedure for computing postage on such material is contained in 482.333.

i. Multilayer pages produced by gluing two or more sheets together which may or may not have cut-outs, movable flaps, etc. The procedure for computing postage on such material is contained in 482.333.

j. Printed sheets which have been folded and affixed to pages.

Part 482—Mailing Statements (See Exhibit 482)

2. In 482.33, add new .333 to read as follows:

482.33 Completion of Mailing Statement by Mailer

* * * * *

.333 Measurement of Contents. The total advertising and nonadvertising portions may be expressed in column inches, square inches, pages, or by any other recognized unit of measure. The publisher must use the same unit of measure for both the advertising and nonadvertising portions. When measuring nonrectangular sheets, the measurement must be based upon the smallest rectangle that could contain the irregular sheet. No attempt shall be made to determine the exact area of the irregular shape. When two or more sheets or parts thereof are glued together, the surface area of each sheet (front and back) will be counted when measuring the advertising or nonadvertising portion for purposes of determining postage.

Part 483—Marked Copy

3. In Part 483, delete the last two sentences of 483.1.

This rule is being adopted on the date of publication because it provides for a relaxation of existing restrictions on the content of second-class publications. It permits second-class publishers to include previously prohibited materials but does not require any publisher to do so. For these reasons, the Postal Service believes there to be no justification for a delay in the rule's implementation.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-3325 Filed 1-29-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[WH-FRL 1741-3]

State and Local Assistance; Grants for Construction of Treatment Works; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on the reallotment of deobligated funds of fiscal year 1978 that appeared at page 83497 in the Federal Register of Friday, December 19, 1980, (45 FR 83497). The action is necessary to correct typographical errors in citations.

FOR FURTHER INFORMATION CONTACT: Harold P. Cahill, Jr., Director, Municipal Construction Division, Office of Water Programs, (202) 426-8986.

Harold P. Cahill, Jr.

Director, Municipal Construction Division.

The following corrections are made in FR Doc. 80-39521 appearing on 45 FR 83497 in the issue of December 19, 1980:

1. On page 83497, column two, eighth paragraph, "§ 35.910-11" is corrected to read "§ 35.910-12".

2. On page 83497, column two, ninth paragraph, "§ 35.910-11" is corrected to read "§ 35.910-12".

[FR Doc. 81-3499 Filed 1-29-81; 8:45 am]

BILLING CODE 6560-29-M

40 CFR Part 52

[A-3-FRL 1738-2]

Approval of Revisions of the District of Columbia Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the District of Columbia's Implementation Plan of amendments to the District of Columbia's Air Quality Control Regulations. The amendments allow the permanent deletion of the requirement that the maximum sulfur content in all fuels sold and used in the District not exceed 0.5%. A maximum sulfur content of 1.0% is therefore retained. The revision is applicable to §§ 8-2:704 (Allowable Sulfur in Fuel Oil) and 8-2:705 (Allowable Sulfur Content in Coal) of the District's Air Quality Control Regulations. The Administrator previously approved these amendments but only until December 31, 1980, in a January 4, 1980, **Federal Register** publication (45 FR 1024). These amendments, as proposed by the District of Columbia, were proposed by the Administrator on October 28, 1980 (45 FR 71382).

EFFECTIVE DATE: January 1, 1981.

ADDRESSES: Copies of the SIP revision and accompanying support documentation are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Programs Branch (3AH11), Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan

District of Columbia Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook Ave., S.W., Washington, DC 20032, ATTN: V. Ramadass

Public Information Reference Unit, Room 2922-EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Joanne T. McKernan (3AH11), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, REF: AH012DC, Telephone Number: (215) 597-8182.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 1978, the District of Columbia submitted to the Regional Administrator, EPA, Region III, amendments to the District's Air Quality Control Regulations and requested that they be reviewed and processed as a revision of the District of Columbia's Implementation Plan for the attainment and maintenance of National Ambient Air Quality Standards (NAAQS). The amendments consist of changes to §§ 8-2:704 (Allowable Sulfur Content in Fuel Oil) and 8-2:705 (Allowable Sulfur Content in Coal) of the District's Air Quality Control Regulations. The proposed revision amended both regulations by deleting the provision which states that the use and sale in the District of Columbia of fuel oils and coal containing up to 1% sulfur are permitted only until October 1, 1978 (after which time a 0.5% maximum sulfur requirement would be in effect). The District of Columbia provided proof that after adequate public notice, a public hearing was held on May 23, 1978, in accordance with 40 CFR 51.4.

Some of the arguments presented by the District to support its proposed revision included:

1. The District is presently meeting the Federal ambient air quality standards for sulfur dioxide and it expects to maintain the standards through 1985 with the use of 1% sulfur fuel;

2. The 0.5% sulfur content level would substantially increase the cost of fuel and electricity to the consumer;

3. There is a shortage of the higher grade (lower sulfur content) coal in the East; and

4. Maryland and Virginia maintain a 1% sulfer limit.

On January 4, 1980 (45 FR 1024), the Administrator approved as a revision to the District of Columbia's Implementation Plan the amendents to the regulations, and on August 20, 1980 (45 FR 55422), the Administrator clarified the January 4, 1980, rulemaking to show his intent to approve the revision only until December 31, 1980. The Administrator based his decision to approve the revision only through December 31, 1980 since an October, 1977 study prepared by the Metropolitan Washington Council of Governments (MWCOG) entitled "Air Quality Maintenance Planning, Technical Analysis" predicted that, although there would be no violations of the National Ambient Air Quality Standards for sulfur dioxide during 1980, there was no clear demonstration of air quality levels beyond 1980 due to projected growth in the Region. EPA took exception with the fact that in its demonstration, the District's growth projections were applied to a 1973 air quality baseline and that the District used extrapolations from air quality data collected only at a single site which may not be representative of air quality over the entire District.

Control Strategy Demonstration

By approving the revision through December 31, 1980, the District of Columbia was able to further evaluate the impact on ambient air quality in order to demonstrate to EPA's satisfaction, that the 0.5% sulfur content limit will not be needed after December 31, 1980, to maintain the sulfur dioxide standards. In order to accomplish this within the prescribed timeframe, and due to District staff resource constraints, EPA funded an independent contractor to perform a new air quality dispersion analysis.

The study resulted in a report entitled "Future Ambient SO_2 for Metropolitan Washington, D.C.," which was performed to supplement the information and air quality demonstration submitted by the District of Columbia in its December 27, 1978, SIP submittal. The report utilized the most current and comprehensive emission inventories available and used

emission data and meteorological data from the same year in developing a new baseline.

The study made new projections of future air quality for SO_2 using updated information and diffusion modeling results to determine whether and when violations can be expected and what control strategies may be adopted to prevent such violations. The study concluded that the present limit of 1% sulfur in all fuels sold and burned in the District of Columbia may be extended to 1995 without exceeding the National Ambient Air Quality Standards (NAAQS) for SO_2. This supports the District of Columbia's position that the District is presently meeting the NAAQS for SO_2 and expects to maintain the standard through at least 1985, with the 1% sulfur-in-fuels requirement. Therefore, EPA proposed approval of the indefinite deletion of the 0.5% maximum sulfur requirement on October 28, 1980 (45 FR 71382).

Summary of Public Comments

During the public comment period which ended November 28, 1980, no public comments were received on these amendments.

EPA Evaluation

EPA's original problems with the District's air quality demonstration have been alleviated by the conclusions of the most recent study, which has been evaluated and deemed acceptable to EPA. Therefore, based on the fact that the District's air quality demonstration, as supplemented by the EPA-funded air quality dispersion analysis, supports the District's position that the 0.5% sulfur requirement is not necessary to maintain the sulfur dioxide standards, EPA finds this revision to the District of Columbia's Implementation Plan to be acceptable as submitted. In addition, EPA has determined that the requirements for submission of acceptable SIP revisions, found at 40 CFR Part 60, Subpart B, have been met.

Another issue addressed in the October 28, 1980, proposed rulemaking was the District's coal sampling method. On March 3, 1980 (45 FR 13729), EPA approved the District's test procedures for the sulfur-in-fuel regulation, which incorporated by reference the methods specified in 40 CFR 60.45(f)(5). It is EPA's opinion that an additional sampling procedure similar to that contained in the publication ASTM D-2234-6 entitled "Standard Method for Collection of a Gross Sampling of Coal", which was sent to the District's Department of Environmental Services for consideration, would improve the enforceability of the District's already approved regulation. The District has reviewed this procedure and has agreed to recommend it as a revision to the District's Air Quality Control Regulations. It should be noted that EPA considers this issue a minor procedural concern and not a deficiency with the revision being approved today. Since the District's current procedure for sampling sulfur content in coal has been satisfactory in enforcing the District's sulfur-in-fuel regulation, EPA is satisfied that procedures beyond those already approved in the March 3, 1980 rulemaking are supplementary. Therefore, EPA has decided not to delay or condition final approval of this revision on the submittal by the District of a procedural change to its regulations.

Conclusion

In view of the above evaluation, the Administrator has determined that the continued use of 1% sulfur fuels does not interfere with attainment or maintenance of the ambient air quality standards for sulfur dioxide.

Therefore, the Administrator hereby approves the amendments to sections 8-2:704 and 8-2:705 of the District of Columbia's Air Quality Control regulations (entitled Act 2-269), submitted on December 27, 1978, as a revision to the District's Implementation Plan.

EPA will take separate action on the District's Implementation Plan revision relating to the coal sampling method it will use to test sulfur content in fuel.

This revision is being made effective on January 1, 1981, which is immediately following the December 31, 1980, approval deadline published by EPA at 45 FR 1024 on January 4, 1980. This effective date is required since EPA previously approved these amendments only through December 31, 1980. If EPA does not make effective on January 1, 1981, the approval of these amendments, there would exist in the District of Columbia a requirement which would cause a substantial increase in cost of fuel and electricity to the consumer, and one which is not required to either attain or maintain (through 1995) the National Ambient Air Quality Standard for Sulfur Dioxide (SO_2). Concurrently, the Administrator amends 40 CFR 52.470 (Identification of Plan) of Subpart J (District of Columbia) to incorporate this plan revision into the District of Columbia Implementation Plan.

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

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized."

I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. §§ 7401-7642)

Dated: January 19, 1981.

Douglas M. Costle,

Administrator.

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

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

Subpart J—District of Columbia

1. The following sub-paragraph (17) is added to § 52.470, paragraph (c):

§ 52.470 Identification of Plan.

* * * * *

(c) * * *

(17) Amendments to §§ 8-2:704 (Allowable Sulfur Content in Fuel Oil) and 8-2:705 (Allowable Sulfur Content in Coal) of the District's Air Quality Control Regulations submitted on December 27, 1978, by Mayor Walter E. Washington are approved indefinitely.

2. Section 52.476, *Compliance schedules*, is amended as follows:

Paragraphs (a) and (b)(1) through (b)(6) are removed, paragraphs (f)-(g) are removed, and paragraphs (c), (d)(1), (d)(2), (e)(1), and (h)(1) through (h)(4) are redesignated (a), (b)(1), (b)(2), (c)(1), and (d)(1) through (d)(4), respectively.

[FR Doc. 81-2852 Filed 1-29-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 123

[SW-7-FRL-1742-7]

Iowa; Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region 7.

ACTION: Approval of State program.

SUMMARY: The purpose of this notice is to grant Phase I interim authorization to

the State of Iowa for its hazardous waste management program. In the May 19, 1980, **Federal Register** (45 FR 33063), the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6901 *et seq.*, to protect human health and the environment from the improper management of hazardous wastes. Included in these regulations, which became effective November 19, 1980, were provisions for a transitional stage in which states could be granted interim program authorization. The interim authorization program will be implemented in phases corresponding to the two stages in which an underlying federal program will take effect.

On October 15, 1980, the State of Iowa applied to EPA for Phase I interim authorization to conduct its hazardous waste management program in lieu of the federal program. On November 5, 1980, EPA issued in the **Federal Register** (45 FR 73522) a notice of the public comment period on the state's application. In the November 12, 1980, **Federal Register** (45 FR 74737), EPA extended the comment period on the state's application until December 16, 1980. All comments received during the comment period have been noted and considered, as discussed below.

The State of Iowa is hereby granted interim authorization to operate the RCRA Subtitle C hazardous waste management program in accordance with Section 3006(c) of RCRA and implementing regulations found in 40 CFR 123 Subpart F.

EFFECTIVE DATE: January 26, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, Hazardous Materials Branch, U.S. EPA, Region 7, 324 E. 11th Street, Kansas City, Missouri 64106, 816–374–3307.

SUPPLEMENTARY INFORMATION: The State of Iowa submitted its draft application for Phase I interim authorization on August 19, 1980. The Iowa Department of Environmental Quality's rulemaking was under direction of the Department's Solid Waste Disposal Commission. The Department's hazardous waste rules were included in the application for authorization. The rules became effective on November 19, 1980. Legislation adopted in the 1980 session to the Iowa General Assembly dissolved the existing Solid Waste Disposal Commission and created in its place a newly formed Environmental Quality Commission. The new Commission assumed responsiblity on January 1, 1981.

After reviewing the Iowa application, EPA identified four areas of major concern: (1) Lack of detail in the Authorization Plan; (2) the statutory exclusion of sewage sludges as hazardous wastes; (3) the state's authority to adopt federal regulations by reference; and (4) potential deficiencies regarding the public's right to participate in enforcement actions. On October 15, 1980, the State of Iowa submitted its final application for Phase I Interim Authorization. The Authorization Plan submitted with the final application specifies with sufficient detail the actions the state will take to seek and obtain Phase II Interim Authorization. However, because the application did not adequately address the last three areas, EPA requested that the state submit supplemental information. EPA has determined that the supplemental information has satisfied EPA's concerns on these three remaining issues.

First, Iowa's enabling legislation for the development of a hazardous waste management program includes a definition for hazardous waste virtually synonymous with the definition found in the Resource Conservation and Recovery Act, as amended, with one exception. The Iowa legislation categorically excludes sewage sludges from publicly owned treatment works (POTW's) from consideration as hazardous wastes. See Ch. 111, Section 2.3.b.(2) of the Iowa Hazardous Waste Management Act (1979 Session, 68th G.A.). A similar categorical exclusion is not found in the federal statute or regulations. The Department of Environmental Quality has stated that it will seek a legislative amendment in the 1981 Iowa General Assembly to remove the sewage sludge exemption. At the December 16 public hearing, the Department of Environmental Quality stated that the schedule for making legislative changes cannot be made definite since the Department is not able to make commitments on behalf of the Iowa General Assembly.

Therefore, the Department of Environmental Quality and EPA have agreed that the failure of the Iowa General Assembly to remove the sewage sludge exemption by June 30, 1981 shall be justification for immediate withdrawal of the State Interim Authorization for Phase I. The only exception would be if the Department of Environmental Quality demonstrates to EPA's satisfaction that sewage sludge generated, stored, treated or disposed of in the State is not hazardous waste pursuant to the 40 CFR 261 identification and listing criteria.

The State has attempted to identify and quantify the immediate impact resulting from nonregulation of POTW sludges. While this study has not yet been completed, relevant data are available. The Department of Environmental Quality surveyed certain POTW's for analytical information on sludge composition and extraction procedure (EP) toxicity tests. In no instance has an EP toxicity test shown the final sludge to be hazardous by EPA standards. The leachable amounts of heavy metals found in the sludge were well below the amounts specified to be hazardous by EPA regulations. EPA believes that this data indicates that it would be unlikely that hazardous wastes would be handled in an unregulated manner during the period between authorization and when the Iowa General Assembly removes the sewage sludge exemption.

Second, the Environmental Protection Agency's comments on the Iowa application for interim authorization requested that the Attorney General cite the authority for adopting Federal regulations by reference or provide assurance that State law does not restrict or prohibit the State from adoption of the Federal rules by reference. In a clarification dated December 15, 1980, the Attorney General gave that assurance. The clarification, in the form of a letter to the Director, Department of Environmental Quality, has been submitted as an attachment to Iowa's application.

Finally, the Environmental Protection Agency requested additional information on the public's ability to participate in enforcement actions, particularly comparing the "interest" test of Iowa Rule of Civil Procedure 75 with Federal Rule of Civil Procedure 24. The question raised by EPA was whether Rule 75 satisfies 40 CFR 123.128(f)(2)(i) by providing intervention as of right by any citizen having an interest which is or may be adversely affected in an enforcement action. The Attorney General provided sufficient assurances in his letter of December 15, 1980, that Iowa's Rule 75 would provide for public participation consistent with the requirements of 40 CFR 123.128(f)(2)(i).

As noted in the **Federal Register** on November 12, 1980 (45 FR 74737), EPA gave the public until Tuesday, December 16, 1980, to comment on the State's application. EPA also held a public hearing in Des Moines, Iowa, on December 16, 1980. Only comments received during the comment period and the public hearing are addressed below.

An industry representative supported approval of the State application on the

grounds that a dual permitting procedure by both EPA and the State would create unnecessary problems in the regulation of industry. Additionally, the comment questioned whether or not Federal delisting of waste would be authorized at the State level in a federally authorized State program. The conclusion by EPA concerning this matter is that State programs with delisting mechanisms may receive interim authorization provided those delisting mechanisms are substantially equivalent to EPA's. In order to be considered substantially equivalent, the State must demonstrate that the delisting methodology is consistent with its methodology for listing. The State of Iowa must keep EPA fully informed of any State delisting activities and should make clear the possibility of withdrawal of authorization in the event that, due to delistings, the State's universe of wastes is no longer nearly identical to EPA's.

Dated: January 26, 1981.

Kathleen Q. Camin,

Regional Administrator.

[FR Doc. 81-3567 Filed 1-29-81; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 205

[NH-FRL 1736-7]

Noise Emission Standards: Medium and Heavy Trucks and Truck-Mounted Solid Waste Compactors

Correction

In FR Doc. 81-2750 appearing on page 8497 in the issue of Tuesday, January 27, 1981, second column, last paragraph, first and second lines, delete "(30 days from date of Federal Register publication)." and insert "February 21, 1981."

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, 60-741

Government Contractors; Affirmative Action Requirements

Note.—This document originally appeared in the Federal Register of Wednesday, January 28, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday-Friday schedule assigned to the Department of Labor.

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final rule; deferral of effective date.

SUMMARY: This notice defers the effective date of certain OFCCP regulations until April 29, 1981.

EFFECTIVE DATE: January 28, 1981.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C-3324, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523-9426.

SUPPLEMENTARY INFORMATION: The effective date of the regulations contained in 41 CFR Chapter 60 and published in the **Federal Register** on December 30, 1980 (45 FR 86216), and of the corresponding correction notice published in the **Federal Register** on January 23, 1981 (46 FR 7332) has been deferred until April 29, 1981.

The purpose of this action is to allow the Department to review the rule fully before it takes effect.

Signed at Washington, D.C., January 26, 1981.

Alfred M. Zuck,

Acting Secretary of Labor.

[FR Doc. 81-3279 Filed 1-29-81; 8:45 am]

BILLING CODE 4510-27-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 94

[SS Docket No. 79-18; RM-2824; RM-1635; RM-1849; RM-2045; FCC 80-710]

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations and Private Operational-Fixed Microwave Service; Amendment To Provide Regulations for Use of Radio in Public Utility Distribution Automation Systems

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The Commission is allocating frequencies in the 928-929 and 952-960 MHz bands for use by energy Utilities in the Power Radio Service for energy distribution automation systems. This allocation was necessary because of the increased emphasis being placed upon energy management nationwide. The result of this action will permit the implementation of new radio systems to be used for load management and other necessary energy distribution automation systems.

DATE: Effective January 22, 1981.

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

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Report and Order

Adopted: December 4, 1980.

Released: January 14, 1981.

By the Commission.

Summary

1. In this Report and Order, we are allocating frequencies in the 928 and 952 MHz bands for use by eligibles in the Power Radio Service for energy distribution automation radio systems. The frequency plan makes available a total of 20 paired frequencies, of 25 kHz bandwidth each, with a spacing between transmit and receive frequencies of 24 MHz. The new rules also establish interference protection criteria, and technical standards for frequency tolerance, bandwidth, power, and antenna limitations.

Background

2. This rulemaking proceeding was initiated in response to a petition submitted by the Utilities Telecommunications Council (UTC) asking for frequencies to be used in distribution automation systems, (RM-2824). A *Notice of Proposed Rule Making*, FCC 79-93, was adopted on February 14, 1979, and released on March 1, 1979, (44 FR 12221). Comments received on this *Notice* resulted in the issuance of a *Further Notice of Proposed Rule Making*, FCC 79-853, which was adopted on December 19, 1979, and released January 10, 1980, (45 FR 2060). Comments and reply comments with respect to the *Further Notice* were due February 19, 1980, and March 10, 1980, respectively.

3. In the *Further Notice*, the Commission proposed to make available thirty frequency pairs and fourteen unpaired frequencies for distribution automation and multiple address radio systems. The thirty pairs would consist of frequencies at 928 MHz matched with frequencies at 952 MHz with 24 MHz spacing between the transmit and receive frequencies. The plan also included eight unpaired frequencies in the 956 MHz region, and six unpaired frequencies in the 959 MHz region. These specific frequencies were proposed to allow sufficient guard bands to prevent adjacent channel interference to existing operational-fixed systems. Since our primary objective in this proceeding was to accommodate the expected increased

use of distribution automation systems by utility companies in the interest of energy conservation and load management, twenty of the thirty paired channels were proposed for eligible users in the Power Radio Service [1]. The ten remaining pairs, and the fourteen unpaired frequencies were proposed for use in multiple addressed radio systems. The utilization of 928 MHz frequencies for these types of fixed systems requires re-allocation of the 928–929 MHz band from the "land mobile reserve" between 928–947 MHz to the "fixed" service.

4. Other major proposals in the *Further Notice* included an interference protection provision establishing a 70-mile distance between co-channel service area borders; a provision for obtaining two contiguous 25 kHz channels, if it can be shown that a 50 kHz bandwidth is needed; and technical standards for output power, frequency tolerance and antenna limitations.

5. Formal comments to the *Further Notice* were received from the parties listed in Appendix A. With the exception of the American Telephone and Telegraph Company (AT&T), the comments supported the allocation of frequencies for distribution automation purposes. Some of the comments suggested minor variations to our basic proposal. These are discussed below.

6. There was general support of our proposal to utilize the 928–929 and 952–953 MHz bands to provide a 24 MHz spacing between the transmit and receive frequencies. For the most part it was agreed that this 24 MHz spacing would allow the manufacture of cost effective equipment for these users. The National Telecommunications and Information Administration (NTIA), while supporting the allocation of spectrum for distribution automation purposes, requested the use of 928–931 MHz band for Federal Government low capacity fixed radio systems, and suggested moving distribution automation systems higher to 931 MHz. However, in another on-going Commission proceeding in General Docket 80–183, we have proposed that the 929–932 MHz band be utilized for one-way paging systems. In our Notice of Proposed Rule Making in that docket, we noted NTIA's proposal for low capacity fixed radio systems, together with the fact that NTIA had indicated 928–931 MHz was only one of the possible areas in which these Federal Government systems could be located.[2] We feel, therefore, that there is other spectrum that could be found to satisfy NTIA's requirements and we are not adopting NTIA's suggestion to move the allocation in this proceeding to higher frequencies.

7. AT&T lodged the only opposition to the proposed re-allocation. It stated that the Commission should defer action on such a re-allocation until policies with respect to the spectrum requirements for cellular and land mobile services are established. We have considered this comment, and have concluded, however, that there is a sufficient public interest requirement for these frequencies to warrant re-allocation at this time of this limited amount of spectrum for distribution automation systems.

8. We also proposed in the *Further Notice* to adopt a new footnote, NG 121, to the Table of Allocations in Section 2.106. This footnote would provide that the frequencies in the 928–929 MHz band for multiple address operation will be selected for assignment in such a manner that the lowest frequency is assigned that will not cause interference to stations in that geographical area already assigned frequencies in accordance with the Table of Allocations. UTC pointed out that the structuring of the proposed frequency table, coupled with Footnote NG 121, could result in the utilities using up the ten general access channels first and leaving nothing available for the other eligible Part 94 users. Since this proceeding will only concern the 20 frequency pairs allocated exclusively to the Power Radio Service, Footnote NG 121 is unnecessary, and will not be adopted.

9. In the *Further Notice* we again requested definitive comments on the matter of channel bandwidth[3] stating that we were tentatively proposing, subject to justification, a channel bandwidth of 25 kHz. Standard Oil Company (Indiana)(SOI), indicated that in a good many cases, a bandwidth of 25 kHz, or even more, might be required depending upon the data transmission rate used. However, it also claimed that there would be some users who could utilize a 12.5 kHz bandwidth, and suggested that the Commission consider either splitting the six 959 MHz unpaired frequencies to obtain 11 or 12 channels, or utilize 12.5 kHz offset frequencies with proper geographic separation. UTC and the Special Industrial Radio Service Association (SIRSA), urged that we adopt 25 kHz channeling as proposed, citing Motorola's comments which presented a technical analysis indicating that 12.5 kHz bandwidths in distribution automation systems would not be feasible because of adjacent channel interference problems that could result.

10. We have analyzed the comments concerning channel bandwidth and modulation techniques with respect to increasing spectral efficiency, and are disappointed that the comments made only general statements with respect to these two points. Although we requested quantitative cost data with respect to spectral efficiency, no such information was received. Since it was felt that the comments did not thoroughly discuss the subject, a further analysis was made by the Commission staff. [4] This analysis of available literature establishes the technical feasibility of spectral efficiencies at least double that associated with the proposed 25 kHz channels. Motorola's comments in part support this conclusion. The most significant improvements in spectral efficiency would be achieved by use of modulation techniques using less bandwidth than conventional FM, but also requiring an increased amount of received power for satisfactory operation. Since modulation techniques other than conventional FM have not been extensively tested in applications similar to those proposed for distribution automation systems, the levels of received signals necessary for reliable operation in the presence of internal equipment noise and external environmental noise is uncertain. Because of these uncertainties, we feel that the use of conventional FM modulation with a channel bandwidth of 25 kHz, as has been suggested in most of the comments, would result in the most reliable and economical equipment for distribution automation systems using present technology. Accordingly, the channel bandwidth is being established at 25 kHz with the proviso that, when required, and upon submission of proper justification of need, which would include a showing as to efforts made to meet the requirements with more advanced technology, two adjacent channels may be assigned to provide a 50 kHz bandwidth. We would normally expect to provide a second adjacent channel only when data rates in excess of 25 kilobits per second are required.

[1] Energy distribution automation systems consist of remote radio transceivers located at customers' premises which enable the control of energy peak usage through load management techniques. Such systems help to promote fuel savings and efficiency.

[2] See *Notice of Proposed Rule Making*, General Docket 80–183, FCC 80–231 45 FR 32013 (May 15, 1980) at paragraph 22.

[3] Op cit., paragraphs 28, 29.

[4] Technical Memorandum No. 13, *Investigation of Spectral Efficiencies Achievable in Distribution Automation Systems by Various Modulation Techniques at 900 MHz*, Research and Analysis Division, Office of Chief Scientist, FCC, May 30, 1980.

11. We have also decided in the interest of obtaining maximum use of the spectrum to modify the frequency plan proposed in the *Further Notice*. We will still allocate the 928–929 and 952–953 MHz frequency bands for energy distribution automation and other multiple address radio systems. However, we are modifying the channelization of these bands to create 40 frequency pairs with a spacing of 24 MHz between transmit and receive frequencies. Utilizing a channel bandwidth of 25 kHz, 40 frequency pairs can be derived from these two bands. But, because of adjacent channel interference potential, a 100 kHz guard band is being provided to licensees utilizing the operational-fixed frequency of 953.0 MHz. This guard band will prevent the assignment of 6 frequencies adjacent to 953.0 MHz. Consequently, of the 40 possible frequencies obtainable in the 952–953 MHz band, only 34 will be available for assignment. The other half of the frequency pairs that are in the 928–929 MHz band do not have this problem, thus allowing all 40 frequencies to be utilized. Of these 40 frequencies, 34 will be paired with 952–953 MHz frequencies, and the remaining 6 will be unpaired.[5] In this proceeding we are allocating 20 of the possible 34 paired frequencies for the exclusive use of the Power Radio Service for distribution automation radio systems. The remaining 14 paired frequencies, the 6 unpaired frequencies in the 928 MHz area, and the 14 unpaired frequencies in the 956 and 959 MHz areas will be dealt with in other related proceedings in this Docket.[6]

12. SOI suggested a reduction in the mileage separation between system service areas from the proposed 70 miles to 50 miles. It appears, however, based on a review of the other comments submitted, that distribution automation remote stations are likely to use omni-directional rather than directional antennas. Therefore, we conclude that the protection distance of 70 miles will be required. We do, however, agree with SOI's statement that in systems where remote stations employ directional antennas and low power transmitters, that a smaller protection distance could be employed, thereby increasing frequency re-use and spectrum efficiency. However, since at this time it is not known where these frequencies will be utilized, and also because of the random pattern of locations of distribution automation remote stations, we believe that there is a potential for interference should systems employing omni-directional antennas be located in closer proximity to other systems employing directional antennas. We are therefore adopting the 70 mile distance between system service area borders which we proposed. Power Radio Service applicants will be required to submit either an engineering analysis showing that the interference protection criteria has been met, or an approved coordination statement from the Power Radio Service Coordinating Committee.

13. The American Gas Association (AGA) has asked that we reconsider our decision, stated in paragraph 40 of the *Further Notice*, not to allow the operation of mobile units. AGA stated that the development of mobile units for meter reading is just beginning, and that many distribution automation functions will be accomplished by these mobile systems. UTC, in support of AGA, proposes that "mobile master station" operation be permitted in the 952, 956, and 959 MHz bands on a case-by-case basis, if it can be shown that mobile requirements cannot be met on existing mobile allocations, and that the mobile system will now cause interference to fixed operations for stations. SOI has also requested that mobile master stations be allowed.

14. We have considered these arguments and we agree that, in certain cases, there is some merit in allowing limited mobile operation, such as in extremely remote areas, or when very low power equipment and directional antennas are used. We will therefore allow secondary mobile operations on the 952 MHz master station frequencies on a case-by-case basis.

15. The Central Committee on Telecommunications of the American Petroleum Institute (API), SIRSA, and SOI requested that the unpaired frequencies allocated for use in one-way single frequency systems, also be allowed to be used in two-way systems, namely, a transmission from a master station and a subsequent response, on the same frequency, by the remote station. API also requested that the unparied channels be permitted to be used in a paired configuration, if all paired assignments were authorized in a particular area. Since this phase of this proceeding is not addressing the unpaired frequencies, their use will be considered as part of our action in the Third Notice of Proposed Rule Making.

16. Some of the comments expressed concern about the necessity for frequency coordination when applying for the frequencies that are available to all eligible Part 94 users. The question of frequency coordination concerning use of the frequencies that are not exclusively assigned to the Power Radio Service will be addressed in the Third Notice of Proposed Rule Making.

17. SOI, in its comments, also requested sharing of the channels proposed for Power Radio Service eligibles in rural or remote areas of the country and in offshore locations. Although we denied a similar request from the American Petroleum Institute earlier in this proceeding, upon further consideration of this matter we believe that some sharing of these frequencies, on a secondary basis, in rural and remote areas and offshore is possible. Therefore, we have decided to consider such requests on a case by case basis and where appropriate to grant the necessary waivers.

18. Telocator Network of America (Telocator), has filed a Petition for Reconsideration to our action in the *Further Notice* which denied their request, made in earlier comments in this proceeding, to allow the radio common carriers (RCCs) to use some of these frequencies in order to control wide area paging systems. We have considered this request and will also address this issue in the Third Notice of Proposed Rule Making.

19. In summary, we conclude that the public interest will be served by allocating frequencies in the 928–929 MHz bands for use by public utilities for use in energy distribution automation radio systems. To this end, we are allocating 20 frequency pairs to the Power Radio Service. However, should the projected usage of these frequencies not materialize, we will revisit the allocation to determine if other actions would be appropriate. In addition, we wish to encourage the development of radio systems on these frequencies that could be commonly shared by other entities such as water, gas, and private security companies, which could also utilize a common remote transceiver located on a customer's premises. Therefore should power licensees so request, we will consider extending eligibility to other radio services for sharing the use of these systems.

20. Finally, the remaining frequencies developed in this allocation, consisting of 14 frequency pairs and 20 unpaired frequencies, will be temporarily reserved until their use can best be determined by future actions resulting from the Third Notice of Proposed Rule Making. Parameters for the use of the 20 frequency pairs we are allocating to the Power Radio Service, interference protection criteria, technical standards,

[5] These unpaired frequencies are in addition to the 14 unpaired frequencies proposed at 956 and 959 MHz in the *Further Notice*.

[6] A Third Notice of Proposed Rule Making will be issued on this subject.

and application filing requirements are set forth in the attached Appendix B.[1]

21. Accordingly, IT IS ORDERED, effective January 22, 1981, that Parts 2, 22, and 94 of the Rules ARE AMENDED as shown in Appendix B attached hereto. The authority for this action is found in Section 4(i) and 303(r) of the Communications Act of 1934, as amended. IT IS FURTHER ORDERED That the Secretary shall cause a copy of this Report and Order to be published in the **Federal Register.**

Federal Communications Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

William J. Tricarico

Secretary.

Appendix A

Parties Filing Comments and Reply Comments in Docket 79-18

Comments

Standard Oil Company (Indiana) (SOI)
American Gas Association (AGA)
Utilities Telecommunications Council (UTC)
Telocator Network of America (Telocator)
National Telecommunications and Information Administration (NTIA)
Motorola, Inc.
American Petroleum Institute (API)
Special Industrial Radio Services Association (SIRSA)
American Telephone and Telegraph Company (AT&T)

Reply Comments

Utilities Telecommunications Council (UTC)
Motorola, Inc.
Southern Company Services
Taylor County Electric Cooperative
The Central Nebraska Public Power and Irrigation District
Tri-State Generation and Transmission Association, Inc.
National Telecommunications and Information Administration
Long Island Lighting Company
American Telephone and Telegraph Company (AT&T)
American Electric Power Services Corporation
Southern California Edison Company

Appendix B

Chapter I, Parts 2 and 94 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS GENERAL RULES AND REGULATIONS

1. In § 2.106, the Table of Frequency Allocations is amended for the bands 928–947 MHz and 952–960 MHz to read:

§ 2.106 Table of Frequency Allocations.

Federal Communications Commission

Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services of station
7	8	9	10	11
* * * *	* * * *	* * * *	* * *	*
928–929 (NG 120)	Fixed	Operational fixed		
929–947	Land mobile			Reserve.
* * * *	* * * *	* * * *	* * *	*
952–960 (NG10) (NG 120)	Fixed mobile (multiple address systems).	International fixed public (Puerto Rico and Virgin Island only).		
		International control, Operational fixed.	*	
* * * *	* * * *	* * * *	* * *	*

2. In the list of footnotes immediately following the table in § 2.106, a new footnote NG 120 is added to read as follows:

* * * * *

NG 120. Frequencies in the 928–929 and 952–960 MHz bands may be assigned for multiple address systems as specified in Part 94.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

1. In § 94.1, paragraph (b) is revised as follows:

§ 94.1 Basis and purpose.

* * * * *

(b) The purpose of the rules in this part is to prescribe the manner in which operational-fixed radio facilities may be licensed and operated in the microwave spectrum of 928–929 MHz and above 952 MHz.

2. In § 94.3, the following definitions are added in appropriate alphabetical order, and the definition of *Microwave* is revised to read as follows:

§ 94.3 Definitions

* * * * *

Master station. A station operating on frequencies in the 952–953 MHz band, which either controls, activates or interrogates remote stations, and/or receives from multiple remote stations.

* * * * *

Multiple address. A one or two-way radio system utilizing microwave frequencies listed in Section 94.65(a)(1). Operation is normally from a fixed or mobile station transmitting and/or receiving (usually in an omnidirectional pattern) to and/or from multiple fixed remote stations.

* * * * *

Remote station. A station operating on frequencies in the 928–929 MHz band which is either controlled, activated, or interrogated by, and may respond to a master station, or transmits one-way to a master station.

* * * * *

Microwave. For the purposes of this part, frequencies from 928–929 MHz and those above 952 MHz.

3. In § 94.15, paragraph (g) is revised to read as follows:

§ 94.15 Policy governing the assignment of frequencies.

* * * * *

(g) Except as provided in paragraph (h) of this Section, applicants requiring multiple transmit frequencies employed on separate paths from a single station location will not normally be authorized more than four of the transmit frequencies available in the band. Further, master and remote stations using frequencies listed in Section 94.65(a)(1) will not normally be authorized more than two frequency pairs.

* * * * *

4. In § 94.25, a new paragraph (j) is added to read as follows:

[1] It should be noted that only the frequencies listed in Section 94.65(a)(1) of the Appendix are available for distribution automation and multiple address systems. The frequencies listed in Section 94.65(a)(2), (3) and (4) are for normal Operational-Fixed use, and are listed in the Appendix for editorial purposes only.

§ 94.25 Filing of applications.

* * * * *

(j) For stations operating on frequencies listed in Section 94.65(a)(1), applications may include any number of remote stations in a single application, but must specify the geographic service area of the applicant in which these remote stations will be located. A separate application must be filed for each master station.

5a. In § 94.27, paragraph (a) is amended by adding a new subparagraph (5).

§ 94.27 Application and standard forms.

(a) * * *

(5) New section authorization or modification of license for each master station of a system consisting of a master station and its associated remote stations.

* * * * *

6. In § 94.61, add the following entry to the Table in paragraph (b), and add footnote 19 to read as follows:

§ 94.61 Applicability.

* * * * *

Frequency Band (MHz)	
928 to 929	(19)

* * * * *

[19] Frequencies in this band are paired with the band of 952-953 MHz and are limited for use by multiple address remote stations.

7. In § 94.63, paragraph (d) is amended by adding new subparagraphs (4) and (5) as follows:

§ 94.63 Interference protection criteria for operational-fixed stations.

* * * * *

(d) * * *

(4) Applicants for frequencies listed in Section 94.65(a)(1) shall make the following showings that protection criteria have been met over the entire service area of existing systems. Such showings may be made by the applicant or may be satisfied by a statement from a Frequency Advisory Committee. For frequencies available to more than one service, the Frequency Advisory Committee shall affirmatively show that coordination with similar Committees for the other services has been accomplished.

(i) A statement that the border of applicants service area is no closer than 70 miles from the service area of existing licensees using the same frequency pair(s) as applicant.

(ii) In cases where the geographic separation standard in paragraph (i) above is not followed, an engineering analysis will be submitted to show the coordination of the proposed assignment with existing systems located closer than those standards. The engineering analyses will include:

(A) Specification of the interference criteria and system parameters used in the interference study.

(B) Nominal service areas of each system included in the interference analysis.

(C) Modified service areas resulting from the proposed system. The propagation models used to establish the service boundary limits must be specified and any special terrain features considered in computing the interference impact should be described.

(D) A statement that all parties affected have agreed to the engineering analysis and will accept the calculated levels of interference.

(5) Frequencies in the 952 MHz band may be assigned for use by mobile master stations on a case-by-base basis, upon a showing that the mobile requirement cannot be met on existing mobile allocations and upon a showing of no interference to fixed systems. Mobile operation shall be on a secondary basis to fixed operations.

* * * * *

8. In § 94.65, paragraph (a) is revised as follows:

§ 94.65 Frequencies.

* * * * *

(a) *928–929 and 952–960 MHz*

(1) 25 kHz maximum bandwidth.[1 2 3] Persons licensed on these frequencies as of January 1, 1981, may continue to operate as licensed until January 1, 1991.

Paired Frequencies

Remote transmit	Master transmit
928.3625	952.3625
928.3875	952.3875
928.4125	952.4125
928.4375	952.4375
928.4625	952.4625
928.4875	952.4875
928.5125	952.5125
928.5375	952.5375
928.5625	952.5625
928.5875	952.5875
928.6125	952.6125
928.6375	952.6375
928.6625	952.6625
928.6875	952.6875
928.7125	952.7125
928.7375	952.7375
928.7625	952.7625
928.7875	952.7875
928.8125	952.8125
928.8375	952.8375

(2) 50 kHz maximum bandwidth.

Paired Frequencies

Transmit (or receive)	Receive (or transmit)
956.65	953.05
956.75	953.15
956.85	953.25
956.95	953.35
957.05	953.45
957.25	953.65
957.35	953.75
957.45	953.85
957.65	954.05
957.75	954.15
957.85	954.25
958.05	954.45
958.15	954.55
958.25	954.65
958.45	954.85
958.55	954.95
958.65	955.05
958.85	955.25
958.95	955.35
959.05	955.45
959.25	955.65
959.35	955.75
959.45	955.85
959.55	955.95
959.65	956.05

(3) 100 kHz maximum bandwidth.

Paired Frequencies

Transmit (or receive)	Receive (or transmit)
956.6	953.0
956.7	953.1
956.8	953.2
956.9	953.3
957.0	953.4
957.1	953.5
957.2	953.6
957.3	953.7
957.4	953.8
957.5	953.9
957.6	954.0
957.7	954.1
957.8	954.2
957.9	954.3
958.0	954.4
958.1	954.5
958.2	954.6
958.3	954.7
958.4	954.8
958.5	954.9
958.6	955.0
958.7	955.1
958.8	955.2
958.9	955.3
959.0	955.4
959.1	955.5
959.2	955.6
959.3	955.7
959.4	955.8
959.5	955.9
959.6	956.0
959.7	956.1

(4) 200 kHz maximum bandwidth.

Paired Frequencies

Transmit (or receive)	Receive (or transmit)
957.15	953.55
957.55	953.95
957.95	954.35
958.35	954.75
958.75	955.15
959.15	955.55

[1] Available only to persons eligible under 90.63 for licensing in the Power Radio Service for use in multiple address electric, gas, water, or steam utility distribution automation system operations.

[2] When required, upon justification, two adjacent channels may be assigned to provide 50 kHz bandwidth.

[3] The frequencies in the 952 MHz band may be assigned for use by mobile master stations on a case-by-case basis in accordance with § 94.63(d)(5).

9. In § 94.67, add the following entry to the Table in paragraph (a).

§ 94.67 Frequency tolerance.

(a) * * *

Frequency band MHz	Tolerance as percentage of assigned frequency
928-929	0.0005

* * * * *

10. In § 94.71 a new entry for the 928–929 MHz band in paragraph (b) is added, the entry for the 952–960 band is revised, new footnotes 6 and 7 are added, and a new paragraph (f) is added to read as follows:

§ 94.71 Emission and bandwidth limitations.

* * * * *

(b) The maximum bandwidth which will be authorized per frequency assigned is as follows:

Frequency band MHz	Maximum authorized bandwidth
928-929	[6] 25 kHz
952-960	[7] 25, 50, 100 or 200 kHz

* * * * *

[6] 25 kHz applies only to the frequencies listed in Section 94.65(a)(1).

[7] Consideration will be given on a case-by-case basis to assigning these frequencies to systems employing 50 kHz bandwidth.

* * * * *

(f) For stations utilizing frequencies listed in Section 94.65(a)(1), pulse code modulation techniques will only be granted on a case-by-case basis upon an engineering evaluation of the impact on existing and future systems and needs.

11. In § 94.73, add the following entries for the 928–929 MHz band to paragraphs 1 and 2.

§ 94.73 Power limitations.

* * * * *

(1)

	Maximum transmitter output power (Watts)
Frequency band: 928–929 MHz	5

* * * * *

(2)

	Maximum allowable ERP[5] dBm
Frequency band: 928–929 MHz	47

* * * * *

12. In § 94.75, footnote 1 in the Table in paragraph (b) is revised, and a new paragraph (g) is added to read as follows:

§ 94.75 Antenna limitations.

* * * * *

(b) * * *

[1] Except for frequencies listed in § 94.65(a)(1) where omnidirectional antennas may be used

* * * * *

(g) For frequencies listed in § 94.65(a)(1), the maximum beamwidth may be 360 degrees. The provisions of paragraph (b) of this section shall not apply to stations licensed on these frequencies where omnidirectional antennas are used.

13. In § 94.107, paragraph (c) is added to read:

§ 94.107 Posting of station authorization, and transmitter identification cards, plates, or signs.

* * * * *

(c) The requirements in paragraphs (a) and (b) of this section do not apply to remote stations using frequencies listed in § 94.65(a)(1).

[FR Doc. 81-3477 Filed 1-29-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Public Entry and Use Regulations; Correction

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Special regulation; correction.

SUMMARY: This document corrects a special regulation relating to public entry and use and the opening of certain national wildlife refuges in Arizona and California published at 45 FR 83239, December 18, 1980.

FOR FURTHER INFORMATION CONTACT: Havasu National Wildlife Refuge, P.O. Box A, Needles, CA 92363. Contact: Tyrus W. Berry, Refuge Manager at 714–326–3853.

SUPPLEMENTARY INFORMATION: In FR Doc. 80–39250, appearing on page 83239 of the issue for Thursday, December 18, 1980, item 14 should be changed.

On page 83241, under the heading "Arizona and California", paragraph (14) appearing in the second column under "Havasu National Wildlife Refuge" is corrected to read:

§ 26.34 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

* * * * *

(14) Concession residents who repeatedly violate refuge regulations can and will be barred from living on or using refuge lands and facilities.

Dated: January 22, 1981.

Albert W. Jackson,

Area Manager, Phoenix, Arizona.

[FR Doc. 81-3467 Filed 1-29-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 20
Friday, January 30, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Proposed Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposal to amend rules and regulations governing the exemption for the handling of California-Arizona lemons for commercial processing into by-products. The proposed action is designed to clarify the basis for such exemption and specify safeguards to prevent lemons shipped under exemption from entering regulated fresh markets.

DATES: Comments must be received on or before February 17, 1981.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250, where they will be available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Draft Impact Analysis relative to this proposed action is available on request from Mr. Doyle.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under the USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and is classified "not significant." The proposal is being published with less than a 60-day comment period because there is insufficient time between the date when the information upon which it is based became available and the effective date necessary to effectuate the declared policy of the act.

The Department is considering issuing the proposed amendment of Subpart—Rules and Regulations under Marketing Agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Lemon Administrative Committee, which locally administers the marketing order program.

The committee believes the proposed amendment is necessary to prevent lemons shipped under marketing order exemption provisions from entering into commercial channels of trade. The proposed amendment is designed to clarify criteria by which the committee determines eligibility for exemption. Under the proposal, applicants who desire to acquire lemons for commercial processing into by-products would need to provide specified information relating to their manufacturing operations and the intended disposition of the lemons, and have their names placed on the list of "approved by-products manufacturers" by the committee.

The proposal is to amend 7 CFR Part 910; Subpart—Rules and Regulations by revising paragraph (b) of § 910.180 to read as follows:

§ 910.180 Lemons not subject to regulation.

* * * * *

(b) *Approved by-products manufacturer.* (1) Any person who desires to acquire lemons as an approved by-products manufacturer for commercial processing into by-products, pursuant to § 910.80, must first apply to and obtain approval from the committee. Applicants for such exemption shall submit to the committee an application on LAC Form No. 104 containing the following information: (i) the name and address of applicant; (ii) the proposed type of by-product(s) to be made or derived from lemons; (iii) the approximate quantity of lemons to be used annually; (iv) a description of the product(s) to be manufactured and the equipment to be used in manufacturing such by-products and the capacity per hour thereof; (v) the intended disposition of unused components of the lemons; (vi) a statement describing the manner in which the by-product(s) will be sold, whether at wholesale, retail, or both; (vii) a statement whether lemon juice will be pasteurized and, if so, a description of the manner in which such pasteurization will be accomplished; (viii) the location of the plant(s); (ix) a statement that the lemons acquired hereunder will be used for by-products manufacturing only and will not be resold or disposed of in fresh fruit channels; and (x) an agreement to submit such reports as may be required by the committee. (2) Such application shall be referred to the committee's Compliance Department for investigation and reported back to the committee. The committee shall approve the application if, in its opinion: (i) the applicant's principal occupation is manufacturing food by-products, including lemon by-products; (ii) all lemon by-products, including juice, will be sold at wholesale only; (iii) the applicant agrees to submit such reports as may be required by the committee; (iv) the lemons obtained under this exemption will not be resold or disposed of in fresh fruit channels; and (v) approval of the application will not be contrary to the purposes of this part. If an application is denied, the committee shall within a reasonable time inform the applicant in writing of the facts and reasons therefor, and afford the applicant an opportunity, either orally or in writing, to present opposing facts and reasons. If the application is approved, the applicant's name shall be placed on the list of approved by-products manufacturers. The applicant shall be informed of the committee's determination in a timely manner. (3) A commercial processor on the list of approved by-products manufacturers who: (i) fails to commercially process lemons into by-products for a period of one year or more; (ii) sells or otherwise disposes of any lemon by-products manufactured from lemons at the retail level; (iii) sells or otherwise disposes of lemons obtained under this exemption in fresh fruit channels; (iv) fails or refuses to submit reports required by the committee, may be determined by the committee to be ineligible to acquire lemons under this exemption and the committee may suspend or remove its name from the list of approved by-products manufacturers for such time as the committee deems appropriate in the circumstances. Prior to making such determination the committee shall give

the processor reasonable advance notice in writing of its intention, the facts and reasons therefor; and afford the processor an opportunity, either orally or in writing, to present opposing facts and reasons. After a processor's name has been removed from the list of approved by-products manufacturers, it must submit a new application and secure approval of the committee in order to acquire exempt lemons pursuant to § 910.80.

* * * * *

Dated: January 27, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-3557 Filed 1-30-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 985

Spearmint Oil Produced in the Far West; Proposed Amendment of Subpart—Administrative Rules and Regulations; Addition of Rules

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Sections 985.52, 985.54 and 985.55 of the order authorize the Spearmint Oil Administrative Committee to establish rules and regulations to implement those sections. The proposed rules would facilitate issuance of annual allotments to producers by the Spearmint Oil Administrative Committee and provide a method for identifying spearmint oil.

DATES: Comments must be received by April 15, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5053. The Final Impact Statement on this proposed rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant".

The proposal is to amend Subpart—Administrative Rules and Regulations (7 CFR 985.156; 45 FR 71759) by adding §§ 985.152, 985.154 and 985.155. The subpart is pursuant to Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West (hereinafter referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action was unanimously recommended by the Spearmint Oil Administrative Committee.

Section 985.52 of the order provides for the issuance by the Committee of volume regulations for spearmint oil. In order to enable the Committee to determine whether handlers are complying with these regulations, new § 985.152 would prescribe procedures for reporting acquisitions of oil by handlers from producers of any class of oil for which a volume regulation has been established. Section 985.152 also would prescribe procedures giving each producer a record of how much of that producer's annual allotment remains unused after each acquisition.

Section 985.54 of the order pertains to the issuance of annual allotments by the Committee to producers. A new § 985.154 would prescribe a procedure for the issuance of an annual allotment to a producer, so long as the producer is a registered holder of an allotment base. In applying for the annual allotment, the producer would furnish certain information to the Committee to aid in the administration of the order.

Section 985.55 of the order pertains to the identification of oil. To carry out the requirements of § 985.55, new § 985.155 would prescribe procedures for identification. Under that section, a producer would have to record the distillation of each class of oil on a "Still Form" and submit this form to the Committee prior to delivery of the oil either to a handler for handling as salable oil or to the Committee or its designee for storage as excess oil. Producers who do not deliver their oil but retain it would have to submit the "Still Form" within 15 days following completion of the distillation of any class of oil.

Therefore, the proposal is to amend Subpart—Administrative Rules and Regulations (7 CFR 985.156; 45 FR 71759) by adding §§ 985.152, 985.154 and 985.155 to read as follows:

§ 985.152 Handling report.

Whenever an allotment percentage has been established for a class of oil, each handler shall file at least the following information with the Committee for each lot of that class of oil acquired by the handler from a producer: (a) Name of producer; (b) name of handler; (c) class of oil acquired; (d) date of acquisition; (e) date when oil was produced; (f) net weight of oil in the lot; (g) quantity of that class of oil in the producer's annual allotment available for handling before this acquisition; and (h) quantity of oil remaining in the producer's annual allotment after this acquisition. This information shall be filed on Form H-2 (Handling Report). The handler or the handler's agent and the producer or the producers' agent shall sign the Handling Report. The original copy shall be forwarded to the Committee accompanied by a copy of the purchase voucher or other document showing net weight and the identification number of each drum of oil. Upon acquisition, the handler or the handler's agent also shall fill in the applicable information on the back of the producer's Annual Allotment Certificate, showing that the acquired oil was within the unused portion of the producer's annual allotment.

§ 985.154 Issuance of annual allotments.

(a) Each producer who is a registered holder of an allotment base, and desiring an annual allotment for the ensuing marketing year, shall apply to the Committee for that allotment. The registered holder shall apply on form G-3 (Request for Annual Allotment) and furnish at least the following information: (1) The number of acres of each species (Scotch or Native) of spearmint planted, or intended to be planted for harvest in the ensuing marketing year; (2) whether the spearmint to be harvested in the ensuing marketing year is baby mint (first year harvest) or mature mint (second year or older harvest), and (3) any changes in location or production as reported for the preceding year.

(b) In order to enable the Committee to insure compliance and verify reported information, each producer requesting an annual allotment shall permit the Committee or its representatives, whenever necessary, to measure the producer's spearmint acreage.

§ 985.155 Identification of oil by producer.

Following the distillation of oil and prior to delivery either to a handler for handling as salable oil or to the Committee or its designee for storage as excess oil, each producer shall submit Form H-1 (Still Form) to the Committee: *Provided*, That any class of oil retained by a producer shall be reported on Form H-1 to the Committee within 15 days following the completion of its distillation. Form H-1 shall contain at least the following information:

(a) Producer's name and address; (b) date the oil was put into the drum; (c) class of oil in the drum; (d) drum identification number; (e) approximate

net weight of the oil; (f) handler's pickup receipt number, when applicable; (g) destination of oil for storage; (h) name of the firm where the oil was distilled; and (i) name of the person preparing the form.

Dated: January 27, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-3555 Filed 1-29-81; 8:45 am]

BILLING CODE 3410-02-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 5

Economic and Public Interest Requirements for Contract Market Designation; Extension of Time

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: On November 5, 1980, the **Federal Register** published (45 FR 73504) the Commission's proposed rule clarifying the requirements boards of trade must comply with for initial and continued designation as contract markets, under Sections 5 and 5a of the Commodity Exchange Act, 7 U.S.C. §§ 7 and 7a (1976 and Supp. III 1979). The comment period on that proposed rule expires on February 1, 1981.

The Commission has received requests for an extension of the comment period. Because the Commission wishes to ensure that all interested parties have an opportunity to complete and submit their comments, it has determined to allow an additional thirty days for public comment.

DATE: Accordingly, notice is hereby given that all comments on the Commission's proposed Rule 5.1 (45 FR 73504, November 5, 1980) must be submitted by March 1, 1981.

FOR FURTHER INFORMATION CONTACT: John P. Connolly, Chief Counsel, Division of Economics and Education (202) 254-3821.

Issued in Washington, D.C. on January 27, 1981, by the Commission.

Jane K. Stuckey,

Secretary for the Commission.

[FR Doc. 81-3554 Filed 1-29-81; 8:45 am]

BILLING CODE 6351-01-M

17 CFR Part 5

Dormant and Low Volume Contracts; Extension of Time

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: On November 5, 1980, the **Federal Register** published (45 FR 73499) the Commission's proposed Rules 5.2 and 5.3 concerning dormant and low volume contracts. The comment period on these proposed rules expires on February 1, 1981.

The Commission has received requests for an extension of the comment period. Because the Commission wishes to ensure that all interested parties have an opportunity to complete and submit their comments, it has determined to allow an additional thirty days for public comment.

DATE: Accordingly, notice is hereby given that all comments on the Commission's proposed Rules 5.2 and 5.3 (45 FR 73499, November 5, 1980) must be submitted by March 1, 1981.

FOR FURTHER INFORMATION CONTACT: John P. Connolly, Chief Counsel, Division of Economics and Education (202) 254-3821.

Issued in Washington, D.C. on January 27, 1981, by the Commission.

Jane K. Stuckey,

Secretary for the Commission.

[FR Doc. 81-3553 Filed 1-29-81; 8:45 am]

BILLING CODE 6351-01-M

17 CFR Parts 12 and 140

Commission Review of Initial Decisions in Reparation Proceedings; Delegation of Authority to Chief of the Opinions Section

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed Rules.

SUMMARY: The Commodity Futures Trading Commission proposes to amend its rules governing the review of initial decisions in reparation proceedings. At present, review can be obtained by the Commission granting an application for review or upon the Commission's own motion. It is not necessary that the party file a brief when seeking review. The Commission now proposes to provide for an appeal procedure whereby the appealing party must submit a brief to the Commission. This proposal is designed to utilize Commission resources more efficiently and to develop a more complete jurisprudence of Commission policy and precedent under the Commodity Exchange Act.

DATE: Comments on the proposed rules should be submitted on or before March 31, 1981.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 ATTN: Secretariat.

FOR FURTHER INFORMATION CONTACT: Richard A. Graham, Associate General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254-8183.

SUPPLEMENTARY INFORMATION: Under Section 14(a) of the Commodity Exchange Act, as amended, 7 U.S.C. 18(a) (Supp. III 1979), any person complaining of a violation of the Act or any rule, regulation or order thereunder, by any person registered or required to be registered with the Commission, may apply to the Commission for a reparation award by filing a complaint with the Commission within two years after the cause of action accrues. If the facts warrant such action, and certain other conditions are met, the matter is forwarded for a hearing before an Administrative Law Judge. The Administrative Law Judge enters findings of fact and conclusions of law and renders an initial decision and order in the case.[1] The initial decision and order includes a determination of whether the respondent has violated the law, and the amount of damage, if any, to which the complainant is entitled as a result of the violation. The respondent is directed to pay to the complainant the amount of the reparation award, if any, on or before a date established in the order.

Commission Rules 12.67(f), 12.84(e) and 12.95(e), 17 CFR 12.67(f), 12.84(e) and 12.95(e), provide that the initial decision and order, including those rendered as a result of summary disposition, becomes the final decision unless Commission review is sought. Under present procedures, a party may seek review of an initial decision and order by filing an application for review with the Commission, in accordance with Commission Rule 12.101, 17 CFR 12.101.[2]

[1] In cases in which the amount claimed does not exceed $5,000.00 or in which the parties have waived hearing, the initial decision and order are based on written documents. *See* Section 14(b) of the Act, 7 U.S.C. 18(b) (Supp. III 1979) and Commission Rules 12.71, 12.91-12.95, 17 CFR 12.71, 12.91-12.95.

[2] The Commission may also grant review of an initial decision on its own motion. That authority will be retained by the Commission under the proposed rules.

The Commission has perceived certain undesirable consequences flowing from the present review process. The Commission has granted review in a comparatively limited number of cases, given the number of applications filed. When the Commission denies review, the initial decision of a particular Administrative Law Judge becomes final. Nevertheless, this decision has no binding precedential effect as a Commission decision on the other Administrative Law Judges, despite the fact that in many cases the Commission, although it finds no issue warranting its review, does agree with most or all of the initial decision.[3]

Under the present rules, the party seeking review is required to submit a petition outlining those elements of the initial decision with which it disagrees; the party does not file an accompanying brief. A response to the petition may be filed by the opposing party. In passing upon the application and any response the Commission, of necessity, considers the case and the issues raised. Should review be granted, the parties are required to file full briefs and the Commission will again consider the matter after the briefs are filed. Thus, despite the fact that the Commission is equipped in many cases to decide the issues raised upon presentation of the application for review and response thereto, both the parties and the Commission will address the matter twice when review is granted. This process is duplicative in many instances, wasteful of Commission resources and results in delay.

Accordingly, the Commission proposes to amend the rules governing its review of initial decisions in reparation proceedings so that the public and the Administrative Law Judges will have the benefit of a Commission decision rendered in a single stage review process. Since the Commission has only granted review in a limited number of cases, it anticipates that it will be able to dispose of most appeals under the proposed procedures by a simple affirmance of the initial decision or an affirmance with some minor modifications to ensure consistent development of the law. Further, by requiring an appealing party to submit a brief, the Commission hopes to discourage the filing of frivolous applications for review and generally to expedite the appellate process. Finally, certain other rules are proposed to increase the flexibility of the Commission review process.

The following is a summary of the more significant changes to be effected by the proposed rules:

1. Under proposed Rule 12.101, any party to a reparation proceeding may appeal an initial decision, or other final disposition of a case as certified by the Presiding Officer, by filing with the Commission and serving on the other parties, a notice of appeal. The notice must be filed and served within 15 days after service of the initial decision. To perfect the appeal, the appealing party must file and serve, within 30 days after notice of appeal, an appeal brief. Upon consideration of the appeal brief, the Commission will determine whether issues are presented warranting briefing by the opposing party, or whether the exceptions noted may be disposed of on a summary basis. See Proposed Rule 12.101(c). The Commission also proposes to expand its existing delegation to the Chief of the Opinions Section in Rule 140.71 to include the authority in proposed rules 12.101(c) and 12.103 to determine whether the filing of a brief by the opposing party is warranted and to consolidate appeal when the issues presented in two or more proceedings on appeal are substantially similar. The Commission generally will consider only issues raised by the parties on appeal although it may, in its discretion, broaden the scope of review to include such additional issues as it deems appropriate. See proposed Rule 12.101(e).

A party's failure timely to appeal an initial decision or other final disposition of a case or to raise an issue on appeal constitutes a voluntary waiver of exception to the Commission's final disposition of the case, or issue, and a voluntary waiver of the corresponding right to appellate review. See proposed Rules 12.101(a)(1) and 12.101(e). These provisions are intended to make clear to the parties that the Commission will consider failure to take an appeal to the Commission as a consent to the finality of the Presiding Officer's initial decision.[4]

2. A brief in response to an appeal brief is not to be submitted unless requested by the Commission. This procedure will avoid unnecessary delay and briefing on issues which the Commission believes do not warrant extensive consideration or as to which the Commission is convinced of the correctness of the Presiding Officer's decision. See proposed Rules 12.101(b) and 12.101(c).

3. The Commission may reopen a hearing to adduce further evidence prior to the issuance of its final decision upon written application by any party or upon its own motion. The Commission will do so on application of a party only if it is satisfied that the additional evidence will be material and that there were reasonable grounds for failure to adduce the evidence at the hearing. The Commission may itself receive the additional evidence or may refer the case to the Presiding Officer for further proceedings. See proposed Rule 12.105.

4. Within 15 days of service of a final decision of the Commission, a party may file and serve a petition for reconsideration of the final decision solely as to new issues presented in the decision and as to which the petitioner has not had an opportunity to respond. The filing of the petition does not stay the effective date of the Commission's order or the provisions for judicial review pursuant to Section 14(g) of the Act, 7 U.S.C. 18(g). See proposed Rule 12.107.

5. Under proposed Rule 12.108, the Commission may adopt any procedure not specifically provided in Part 12 on its own motion or the motion of any party that promotes fair and expeditious consideration or disposition of the appeal and affords a reasonable opportunity to the parties to be heard.

6. Methods by which a reparation order may be satisified are explicitly set forth in proposed Rule 12.109.

The proposed rules pertain solely to agency procedure and practice. Accordingly, the requirements of notice and opportunity for participation by the public under Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b), do not apply.[5] Nonetheless, in view of the public interest attendant to the reparation process, the Commission has determined to publish the proposed rules for public comment. In this connection the Commission specifically requests comments on whether the existing reparation review procedures should be retained, what additional procedures might be included in the proposed rules and what specific procedures the Commission might adopt as alternatives to the proposed rules

[3] In some cases, the Commission has, in denying review, addressed with specificity certain issues set forth in the application for review. *See, e.g., Martin* v. *Rosenthal*, CFTC Docket No. R77-202, Order Denying Review (Sept. 26, 1980).

[4] Should a party decline to appeal to the Commission, thereby allowing the initial decision to become final, and then seek review from a Court of Appeals, the proposed rules provide and the Commission will assert that the party has waived its right to judicial review under Section 14(g) of the Act, 7 U.S.C. 18(g) (1976). *Cf. United States* v. *Consolidated Mines and Smelter Co., Ltd., 455 F.2d 432, 440 (9th Cir. 1971); Montgomery* v. *Ramsfield*, 572 F.2d 250, 253 (9th Cir. 1978).

[5] Thus, the requirements of the Regulatory Flexibility Act, P.L. 96-354, 5 U.S.C. 601 *et seq.*, do not apply. *See* 5 U.S.C. 603 which mandates a regulatory flexibility analysis for proposed rules only when an agency "is required * * * to publish general notice of proposed rulemaking.

that would serve to expedite the review process and develop a more complete jurisprudence under the Act.

Accordingly, pursuant to the authority in Sections 2(a)(4), 2(a)(11), 8a(5) and 14 of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(c), 4a(j), 12a(5) and 18, the Commission proposes to amend 17 CFR by revising §§ 12.67(f), 12.84(e), 12.95(e), 140.71(a)(2) and Subpart H of Part 12 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 12—RULES RELATING TO REPARATION PROCEEDINGS

§ 12.67 Summary disposition.

* * * * *

(f) *Review of ruling; appeal.* An order denying a motion for summary disposition is subject to interlocutory review under the provisions of § 12.47 on the same terms as a ruling on any other motion. An order granting summary disposition may be reviewed by the Commission, in accordance with the provisions of § 12.101 relating to appeals of initial decisions.

* * * * *

§ 12.84 Initial decision.

(e) *Effect of initial decision.* The initial decision and order shall become the final decision and order of the Commission thirty (30) days after service thereof except:

(1) The initial decision shall not become final as to a party who shall have appealed in accordance with § 12.101, pending the final decision by the Commission upon review of the initial decision.

(2) The initial decision shall not become final as to any party to the proceeding if, within thirty (30) days after the initial decision, the Commission itself shall have placed the case on its own docket for review or stayed the effective date of the initial decision.

In the event that the initial decision becomes the final decision of the Commission with respect to a party, that party shall be duly notified thereof by the Hearing Clerk. The notice shall state that the time for appeal by the party has expired, that the Commisison has determined not to review the initial decision on its own initiative and shall specify the date on which a final order in the proceeding shall specify the date on which a final order in the proceeding shall become effective as against that party.

* * * * *

§ 12.95 Initial decision.

* * * * *

(e) *Effect of initial decision.* The initial decision and order shall become the final decision and order of the Commission thirty (30) days after service thereof, except:

(1) The initial decision shall not become final as to a party who shall have appealed in accordance with § 12.101, pending the final decision by the Commission upon review of the initial decision.

(2) The initial decision shall not become final as to any party to the proceeding if, within thirty (30) days after the initial decision, the Commission itself shall have placed the case on its own docket for review or stayed the effective date of the initial decision.

In the event that the initial decision becomes the final decision of the Commission with respect to a party, that party shall be duly notified thereof by the Hearing Clerk. The notice shall state that the time for appeal by the party has expired, that the Commission has determined not to review the initial decision on its own initiative and shall specify the date on which a final order in the proceeding shall become effective as against that party.

Subpart H—Commission Review of Initial Decisions in Reparation Proceedings

§ 12.101 Commission review of initial decisions.

(a) *Notice of appeal.* (1) Any party to a reparation proceeding may appeal to the Commission an initial decision or other final disposition of the proceeding by the Presiding Officer as to all claims and all other parties. The appealing party shall serve upon all the other parties and file with the Hearing Clerk a notice of appeal within fifteen (15) days after service of the initial decision or other order terminating the proceeding, and shall thereafter file a brief as required by subsection (b) of this § 12.101. The failure of a party to notice an appeal or to perfect the appeal on a timely basis shall constitute a voluntary waiver of any exception to the final disposition of the case and of all further appellate review under these rules. Timely appeal to the Commission under these rules. Timely appeal to the Commission under these rules shall be a condition precedent to judicial review under Section 14(g) of the Act.

(2) When more than one claim for relief is presented in an action or when multiple parties are involved, the Presiding Officer, upon the motion of a party or upon his own motion, may direct that the initial decision or other order terminating a proceeding as to one or more, but fewer than all of the claims or parties, shall be a final disposition immediately appealable to the Commission. The Presiding Officer shall so direct only upon an express determination that there is no just reason for delay. In the absence of such direction by the Presiding Officer, any decision or order terminating the proceeding as to fewer than all the claims and all the parties is subject to revision at any time before the entry of a final dispositon as to all claims and all parties and no appeal may be taken to the Commission pursuant to this section until such final disposition. When an appeal is taken pursuant to this paragraph (a)(2), the Commission may stay the appeal on its own motion, if it believes that the appeal would best be considered at the termination of the entire proceeding.

(b) *Perfection of the appeal.* An appeal shall be perfected by the appealing party by timely serving and filing of an appeal brief. An original and ten (10) copies of the appeal brief shall be filed within thirty (30) days after filing of the notice of appeal. If the appeal brief is not timely filed, the appeal may be dismissed by the Commission on its own motion or on motion if the opposing party. By motion of the appealing party, the Commission may, for good cause shown, extend the time for filing the appeal brief. Unless otherwise directed by the Commission, all briefs and appendices shall prepared and filed in accordance with § 12.102 (d) and (e) of the Commission's Rules of Practice in this chapter; provided, that no brief shall exceed 30 pages, except by leave of the Commission, and that any party may file an informal document in lieu of a brief.

(c) *Summary action and answering briefs.* No party against whom an appeal is filed shall file an answering brief without leave of the Commission. The Commission, upon consideration of the brief of the party appealing, will determine whether the issues may be decided by affirmance on appeal without further briefing. If the Commission determines that such summary action is not warranted, it will either order the party against whom an appeal is filed (1) to file a brief as provided in paragraph (b) of this section and within the time directed by the Commission, treating such issues as the Commission deems appropriate or (2) to show cause why the Commission should not take summary action to modify or set aside the initial decision or make findings or conclusions which in its judgment are proper based on the record in the proceeding.

(d) *Oral argument.* Any party may request in writing and within the time provided for filing of that party's brief the opportunity to present oral argument before the Commission, which the Commission may in its discretion grant or deny. In the event the Commission affords a party the opportunity to present oral argument before the Commission, the oral argument shall be in accordance with the provisions of § 10.103 of the Commission's Rules of Practice in this chapter.

(e) *Scope of review.* The Commission will ordinarily consider only the issues presented on appeal, treating those not raised as waived. However, in its discretion, the Commission may broaden its review to include such other issues as it may direct. If such other issues are presented, all parties to the appeal shall be given the opportunity to submit a brief on those issues.

§ 12.102 Commission review on its own motion.

The Commission may, on its own motion, within (30) days after the initial decision has been served on all parties, direct review of the initial decision of a Presiding Officer. The Commission shall determine the scope of the review and make provisions for the filing of briefs, it deemed appropriate, or such other means for the parties to present their views to the Commission. The parties shall be duly notified thereof by the Hearing Clerk.

§ 12.103 Consolidation of cases for review.

Where the issues presented for review on appeal of two or more reparation proceedings are substantially similar, the Commission may join or consolidate those proceedings for review of any or all the matters in issue.

§ 12.104 The record of proceeding.

The record on appeal shall include: The pleadings; motions and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any statements or stipulations filed under the summary procedures; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders and briefs as may have been permitted to be filed in connection with the hearing; such statements of objections, and briefs in support thereof, as may have been filed in the proceedings; and the initial decision.

§ 12.105 Leave to adduce additional evidence.

At any time prior to issuance of the final decision the Commission may, upon its own motion or upon application in writing by any party, after notice to the parties and an opportunity for them to present their views, reopen the hearing to receive further evidence. An application by a party shall show to the satisfaction of the Commission that the additional evidence is material, and that there were reasonable grounds for failure to adduce such evidence at the hearing. The Commission may itself receive the additional evidence or may refer the proceeding to the Presiding Officer to receive the additional evidence.

§ 12.106 Commission decision.

(a) *Decision on review.* On review, the Commission may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial decision or other disposition of the Presiding Officer and make any findings or conclusions which in its judgment are proper based on the record in the proceeding. The Commission's decision shall be contained in its opinion and order. In the event that the Commission is equally divided as to its decision, the decision appealed from shall be affirmed by order without opinion.

(b) *Filing and service of final decision and order.* The Commission shall file with the Hearing Clerk its decision, a copy of which shall be served by the Hearing Clerk upon each of the parties.

§ 12.107 Reconsideration; clerical errors.

(a) *Petition for Reconsideration.* Within fifteen (15) days after service of a final Commission decision, any party may serve and file a petition for reconsideration, setting forth the relief desired and the grounds in support thereof. Any petition filed under this section must be confined to new questions raised by the final decision and concerning which the petitioner had no opportunity to present its views to the Commission. Unless the Commission orders otherwise, the filing of a petition for reconsideration shall not operate to stay the effective date of the Commission's order.

(b) *Correction of clerical error.* The Commission may on its own motion correct any clerical mistake or error in its final decision or at any time prior to the docketing of an appeal in the United States Court of Appeals.

§ 12.108 Other procedures on appeal to the Commission.

If the Commission determines at any time during the process of appeal to the Commission that a procedure not specifically set forth in this Part 12 would promote fair and expeditious consideration, while assuring a reasonable opportunity for all parties to be heard, the Commission may either on its own motion or the motion of any party adopt such a procedure upon notice to all parties.

§ 12.109 Satisfaction of reparation order.

A person required to pay a reparation award shall, within 15 days from the expiration of the period specified in the final decision and order of the Commission, file with the Hearing Clerk and serve on the other parties:

(a) A copy of a certified check or the equivalent showing satisfaction of the award;

(b) A sworn release executed by each recipient of a reparation award; or

(c) A sworn statement that a judicial appeal has been filed and perfected in accordance with section 14(g) of the Act, 7 U.S.C. § 18(g).

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

§ 140.71 Delegation of authority to Chief of the Opinions Section.

Pursuant to the authority granted under Sections 2(a)(4) and 2(a)(11) of the Commodity Exchange Act, as amended, 7 U.S.C. § 4a(c) and 4a(j), the Commodity Futures Trading Commission hereby delegates, until such time as the Commission orders otherwise, the following functions to the Chief of the Opinions Section, to be performed by him or by such person or persons under his direction as he may designate from time to time:

(a)(1) * * *

(2) With respect to reparation proceedings conducted pursuant to Section 14 of the Commodity Exchange Act, as amended, 7 U.S.C. 18, and subject to the Commission's reparation rules as set forth in Part 12 of this chapter, to consider and grant or deny such motions submitted under § 12.46(c) of the reparation rules as may be directed to the Commission pursuant to § 12.46(a) of the reparation rules after the initial decision has been filed in the proceeding, to order the filing of an answering brief by any party against whom an appeal is filed as set forth in § 12.101(c) of the reparation rules, and to consolidate cases for review as set forth in § 12.103 of the reparation rules.

* * * * *

Issued in Washington, D.C., on January 22, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-3550 Filed 1-29-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (New Mexico-2)]

High-Cost Gas Produced From Tight Formations; Ceiling Prices

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas subject to an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico Oil Conservation Division that the Atoka Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on February 25, 1981. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 10, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

SUPPLEMENTARY INFORMATION:

Issued: January 26, 1981.

I. Background

On January 15, 1981, the State of New Mexico Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 *Federal Register* 56034, August 22, 1980), that the Atoka Formation located in Lea County, New Mexico be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that the Atoka Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with New Mexico's recommendation. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation lies entirely with Lea County, New Mexico and underlies an area located approximately 9 miles north of Lovington, New Mexico, approximately 15 miles west of the Texas State border, and approximately 3 miles southwest of Tatum, New Mexico. The recommended area contains approximately 37,760 acres. The vertical limit to the top of the Atoka Formation ranges from 11,500 to 12,450 feet and averages 12,200 feet. The vertical limit of the base of the Atoka Formation is defined by the top of the Morrow Formation. The Atoka Formation ranges from approximately 700 to 900 feet in thickness.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7085, convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 *Federal Register* 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Atoka Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 25, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (New Mexico-2), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than February 10, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (29) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of

the jurisdictional agency that submitted the recommendation.

* * * * *

(17) through (28) [Reserved]

(29) *Atoka Formation in New Mexico.*

(i) *Delineation of formation.* The Atoka Formation is found in Lea County, New Mexico. RM79–76 (New Mexico-2).

(ii) *Depth.* The Atoka Formation is defined as that formation, the depth to the top of which ranges from 11,500 to 12,450 feet and averages 12,200 feet, and the bottom of which is defined by the top of the Morrow Formation.

[FR Doc. 81-3502 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Improving Government Regulations; Amended Semiannual Agenda of Significant Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Semiannual agenda.

SUMMARY: The Railroad Retirement Board hereby publishes an amended agenda of significant regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Dale G. Zimmerman, Acting Chief Executive Officer, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4930, FTS 387–4930.

SUPPLEMENTARY INFORMATION: Board published its final report under Executive Order 12044. In that report the Board stated that it would publish, on a semiannual basis, an agenda of significant regulations under development and review. The agendas for this year are to be published on January 30, 1981, and July 31, 1981.

As stated in previous agendas, the Board has undertaken a project to review and revise its regulations. In accordance with the Board's report under Executive Order 12044, the Boards Chief Exective Officer has issued determinations with respect to the majority of the parts of the Board's regulations that these regulations are not significant. However, in accordance with the spirit of Executive Order 12044 the Board has determined to include these parts in the semiannual agenda, as well as the parts determined to be significant. The agenda is divided into two parts; Part I lists significant regulations, and Part II lists those parts determined not be significant.

PART I—SIGNIFICANT REGULATIONS UNDER DEVELOPMENT OR REVIEW

(a) Railroad Retirement Act.

(1) Employer coverage regulations.

These regulations, currently found at 20 CFR Part 202, are being revised and will be renumbered.

(i) *Need for change:* Define the term "employer" as contained in the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 1(a) and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231(a) and 231f(b)(5)).

(iii) *Contact person:* Michael C. Litt, General Attorney, telephone number (312) 751–4929, FTS 387–4929.

(iv) *Regulatory analysis:* No determination made at this time.

(v) *Status:* Under development; proposed rule expected in first quarter 1982.

(2) Disability determinations.

Regulations currently found in 20 CFR Parts 208 and 237 will be revised and renumbered.

(i) *Need for change:* Define and establish disability standards under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 2 and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231a and 231f(b)(5)).

(iii) *Contact person:* Marilyn Berg, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

(b) Railroad Unemployment Insurance Act.

(1) Procedures and Forms.

The regulations currently found at 20 CFR 200.1(b) and 200.2 will be revised.

(i) *Need for change:* To bring the information up to date and eliminate references to obsolete forms and provisions of law.

(ii) *Legal basis:* Section 12 of the Railroad Unemployment Insurance Act (45 U.S.C. 362).

(iii) *Contact person:* Walter P. Witkovich, Chief, Division of Adjudication, Bureau of Unemployment and Sickness Insurance, telephone number (312) 751–4810, FTS 387–4810.

(iv) *Regulatory analysis:* No determination made at this time.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

(2) Initial determinations, reviews and appeals.

The regulations currently found at 20 CFR Part will be revised, and new sections will be added.

(i) *Need for change:* To incorporate due process requirements more fully.

(ii) *Legal basis:* Section 5 of the Railroad Unemployment Insurance Act (45 U.S.C. 355).

(iii) *Contact person:* Walter P. Witkovich, Chief, Division of Adjudication, Bureau of Unemployment and Sickness Insurance, telephone number (312) 751–4810, FTS 387–4810.

(iv) *Regulatory analysis:* No determination made at this time.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

(3) Recovery of benefits.

The regulations currently found at 20 CFR Part 340 will be revised.

(i) *Need for change:* To provide further information about waiver, compromise and interest on debts.

(ii) *Legal basis:* Section 2(d), 2(f), 4(a–1)(ii) and 12(o) of the Railroad Unemployment Insurance Act (45 U.S.C. 352 (d) and (f), 354(a–1(ii) and 362(o)); Federal Claims Collection Act (31 U.S.C. 952; and 4 CFR Part 101–105).

(iii) *Contact person:* Walter P. Witkovich, Chief, Division of Adjudication, Bureau of Unemployment and Sickness Insurance, telephone number (312) 751–4810, FTS 387–4810.

(iv) *Regulatory analysis:* No determination made at this time.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

PART II—REGULATIONS DETERMINED NOT TO BE SIGNIFICANT

(a) Railroad Retirement Act.

(1) Eligibility for an annuity.

Regulations currently found in 20 CFR Parts 208, 216, 232, and 237 will be revised, reorganized, and renumbered.

(i) *Need for change:* Define annuity eligibility under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 2 and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231a and 231f(b)(5)).

(iii) *Contact person:* Marilyn Berg, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1980.

(2) Application for an annuity or lump sum.

Regulations currently found in 20 CFR Parts 210, 232, 234, 237, and 238 will be revised, reorganized, and renumbered.

(i) *Need for change:* Define requirements for applications for

annuities under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 5 and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231d and 231f(b)(5)).

(iii) *Contact person:* Marilyn Berg, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1980.

(3) Annuity beginning and ending dates.

Regulations currently found in 20 CFR Parts 214, 232, and 237 will be revised, reorganized, and renumbered.

(i) *Need for change:* Define requirements of the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 5 and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231d and 231f(b)(5)).

(iii) *Contact person:* Marilyn Berg, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

(4) Evidence required for payment.

Regulations currently found in 20 CFR Part 239 will be revised and renumbered.

(i) *Need for change:* Define requirements of the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 2, 3, 4, 5, 6, and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231a, 231b, 231c, 231d, 231e, and 231f(b)(5)).

(iii) *Contact person:* Eloise Sandle, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

(5) Jurisdiction determinations.

(i) *Need for change:* Define requirements of the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 2, 7(b)(5) and 18 of the Railroad Retirement Act (45 U.S.C. 231a, 231f(b)(5), and 231q).

(iii) *Contact person:* Eloise Sandle, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

(6) Primary insurance amount determinations.

(i) *Need for change:* Describe computation of the primary insurance amount under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 3, 4, and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231b, 231c, and 231f(b)(5)).

(iii) *Contact person:* Marilyn Berg, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

(7) Computing employee and spouse annuities.

Current regulations found in 20 CFR Part 225 will be revised and renumbered.

(i) *Need for change:* Describe the computation of annuities under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 3, 4, and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231b, 231c, and 231f(b)(5)).

(iii) *Contact person:* Marilyn Berg, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

(8) Supplemental annuity computation.

(i) *Need for change:* Describe computation of supplemental annuities under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 3 and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231b and 231f(b)(5)).

(iii) *Contact person:* Marilyn Berg, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1982.

(9) Survivor annuity computation.

Regulations currently found in 20 CFR Part 237 will be revised, reorganized, and renumbered.

(i) *Need for change:* Describe computation of survivor annuities under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 4 and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231c and 231f(b)(5)).

(iii) *Contact person:* Eloise Sandle, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in first quarter 1982.

(10) Social security overall minimum annuity.

Regulations currently found in 20 CFR Part 225 will be revised, reorganized, and renumbered.

(i) *Need for change:* Describe the application of the social security minimum guaranty provision in the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 3 and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231b and 231f(b)(5)).

(iii) *Contact person:* Marilyn Berg, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in first quarter 1982.

(11) Deductions for work and earnings.

(i) *Need for change:* Describe effect of work and earnings on railroad retirement annuities under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 2, 3, 4, and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231a, 231b, 231c, and 231f(b)(5)).

(iii) *Contact person:* Marilyn Berg, Bureau of Retirement Claims, telephone number (312) 751–4818, FTS 387–4818.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in fourth quarter 1981.

(12) Creditable railroad service.

Regulations currently found in 20 CFR Part 220 will be revised, reorganized, and renumbered.

(i) *Need for change:* Define creditable service under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 1(d) and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231(d) and 231f(b)(5)).

(iii) *Contact person:* Dorothy Swan, Bureau of Data Processing and Accounts, telephone number (312) 751–4875, FTS 387–4875.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in first quarter 1982.

(13) Creditable railroad compensation.

Regulations currently found in 20 CFR Part 222 will be revised, reorganized, and renumbered.

(i) *Need for change:* Define creditable compensation under the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Sections 1(h) and 7(b)(5) of the Railroad Retirement Act (45 U.S.C. 231(h) and 231f(b)(5)).

(iii) *Contact person:* Dorothy Swan, Bureau of Data Processing and Accounts, telephone number (312) 751–4875, FTS 387–4875.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in first quarter 1982.

(14) Railroad employers' reports and responsibilities.

Regulations currently found in 20 CFR Part 250 will be revised and renumbered.

(i) *Need for change:* Define requirements of the Railroad Retirement Act of 1974.

(ii) *Legal basis:* Section 9 of the Railroad Retirement Act (45 U.S.C. 231h).

(iii) *Contact person:* Dorothy Swan, Bureau of Data Processing and Accounts, telephone number (312) 751–4875, FTS 387–4875.

(iv) *Regulatory analysis:* None required.

(v) *Status:* Under development; proposed rule expected in first quarter 1982.

Dated: January 21, 1981.

By Authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 81-3403 Filed 1-29-81; 8:45 am]

BILLING CODE 7905-01-M

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

21 CFR Part 161

[Docket No. 80N-0385]

Frozen Lobsters, Rock Lobsters, Spiny Lobsters, and Slipper Lobsters; Intent to Establish Standard

Correction

In FR Doc. 80-34281, at page 73095, in the issue of Tuesday, November 4, 1980, make the following corrections:

(1) On page 70399, in the first column, the sixth full paragraph, designated as "7.5", correct "*Cocking Procedures*" to read "*Cooking Procedures*".

(2) In the second column, the second full paragraph designated as "8." in the first line, correct "*Infectives*" to read "*Defectives.*"

(3) In the last column, under Annex C–1, in the table, under "*Abnormal colour*", correct the second and third lines to read:

". . . lb), or tail units < 300g 10 oz."

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-191-78]

Investment Credit for Qualified Rehabilitated Buildings; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the investment credit for qualified rehabilitated buildings.

DATES: The public hearing will be held on March 31, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by March 17, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–191–78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Sevice, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 46 and 48 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Tuesday, October 28, 1980 (45 FR 71367).

The rules of § 601.601 (a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 17, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Acting Commissioner of Internal Revenue.

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-3567 Filed 1-29-81; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[LR-108-80]

Income Tax; Consolidated Return Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to consolidated returns. The proposed regulations amend existing regulations regarding the determination of the percentage bad debt deduction for thrift institutions. The regulations would provide guidance to a thrift institution that is a member of an affiliated group that files a consolidated return so that the tax liability of the thrift institution may be clearly reflected.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 31, 1981. The amendments are proposed to be effective for taxable years beginning after December 31, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–108–80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (202–566–3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954. These amendments are proposed to modify § 1.1502–42 for taxable years beginning after December 31, 1980.

Under section 593(b)(2), a thrift institution is generally allowed a deduction as an addition to its reserve for bad debts of 40 percent of its taxable income (as modified under section 593(b)(2)(E)). As a result, the maximum effective tax rate imposed on a thrift institution is 60 percent of the 46 percent rate generally imposed on corporations, or 27.6 percent. In the case of a thrift institution that is a member of an affiliated group that files a consolidated return, existing § 1.1502–42(d) (which is effective for taxable years beginning after December 31, 1980) is designed to ensure that the effective tax rate continues to be 27.6 percent. Thus, the regulations provide that, for purposes of computing the percentage of taxable income bad debt deduction, a thrift institution's taxable income is the portion of consolidated taxable income attributable to the thrift institution. For example, if a group consists of a thrift institution, which has income of $120 for the taxable year, and another member that is not a thrift institution, which incurs a $20 loss, consolidated taxable income is $100 (before the deduction), and is wholly attributable to the thrift instition. The base for determining the bad debt deduction would therefore be $100. Consolidated taxable income is $60 (*i.e.*, $100–$40) after taking into account the bad debt deduction. Using a 46 percent tax rate, the tax imposed in $27.60.

Although the rule results in imposing the proper effective tax rate on the affiliated group for the taxable year, the rule does not provide any adjustment to restore the reduced bad debt deduction if in a subsequent taxable year the nonthrift institution member generates income. Accordingly, a loss of a nonthrift institution member for one annual accounting period will have the permanent effect of reducing the thrift institution's bad debt deduction for that taxable year.

The proposed regulations would remedy the problem while continuing to impose the proper effective tax rate. The proposed regulations would require a reduction of a thrift institution member's taxable income (for purposes of computing the bad debt deduction) for certain losses of other members. The losses that would cause a reduction are: (1) Losses of any member attributable to an activity that is functionally related to the trade or business of a thrift institution member, (2) losses incurred by another thrift institution in the affiliated group, and (3) any net loss attributable to other members, to the extent not taken into account by the other adjustments. If, however, an activity, member, or group of members, that produced a loss in a prior taxable year (resulting in a reduction of a thrift institution's bad debt deduction for that prior year) generates income in a subsequent taxable year, the income will increase the thrift institution's base for computing the deduction for the subsequent taxable year. The increase is limited to the amount of the reduction in the base in prior taxable years.

Regulatory Flexibility Act

Pursuant to 4 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Notice of Proposed Rulemaking as it will not have a significant impact on a substantial number of small business entities. The proposed rules will have an impact only upon affiliated groups filing consolidated returns that include one or more thrift institutions. In general, such affiliated groups are not small entities. Since only regulations that have an impact on small entities are subject to the requirements of the Act, the Act does not apply to this notice.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

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

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Section 1.1502–42 is amended by revising paragraph (d) and by adding a new paragraph (e).

These new and revised provisions read as follows:

§ 1.1502–42 Mutual savings banks, etc.

* * * * *

(d) *Taxable years beginning after December 31, 1980*—(1) *In general.* For a taxable year beginning after December 31, 1980, a thrift institution's taxable income for purposes of section 593(b)(2) is its tentative taxable income (determined under paragraphs (d)(3), (d)(4), and (e) of this section).

(2) *Definitions.* For purposes of this section—

(i) A "thrift institution" is a member described in section 593(a).

(ii) A "nonthrift institution" is a member that is not a thrift institution.

(3) *Tentative taxable income.* For purposes of this section, a member's tentative taxable income (or loss) is its separate taxable income (determined under § 1.1502–12) subject to the adjustments described in paragraph (d)(4) of this section for all members and, in addition, subject to section 593(b)(2)(E) and the regulations thereunder and to paragraph (e) (1) and (2) of this section for a thrift institution.

(4) *Adjustments for all members.* For each member, the following adjustments taken into account in the computation of consolidated taxable income are included in determining its tentative taxable income (or loss):

(i) The portions of the consolidated net operating loss deduction, the consolidated charitable contributions deduction, and the consolidated dividends received deduction attributable to the member.

(ii) The member's capital gain net income, determined without any net capital loss carryover or carryback attributable to the member. However, section 593(b)(2)(E)(iv) applies to a thrift institution.

(iii) The member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to the member.

(iv) The portion of any consolidated net capital loss carryover or carryback attributable to the member which is absorbed in the taxable year.

(e) *Adjustments for thrift institutions*—(1) *Reductions.* A thrift institution's tentative taxable income, as adjusted under paragraph (d)(4) of this section, is reduced by the following amounts:

(i) The thrift institution's allocable portion (under paragraph (e)(5)(i) of this section) of the loss attributable to an activity of a nonthrift institution that is functionally related to the trade or business of the thrift institution (within the meaning of paragraph (e)(4) of this section). The loss is the excess, if any, of (A) deductions of a nonthrift institution attributable to the activity under the principles of § 1.861–8, over (B) gross income of the nonthrift institution attributable to that activity. For purposes of paragraph (e)(2)(ii) of this section, that excess or the excess of (B) over (A) of this subdivision (i) is treated as a tentative taxable loss or income of that activity.

(ii) The thrift institution's allocable portion of another thrift institution's tentative taxable loss (under paragraph (e)(5)(ii) of this section).

(iii) The thrift institution's allocable portion of any residual consolidated net operating loss (under paragraph (e)(5)(iii) of this section). Residual consolidated net operating loss is the excess of the deductions over gross incomes attributable to nonthrift institutions. However, in determining residual consolidated net operating loss excluded any items taken into account under paragraph (e)(1)(i) of this section (relating to functionally related activities) or income used to restore a thrift institution's tentative taxable income under paragraph (e)(2) of this section.

(2) *Restoration of thrift institution income.* (i) The reduction to a thrift institution's tentative taxable income required by the application of a particular subdivision of paragraph (e)(1) of this section is restored in a subsequent consolidated return year by increasing the thrift institution's tentative taxable income for that subsequent year. The amount to be restored is the amount determined under paragraph (e)(2)(ii) of this section (if greater than zero) for an activity, other thrift institution, or all nonthrift institutions, described in a subdivision of paragraph (e)(1) of this section, if under that subdivision the thrift institution's tentative taxable income was reduced for a prior consolidated return year and has not been restored under this subparagraph (2).

(ii) The amount to be restored is the sum of the tentative taxable income or loss for each consolidated return year during the restoration period attributable to a particular subdivision of paragraph (e)(1) of this section, the loss from which reduced a thrift institution's tentative taxable income in a prior consolidated return year. However, that sum does not include any amount which caused a reduction or restoration to a thrift institution's tentative taxable income during the restoration period. The restoration period begins with the consolidated return year in which the thrift institution's tentative taxable income was reduced and ends with the year in which its tentative taxable income is restored. See example (3) in paragraph (e)(7) of this section.

(iii) If more than one thrift institution had its tentative taxable income reduced in a prior taxable year by application of a particular subdivision of paragraph (e)(1) of this section, the amount to be restored by application of this subparagraph (2) which is attributable to income of the activity, other thrift institution, or all nonthrift institutions, described in that subdivision is allocated among the thrift institutions in proportion to their total unrestored reductions from that subdivision in all prior taxable years.

(iv) If a portion of a thrift institution's tentative taxable income for the consolidated return year is used to restore another thrift institution's taxable income under paragraph (e)(2)(i) of this section, the portion is not taken into account in determining the thrift institution's tentative taxable income for the consolidated return year.

(v) For purposes of this subparagraph (2), the amount determined under paragraph (e)(2)(ii) of this section is computed by excluding the fraction of net-long term capital gain described in section 593(b)(2)(E)(iv).

(3) *Effect of adjustments in subsequent years.* (i) If the carryback of a net operating loss, carryback of a net capital loss, or other adjustment to a member's tentative taxable income, diminishes the reduction to a thrift institution's tentative taxable income for a prior consolidated return year otherwise required by paragraph (e)(1) of this section, then any increase to the thrift institution's tentative taxable income under paragraph (e)(2) of this section for an intervening consolidated return year must be recomputed to take into account the effect of the carryback or adjustment. Thus, if a net operating loss attributable to a thrift institution is carried back and completely offsets the thrift institution's tentative taxable income (before the reductions under paragraph (e)(1) of this section), any restoration to the thrift institution's tentative taxable income under paragraph (e)(2) of this section (attributable to a reduction in the year to which the loss is carried) for an intervening consolidated return year will be eliminated. The recomputation required by this subparagraph (3) must be reflected on an amended return for the intervening consolidated return year for which the increase was previously reported. See example (2) in paragraph (e)(7) of this section.

(ii) If a deficiency for an intervening consolidated return year results from the application of paragraph (e)(3)(i) of this section with respect to a net operating loss carryback or capital loss carryback, the deficiency may be assessed at any time within the period described in section 6501(h). If the deficiency results from the application of paragraph (e)(3)(i) of this section with respect to any other adjustment, the deficiency for an intervening year may be assessed at any time within the period (including extensions) of assessment for the taxable year with respect to which the adjustment was made.

(iii) For purposes of chapter 67 of the Code (relating to interest), the last date prescribed for payment of any tax owed as a result of the application of paragraph (e)(3)(i) of this section is deemed to be the last day of the taxable year for which the net operating loss, net capital loss, or other adjustment arose.

(4) *Functionally related activity.* For purposes of this paragraph, an activity of a nonthrift institution is functionally related to the trade or business of a thrift institution if it is one of two types of activities. The first type of activity is one which involves the provision of assets or rendition of services to the thrift institution (such as the leasing of office space or providing computer or financial services). The second type of activity is one normally conducted by thrift institutions within the same geographical area as a part of their trades or businesses. See 12 CFR 545.9–1(b)(4) (relating to permissible activities to be conducted by service corporations in which federally regulated thrift institutions may invest). For example, acquiring depository savings of the public and originating, purchasing, selling or servicing loans within a general area under the supervision of the Federal Home Loan Bank Board, the Comptroller of the Currency, or a comparable State agency (such as the collection by the nonthrift institution of delinquent mortgage notes previously held by the thrift institution) are trades or businesses normally conducted by thrift institutions.

(5) *Allocation of losses.* (i) For purposes of paragraph (e)(1)(i) of this section, a thrift institution's allocable portion of any loss attributable to an activity that is functionally related to the trade or business of a thrift institution is determined by multiplying the loss by a fraction. The numerator of

the fraction is the tentative taxable income of the thrift institution (determined after taking into account restorations under paragraph (e)(2) of this section) and the denominator is the sum of the tentative taxable income (so determined) of all thrift institutions, if greater than zero, to which the activity is functionally related. If the portion of a loss attributable to a functionally related activity that is allocated to a thrift institution exceeds the thrift institution's tentative taxable income (determined after taking into account restorations under paragraph (e)(2) of this section), the excess is included in determining the amount, if any, of the residual consolidated net operating loss for the consolidated return year (under paragraph (e)(1)(iii) of this section), and the thrift institution's tentative taxable income is zero.

(ii) For purposes of paragraph (e)(1)(ii) of this section, a thrift institution's allocable portion of another thrift institution's tentative taxable loss is the loss (determined after taking into account paragraph (e)(1)(i) and (2) of this section) multiplied by the fraction described in paragraph (e)(5)(iv) of this section. However, a thrift institution's allocable portion may not exceed its tentative taxable income (determining after taking account paragraph (e)(1)(i) and (2) of this section) for the consolidated return year.

(iii) For purposes of paragraph (e)(1)(iii) of this section, a thrift institution's allocable portion of the residual consolidated net operating loss is the loss multiplied by the fraction described in paragraph (e)(5)(iv) of this section. However, a thrift institution's allocable portion may not exceed its tentative taxable income (determined after taking into account paragraph (e)(1)(i), (1)(ii) and (2) of this section) for the consolidated return year.

(iv) For purposes of paragraph (e)(5)(ii) and (iii) of this section, the numerator of the fraction is the thrift institution's tentative taxable income (determined after taking into account paragraph (e)(1)(i) and (2) of this section) and the denominator is the sum of such tentative taxable incomes of all thrift institutions that have such tentative taxable income greater than zero for the consolidated return year.

(6) *Proper accounting.* The provisions of section 482 apply in determining a thrift institution's tentative taxable income, and in determining the gross income and deductions attributable to functionally related activities. In addition, gross income and deductions must be allocated and apportioned among members under the principles of § 1.861–8. For example, an expense such as the salary of an individual who performs services for both a thrift institution and a nonthrift institution must be allocated in a manner that fairly reflects the value of the services rendered to each member.

(7) *Examples.* The provisions of this paragraph may be illustrated by the following examples. In each example the letter "T" for a member denotes a thrift institution and the letters "NT" denote a nonthrift institution.

Example (1). (a) In 1981, corporations T1, T2, NT1, and NT2 are formed. These corporations constitute an affiliated group that files its return on the basis of a calendar year. For 1981, 1982 and 1983, the tentative taxable income (or loss) of each member (before the application of this paragraph (e) and any carrybacks) is as follows:

	1981	1982	1983
NT1	$(60)	$(140)	$15
T1	1,000	500	750
NT2	(90)	(220)	150
T2	(300)	400	250

In 1981, NT1, in addition to its other business activities, acted as a collection agency for T1. Deductions attributable to those collection activities exceeded gross income attributable to those activities by $70. NT1's other activities generated a $10 gain.

(b) The tentative taxable incomes of T1 and T2 for 1981 (determined under paragraph (d) of this section as of the close of that year) are adjusted by this paragraph (e) as follows:

(i) T1's tentative taxable income: T1's tentative taxable income (before the application of this paragraph)		$1,000
Less:		
NT1's loss attributable to functionally-related activities	$70	
T2's tentative taxable loss	300	
Residual consolidated net operating loss ($90 – $10)	80	450
T1's tentative taxable income for 1981		550

(ii) T2's tentative taxable income for 1981 is zero.

(c) The tentative taxable incomes of T1 and T2 for 1982 (determined under paragraph (d) of this section as of the close of that year) are adjusted by this paragraph (e) as follows:

(i) T1's tentative taxable income: T1's tentative taxable income (before the application of this paragraph)		$500
Plus: Restoration of T1's tentative taxable income to restore reduction to T2's 1981 loss		300
Subtotal		800
Less:		
T1's allocable portion of the residual consolidated net operating loss ((140 + 220) × 800/900)		320
T1's tentative taxable income for 1982		480
(ii) T2's tentative taxable income: T2's tentative taxable income (before the application of this paragraph)		400
Less:		
Amount used to restore T1's 1981 reduction	$300	
T2's allocable portion of the residual consolidated net operating loss ((140 + 220) × 100/900)	40	340
T2's tentative taxable income for 1982		60

(d) For 1983, the amount under paragraph (e)(2)(ii) of this section for all nonthrift institutions is $165. For 1981 and 1982, T1's tentative taxable income was reduced by a total of $400 (i.e., $80 + $320) due to losses of nonthrift institutions (excluding any functionally related activity). For 1982, T2's tentative taxable income was reduced by $40 due to those losses. Accordingly, under paragraph (e)(2)(iii) of this section, T1's tentative taxable income for 1983 is increased by $150 (*i.e.*, $165 × ($400/$440) and T2's tentative taxable income is increased by $15 (*i.e.*, $165 × ($40/$440)) to restore reductions under paragraph (e)(1)(iii) of this section.

Example (2). (a) In 1981, corporations T, NT1, and NT2 are formed. These corporations constitute an affiliated group. NT2 provides computer services to T as its sole activity. For the calendar years 1981, 1982, and 1983, the group files a consolidated return. The tentative taxable incomes of each member (before the application of this paragraph (e) and carrybacks) is shown in the following table:

	1981	1982	1983
T	$100	$0	$(200)
NT1	200	0	100
NT2	(20)	20	0

(b) Under paragraph (e)(1)(i) of this section T's base for computing its bad debt deduction for 1981 (determined at the close of that year) is reduced to $80 (*i.e.*, $100 less NT2's $20 loss). For 1982, under paragraph (e)(2) of this section T's base for computing its bad debt deduction is increased by $20 (to restore the amount of the base that was reduced on account of NT2's loss for 1981). For 1983, the consolidated net operating loss of $100 (all of which is attributable to T) is carried back to 1981 and reduces T's tentative taxable income (before the application of this paragraph) to zero. Accordingly, T's base for computing the bad debt deduction for 1981 is reduced to zero. In addition, under paragraph (e)(3)(i) of this section the group must file an amended return for 1982 to eliminate the increase to T's bad debt deduction in that year, to take into account the consolidated net operating loss carryback to 1981.

Example (3). (a) T and NT are formed in 1981 and are the only members of an affiliated group filing a consolidated return on a calendar year basis. For 1981, 1982, and 1983, the tentative taxable income of T and NT (before the application of this paragraph (e) and any carrybacks) is shown in the following table:

	1981	1982	1983
T	$100	$0	$0
NT	0	40	(40)

(b) At the close of 1981, T's tentative taxable income is $100. For 1983, however,

the group has a consolidated net operating loss of $40, all of which is attributable to NT, and which is carried back to 1981. Accordingly, NT has a tentative taxable loss for 1981 of $40 which reduces T's tentative taxable income for 1981 to $60, under paragraph (e)(1)(iii) of this section. However, the group may file an amended return for 1982 to restore the $40 reduction of T's 1981 tentative taxable income. In computing NT's tentative taxable income or loss during the restoration period (under paragraph (e)(2)(ii) of this section), NT's 1981 loss is not included because it caused a reduction to T's tentative taxable income in 1981.

William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 81-3570 Filed 1-27-81; 4:30 pm]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 212

[Notice No. 365]

New Specially Denatured Alcohol Formula

AGENCY: Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing this rule to provide a new specially denatured alcohol (SDA) formula. This formula, which is identified as SDA Formula No. 3–C, differs from Formula No. 3–A in that isopropyl alcohol instead of methyl alcohol is used as the denaturant. This formula is provided to enable SDA producers to use the less toxic isopropyl alcohol instead of the methyl alcohol denaturant. Except for special solvent (Code 043) and reagent (Code 810) uses, SDA users may use Formula 3–C instead of Formula 3–A.

DATE: Written comments or requests to hold a public hearing must be received by March 31, 1981.

ADDRESS: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: E. J. Ference, Research and Regulations Branch, Telephone: 202–566–7626.

SUPPLEMENTARY INFORMATION: This document contains a proposed regulation providing for a new specially denatured alcohol formula.

Background

Regulations providing specially denatured spirits formulas and authorized uses are found in 27 CFR Part 212, Subpart D. SDA Formula No. 3–A is the most widely used solvent formula presently authorized.

Proposed Regulation

This proposed regulation is intended to provide a substitute for SDA Formula No. 3–A. The Bureau feels that providing a substitute for Formula No. 3–A is necessary because of the known toxicity of the methyl alcohol denaturant called for in that formula.

Public Participation

Interested persons may participate in the proposed rulemaking process by submitting written data, views, or objections regarding the proposal. Written communications should be identified by the notice number and be submitted to the Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. All written comments received on or before March 31, 1981 will be considered.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed regulation should submit a request in writing to the Director within the comment period. The Director reserves the right to determine whether a public hearing should be held.

Copies of written comments or data are available for public inspection in the ATF Reading Room, Room 4406, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC, between the hours of 9:00 a.m. and 4:30 p.m., Monday thru Friday.

ATF will not recognize any material in comments designated as confidential or as not to be disclosed; and any material that the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting comments is not exempt from disclosure.

Drafting Information

The principal author of this document is E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

This notice of proposed rulemaking is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917). Accordingly, the Director proposes the amendment of Title 27 Code of Federal Regulations as follows:

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

Par. 1. The table of sections in 27 CFR Part 212 is amended to reflect the addition of § 212.20a Formula No. 3–C. As amended the table of sections reads as follows:

* * * * *

Subpart D—Specially Denatured Spirits Formulas and Authorized Uses

* * * * *

§ 212.20a Formula No. 3–C.

* * * * *

Par. 2. Immediately after § 212.20, a new § 212.20a is added. As added, § 212.20a reads as follows:

§ 212.20a Formula No. 3–C.

(a) *Formula.* To every 100 gallons of alcohol add: Five gallons of isopropyl alcohol, N.F.

(b) *Authorized uses.* (1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
051. Polishes.
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
141. Shampoos.
142. Soaps and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
354. Processing rosin.
355. Processing rubber (latex).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).

470. Theater sprays, incense and room deodorants.
481. Photoengraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).
(2) As a raw material:
530. Ethylamines.
540. Dyes and intermediates.
575. Drugs and medical chemicals.
576. Organo-silicone products.
579. Other chemicals.
590. Synthetic resins.
(3) As a fuel:
611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.
(4) As a fluid:
710. Scientific instruments.
720. Brake fluids.
730. Cutting oils.
740. Refrigerating uses.
750. Other fluid uses.
(5) Miscellaneous uses:
810. Laboratory and pilot plant uses.
900. Specialized uses (unclassified).

Signed: August 4, 1980.

G. R. Dickerson,

Director.

Approved: September 10, 1980.

Richard J. Davis,

Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-3490 Filed 1-29-81; 8:45 am]

BILLING CODE 4810-31-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1626

Proposed Procedural Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed Regulations; request for comments.

SUMMARY: The Equal Employment Opportunity Commission is publishing for comment proposed procedural regulations (29 CFR Part 1626). These regulations advise the public as to the procedures the Commission proposes to follow in processing charges and issuing interpretations and opinions under the Age Discrimination in Employment Act. These regulations will complement the Commission's existing procedural regulations under Title VII of the Civil Rights Act of 1964.

DATES: Comments must be submitted on or before March 31, 1981.

ADDRESS: Comments should be addressed to the Office of the Executive Secretariat, Room 4096, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: John J. Pagano, Legal Counsel Division, Office of the General Counsel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, (202) 634-6595.

SUPPLEMENTARY INFORMATION: On July 1, 1979, pursuant to Reorganization Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978) responsibility and authority for enforcement of the Age Discrimination in Employment Act of 1967, as amended, 29 USC 621 *et seq.*, (ADEA), was transferred from the Department of Labor to the Equal Employment Opportunity Commission. Procedural regulations under the ADEA did not exist when authority for the Act was with the Department of Labor. In addition to the ADEA the EEOC is responsible for enforcement of Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000e *et seq.* and has published procedural regulations under that statute at 29 CFR 1601.

With the desire to provide continuity, to the extent possible, in the processing of charges under the ADEA and Title VII the Commission is publishing its procedural regulations under the ADEA. In those areas where the statutory provisions of the two Acts allow, the proposed procedural regulations under the ADEA conform to the Title VII procedural regulations.

It is the intention of the EEOC to publish these proposed regulations and to receive comments from interested members of the public for 60 days. The proposed procedural regulations appear below.

Signed at Washington, D.C. this 9th day of January 1981.

For the Commission.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

29 CFR Part 1626 is proposed to be added as follows:

PART 1626—PROCEDURES AGE DISCRIMINATION IN EMPLOYMENT ACT

Sec.
1626.1 Purpose.
1626.2 Terms defined in the Age Discrimination in Employment Act of 1967, as amended.
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Authority: Sec. 9, 81 Stat. 605; (29 USC 628); sec. 2 Reorg. Plan No. 1 of 1978, (43 FR 18907)

§ 1626.1 Purpose.

The regulations set forth in this Part contain the procedures established by the Equal Employment Opportunity Commission for carrying out its responsibilities in the administration and enforcement of the Age Discrimination in Employment Act of 1967, as amended.

§ 1626.2 Terms defined in the Age Discrimination in Employment Act of 1967, as amended.

The terms "person," "employer," "employment agency," "labor organization," "employee," "commerce," "industry affecting commerce," and "State" as used herein shall have the meanings set forth in section 11 of the Age Discrimination in Employment Act, as amended.

§ 1626.3 Other definitions.

For purpose of this Part, the term "the Act" shall mean the Age Discrimination in Employment Act of 1967, as amended; the "Commission" shall mean the Equal Employment Opportunity Commission or any of its designated representatives; "charge" shall mean a written statement filed with the Commission by or on behalf of an aggrieved person which alleges that the named prospective defendant has engaged in or will engage in actions in violation of the Act; "complaint" shall mean a confidential statement filed with the Commission, which alleges that a named prospective defendant has engaged in or will engage in actions in violation of the Act; "charging party" means the person by whom or on whose behalf a charge is filed; "complainant" means the person filing a complaint; and "respondent" means the person named as a prospective defendant in a charge or complaint, or as a result of a Commission-initiated investigation.

§ 1626.4 Information concerning alleged violations of the Act.

The Commission may, on its own initiative, conduct investigations of employers, employment agencies and labor organizations, in accordance with the powers vested in it pursuant to sections 6 and 7 of the Act. The Commission shall also receive information concerning alleged violations of the Act, including charges and complaints, from any source. Where the information discloses a possible violation, the appropriate Commission office shall render assistance in the filing of a charge. The identity of a complainant shall not be disclosed without the prior written consent of the complainant, unless necessary in a court proceeding.

§ 1626.5 Where to submit complaints and charges.

Complaints and charges may be submitted in person or by mail to any of the District or Area Office of the Commission, or at the Headquarters of the Commission at Washington, D.C. or with any designated representative of the Commisssion. The addresses of the Commission's District Offices appears at § 1610.4.

§ 1626.6 Form of charge.

A charge shall be in writing and shall name the prospective respondent and shall generally allege the discriminatory act(s).

§ 1626.7 Timeliness of charge.

(a) Charges will not be rejected as untimely provided that they are not barred by the statute of limitations as stated in section 6 of the Portal to Portal Act of 1947.

(b) Potential charging parties will be advised that, pursuant to section 7(d)(1) and (2) of the Act, any person who wishes to bring a civil action alleging a violation of the Act must file a charge with the Commission within 180 days of the alleged discriminatory action, or, in a case where the alleged discriminatory action occurs in a state which has its own age discrimination law and authority administering that law, within 300 days of the alleged discriminatory action, or 30 days after receipt of notice of termination of State proceedings, whichever is earlier.

(c) For purposes of determining the date of filing with the Commission, the following applies:

(1) Charges received by mail: (i) Date of postmark, if legible, (ii) Date of letter, if postmark is illegible, (iii) Date of receipt by Commission, if postmark and letter date are illegible and/or cannot be accurately affixed;

(2) Written charges received in person: Date of receipt;

(3) Oral charges delivered in person or by telephone, date of communication.

§ 1626.8 Contents of charge; amendment of charge.

(a) In addition to the requirements of 1626.6, each charge should contain the following:

(1) The full name, address and telephone number of the person making the charge;

(2) The full name and address of the person against whom the charge is made;

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practices;

(4) If known, the approximate number of employees of the prospective defendant employer or members of the prospective defendant labor organization.

(5) A statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a State agency charged with the enforcement of fair employment practice laws and, if so, the date of such commencement and the name of the agency.

(b) Notwithstanding the provisions of paragraph (a) of this section, a charge is sufficient when the Commission receives from the person making the charge either a written statement or information reduced to writing by the Commission that conforms to the requirements of Section 1626.6.

(c) A charge may be amended to clarify or amplify allegations made therein. Such amendments and amendments alleging additional acts which constitute unlawful employment practices related to or growing out of the subject matter of the original charge will relate back to the date the charge was first received. A charge that has been so amended shall not again be referred to the appropriate State agency.

§ 1626.9 Referral to State agencies.

The Commission shall refer all charges to any appropriate State agency, in order to assure that the jurisdictional prerequisites for private law suits, as set forth in § 14(b) of the Act, are met. Charges so referred shall be deemed filed with the Commission in accordance with the specifications contained in 1626.7(b) above. The Commission may begin processing of any charge immediately upon filing, nothwithstanding the requirement of referral to appropriate State agencies.

§ 1626.10 Referral States.

(a) States to which all ADEA charges are referred: Alaska, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, South Carolina, Utah, West Virginia, and Wisconsin.

(b) States to which only specified classes of charges are referred: Arizona, Colorado, Kansas, Maine, Ohio, Rhode Island, South Dakota, and Washington.

§ 1626.11 Notice of charge.

Upon receipt of a charge, the Commission shall promptly notify the respondent that a charge has been filed.

§ 1626.12 Conciliation efforts pursuant to section 7(d) of the Act.

Upon receipt of a charge, the Commission shall promptly attempt to eliminate any alleged unlawful practice by informal methods of conciliation, conference and persuasion.

§ 1626.13 Withdrawal of charge.

Charging parties may request withdrawal of a charge. Because the Commission has independent investigative authority, see 1626.4 above, it may continue any investigation and may secure relief for all affected persons notwithstanding a request by a charging party to withdraw a charge.

§ 1626.14 Right to inspect or copy data.

A person who submits data or evidence to the Commission may retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness may for good cause be limited to inspection of the official transcript of his or her testimony.

§ 1626.15 Commission enforcement.

(a) As provided in Sections 9, 11, 16 and 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 209, 211, 216 and 217) (FLSA) and Sections 6 and 7 of this Act, the Commission and its authorized representatives may (1) investigate and gather data; (2) enter and inspect establishments and records and make transcripts thereof; (3) interview employees; (4) impose on persons subject to the Act appropriate recordkeeping and reporting requirements; (5) advise employers, employment agencies and labor organizations with regard to their obligations under the Act and any changes necessary in their policies, practices and procedures to assure compliance with the Act; (6) subpoena

witnesses and require the production of documents and other evidence; and (7) supervise the payment of amounts owing pursuant to section 16(c) of the FLSA.

(b) The Commission may conduct its own investigations to determine whether violations of the Act have occurred and investigate alleged discriminatory practices forming the basis of charges and complaints. When, on the basis of the evidence, the Commission believes that a violation of the Act has occurred or will occur, it may issue a written violation letter to that effect; provided, however, that failure to issue a written violation letter shall in no instance be construed as a finding of no violation. The Commission shall notify the respondent and charging party of its written determination. In the process of conducting investigations and/or issuing written violation letters, the identity of a complainant shall not be disclosed, except in accordance with § 1626.4.

(c) Pursuant to section 7 (b) and (d) of the Act, the Commission shall attempt to remedy any violations by informal methods of conciliation, conference and persuasion. Any agreement reached as a result of efforts undertaken pursuant to this section shall, as far as practicable, require the respondent to eliminate the unlawful practice(s) and provide appropriate affirmative relief. Such agreement shall be reduced to writing and shall be signed by the Commission's delegated representative and the parties. A copy of the signed agreement shall be sent to all the signatories thereto; provided, however, that if the agreement contains provisions or information relating to complainants who wish their identities to remain confidential, their names and other identifying data shall be deleted from the copies sent to all the signatories to whom the complainant's identity has not previously been disclosed.

(d) If the Commission determines that its efforts at informal conciliation, conference and persuasion have failed, it shall so notify the respondent and the charging party.

(e) Upon the failure of informal conciliation, conference and persuasion, the Commission may, pursuant to the Act, initiate and conduct litigation.

(f) The District Directors, the Director of the Office of Field Services and the Director of the Office of Systemic Programs, or their designees, are hereby delegated authority to exercise the powers enumerated in 1626.15(a)–(d). The General Counsel or his/her designee is hereby delegated the authority to exercise the powers in paragraph (a) of this section and at the direction of the Commission to initiate and conduct litigation.

§ 1626.16 Subpoenas.

(a) To effectuate the purposes of the Act the Commission shall have the authority to issue a subpoena requiring:

(1) The attendance and testimony of witnesses;

(2) The production of evidence including, but not limited to, books, records, correspondence, or documents, in the possession or under the control of the person subpoenaed; and

(3) Access to evidence for the purpose of examination and the right to copy.

The power to issue subpoenas has been delegated by the Commission to the General Counsel, the District Directors, the Director of the Office of Field Services, and the Director of the Office of Systemic Programs, or their designees. The subpoena shall state the name, address and title of the issuer, identify the person or evidence subpoenaed, the name of the person to whom the subpoena is returnable, the date, time and place that testimony is to be given or that documents are to be provided or access provided.

(b) A subpoena issued by the Commission or its designee pursuant to the Act is not subject to review or appeal.

(c) Upon the failure of any person to comply with a subpoena issued under this section, the Commission may utilize the provisions of sections 9 and 10 of the Federal Trade Commission Act, 15 U.S.C. 49 and 50, to compel compliance with the subpoena.

(d) Persons subpoenaed shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

§ 1626.17 Procedure for requesting an opinion letter.

(a) A request for an opinion letter should be submitted in writing to the Chair, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, and shall contain:

(1) A concise statement of the issues on which an opinion is requested;

(2) As full a statement as possible of relevant facts and law; and

(3) The names and addresses of the person making the request and other interested persons.

(b) Issuance of an opinion letter by the Commission is discretionary.

(c) Informal Advice: When the Commission, at its discretion, determines that it will not issue an opinion letter as defined in § 1626.18, the Commission may provide informal advice or guidance to the requestor. An informal letter of advice does not represent the formal position of the Commission and does not commit the Commission to the views expressed therein. Any letter other than that defined in § 1626.18(a) will be considered a letter of advice and may not be relied upon by any employer within the meaning of section 10 of the Portal to Portal Act of 1947, incorporated into the Age Discrimination in Employment Act of 1967 through section 7(e)(1) of the Act.

§ 1626.18 Interpretations of the Commission.

(a) Section 10 of the Portal to Portal Act of 1947, incorporated into the Age Discrimination in Employment Act of 1967 through section 7(e)(1) of the Act, provides that:

> In any action or proceeding based on any act or omission on or after the date of the enactment of this Act, no employer shall be subject to any liability or punishment . . . if he pleads and proves that the act or omission complained of was in good faith in conformity with and in reliance on any written administrative regulations, order, ruling, approval or interpretation, . . . or any administrative practice or enforcement policy of [the Commission.]

The Commission has determined that only (1) a written document, entitled "opinion letter" and signed by the General Counsel on behalf of the Commission or (2) a matter published and specifically designated as such in the **Federal Register** may be relied upon by any employer as a "written regulation, order, ruling, approval or interpretation" or "evidence of any administrative practice or enforcement policy" of the Commission "with respect to the class of employers to which he belongs," within the meaning of the statutory provisions quoted above.

(b) An opinion letter issued pursuant to § 1626.18(a) above, when issued to the specific addressee has no effect upon situations other than that of the specific addressee.

(c) When an opinion letter, as defined in § 1626.18(a), is requested, the procedure stated in § 1626.17 shall be followed.

§ 1626.19 Rules to be liberally construed.

(a) These rules and regulations shall be liberally construed to effectuate the purposes and provisions of this Act and any other acts administered by the Commission.

(b) Whenever the Commission receives a charge or obtains information relating to possible violations of one of the statutes which it administers and the charge or information reveals possible violations of one or more of the other

statutes which it administers, the Commission will treat such charges or information in accordance with all such relevant statutes.

[FR Doc. 81-3576 Filed 1-29-81; 8:45 am]

BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1742-6]

Approval and Promulgation of State Implementation Plan; Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On September 18, 1979 and January 8, 1980, the State of Illinois submitted to the U.S. Environmental Protection Agency (USEPA) as revisions to its State Implementation Plan (SIP) specified changes in regulations. These changes include amendments to the following regulations: Rule 206(d) which regulates carbon monoxide emissions from sintering plants, blast furnaces and basic oxygen furnaces, and Rule 205(g)(1) which regulates waste gas emissions from petroleum refining and petrochemical manufacturing processes. In this notice, USEPA proposes rulemaking and solicits public comment on these revisions to the Illinois SIP.

DATE: Comments on this revision and on the proposed USEPA action must be received by March 2, 1981.

ADDRESSES: Copies of the SIP revisions, USEPA's evaluation and public comments received are available for inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

In addition, copies of the SIP revisions are available for inspection at the following addresses:

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

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

WRITTEN COMMENTS SHOULD BE SENT TO: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

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

SUPPLEMENTARY INFORMATION: On September 18, 1979 and January 8, 1980, the State of Illinois submitted to USEPA, as revisions to its SIP, changes in the following Illinois Air Pollution Control Regulations: Rule 206(d) which regulates carbon monoxide emissions from sintering plants, blast furnaces and basic oxygen furnaces and Rule 205(g)(1) which regulates waste gas emissions from petroleum refining and petrochemical manufacturing processes. The following sections of this notice discuss these revised regulations and USEPA's proposed rulemaking action.

Rule 206(d)

On January 8, 1980, the State of Illinois submitted to the U.S. Environmental Protection Agency (USEPA) a proposed revision to its State Implementation Plan (SIP) consisting of the deletion of Rule 206(d) of the Illinois Air Pollution Control Regulations. On June 19, 1980, the State submitted to USEPA further information in support of the proposed deletion.

Rule 206(d) regulates carbon monoxide (CO) emissions from sintering plants, blast furnaces, and basic oxygen furnaces. The deletion of Rule 206(d) is requested by the State because the control technology for CO emissions from these sources is considered to be economically infeasible. The State submitted a dispersion modeling analysis for significant sources of CO at four steel plants located at the South Chicago, Illinois area and at all major roadways in the study area. The results of the analysis show that the maximum predicted CO concentrations, based on worst case conditions (uncontrolled CO emissions), do to threaten the National Ambient Air Quality Standard (NAAQS) for CO. Therefore, USEPA proposes to approve as a revision to the Illinois SIP the deletion of Rule 206(d) from the Illinois Air Pollution Control Regulations.

Rule 205(g)(1)

On September 18, 1979, the State of Illinois submitted to the USEPA a proposed revision to its SIP consisting of an amendment to Rule 205(g)(1) of the Illinois Air Pollution Control Regulations. The amendment allows waste gas streams from existing sources of petroleum and petrochemical processes to comply with Rule 205(f) in lieu of special Rule 205(g)(1)(C). Rule 205(g)(1)(C) is now directed only toward new sources on which construction commences on or after January 1, 1977.

Rule 205(g)(1) prohibits the discharge of organic materials into the atmosphere from any waste gas stream from any petroleum or petrochemical manufacturing process in excess of 100 parts per million (ppm) equivalent methane. The amendments to this rule consist of two new provisions:

1. Paragraph (B) allows an existing source subject to Rule 205(g)(1)(A)(iii) the alternative of complying with the organic material emission limitations imposed by Rule 205(f) provided there is no increase in emissions from such sources above the level of emissions in existence on the effective date of this Rule 205(g)(1)(B) (April 12, 1979). Rule 205(f) limits the subject source to emissions of photochemical reactive material only if no odor nuisance exists. If odor nuisance exists, Rule 205(f) limits the source to organic material emissions (photochemically reactive or not) of no more than 8 pounds per hour or a minimum of 85% control efficiency.

2. Paragraph (C) allows sources subject to 205(g)(1)(A)(iii) (those whose construction began on or after January 1, 1977) to comply with the following emission limitation:

(1) A maximum of 8 pounds per hour of organic material; or

(2) Emissions controlled by air pollution control methods or equipment approved by the Agency capable of reducing by 85% or more the uncontrolled organic material that would otherwise be emitted to the atmosphere.

The impact of these regulatory changes on air quality was included in the ozone attainment demonstration which was approved as part of the Illinois Part D SIP on February 21, 1980 (45 FR 11472). Therefore, USEPA proposes to approve this revision to the Illinois SIP.

All interested persons are invited to comment on these revisions to the Illinois SIP and on USEPA's proposed action. Comments should be submitted to the address listed in the front of this notice. Public comments received on or before 30 days from today's date will be considered in USEPA's final rulemaking. All comments received will be available for inspection at the Region V Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant"

and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations, "specialized." I have reviewed this and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Section 110, 172, and 301(a) of the Clean Air Act (42 U.S.C. 7410, 7502, and 7601(a)).

Dated: January 6, 1981.

John McGuire,

Regional Administrator.

[FR Doc. 81-3569 Filed 1-29-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 465

[WH-FRL 1742-4]

Effluent Guidelines and Standards; Coil Coating; Point Source Category

AGENCY: Environmental Protection Agency.

ACTION: Public hearing.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on pretreatment regulations proposed in the **Federal Register** as follows:

Proposal Date and Category

January 12, 1981. (46 FR 2939) Coil Coating

DATES: A public hearing has been scheduled for the following date and place: March 12, 1981—Washington, D.C.

ADDRESS: The public hearing will be held at the following address: Hall of States, Skyline Inn, South Capital and I Streets, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Harold B. Coughlin, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Anyone wishing to make an oral statement and submit written testimony at the hearing should indicate so in writing to the above address.

SUPPLEMENTARY INFORMATION: Registration for the Hearing will be held from 9:30 to 10:00 a.m. Oral testimony will be presented as follows: 10:30 to 11:30 a.m.; 1:00 to 3:00 p.m. Following the registration period there will be a brief presentation by an EPA official covering the development of effluent limitations and standards under the Clean Water Act of 1977. Also, opportunity will be given through the day for audience participants to submit written questions to the Presiding Officer. These questions will be addressed during a thirty minute question and answer session which will follow the presentation of oral testimony.

A court recorder will be present at the public hearing. Official transcripts will be available upon request.

Dated: January 26, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-3515 Filed 1-29-81; 8:45 am]

BILLING CODE 6560-29-M

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40 CFR Parts 420, 430, and 431

[WH-FRL 1742-5]

Effluent Guidelines and Standards; Iron and Steel Manufacturing, Point Source Category; Pulp, Paper and Paperboard; Builders' Paper and Board Mills, Point Source Categories

AGENCY: Environmental Protection Agency.

ACTION: Public hearing.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on pretreatment regulations proposed in the **Federal Register** as follows:

Proposal Date and Category

January 6, 1981. (46 FR 1430) Pulp, Paper and Paperboard; Builders' Paper and Board Mills

January 7, 1981. (46 FR 1858) Iron and Steel Manufacturing

DATES: A public hearing has been scheduled for the following date and place: March 6, 1981—Washington, D.C.

ADDRESS: The public hearing will be held at the following address: Hall of States, Skyline Inn, South Capitol and I Streets, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Harold B. Coughlin, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Anyone wishing to make an oral statement and submit written testimony at the hearing should indicate so in writing to the above address, including which session of the hearing they plan to attend.

SUPPLEMENTARY INFORMATION: Registration for the hearing will be held from 9:30 to 10:00 a.m. Oral testmony will be presented as follows: 10:30 a.m. to 12:30 p.m.—Pulp, Paper and Paperboard; Builders' Paper and Board Mills, 2:00 p.m. to 4:00 p.m.—Iron and Steel Manufacturing. Following the registration period there will be a brief presentation by an EPA official covering the development of effluent limitations and standards under the Clean Water Act of 1977. Also, opportunity will be given throughout the day for audience participants to submit written questions to the Presiding Officer. These questions will be addressed during the thirty minute question and answer sessions which will conclude the presentation of oral testimony for each category.

A court recorder will be present at the public hearing. Official transcripts will be available upon request.

Dated: January 26, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-3516 Filed 1-29-81; 8:45 am]

BILLING CODE 6560-29-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Semiannual Agenda of Rules Scheduled For Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of Rules Scheduled for Review or Development—Change in Publication Dates to April and October.

SUMMARY: This notice announces the change in publication dates of the Department's semiannual agenda of rules scheduled for review or development. The semiannual agenda, which was usually published in the **Federal Register** in January and July, will now be published in April and October of each year. This change is being made to implement the agenda requirements of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: Vivian A. Keado, Chief, Division of Directives and Paperwork Management, Office of Information Resources Management, Room 7357, Department of the Interior, Washington, D.C. 20240, (202) 343-6191.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (Pub. L. 96-534) requires Federal agencies to publish agendas in April and October which identify all rulemaking activities that will affect small entities during each subsequent six-month period. Executive Order 12044 (Improving Government Regulations) also requires the publication of rulemaking agendas, but the dates of publication are not specified. The Department's last agenda under Executive Order 12044 was published on July 31, 1980 (45 FR 51102). So that all rulemaking activities will be scheduled and announced

simultaneously, the Department has decided to consolidate these two agenda requirements by adopting the legislated dates of April and October.

The Department first provided notice of this change with the publication of revised 43 CFR 14 (Rulemaking) as an interim rule on December 24, 1980 (45 FR 85376). 43 CFR Part 14 was revised to incorporate the provisions of the Regulatory Flexibility Act which became effective on January 1, 1981. Because the agenda publication dates have already been officially changed by publication of the interim rule, the Department's first semiannual agenda in 1981 will be published on April 30; the second semiannual agenda will be published on October 30.

Dated: January 14, 1981.

Heather L. Ross,

Deputy Assistant Secretary.

[FR Doc. 81-2209 Filed 1-29-81; 8:45 am]

BILLING CODE 4310-10-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79-1, RM-3166, RM-3351]

FM Broadcast Station in Clinton and Bald Knob, Arkansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order, Further Notice of Proposed Rule Making and Order to Show Cause.

SUMMARY: This action proposes to assign Channel 221A to Clinton, Arkansas, and to modify the license of noncommercial educational FM Station KUCA, Conway, Arkansas to specify Channel 217 instead of Channel 218 in response to a petition for reconsideration filed by Weber-King Radio. The assignment of Channel 221A to Clinton had previously been denied for lack of interest. In view of the interest expressed by Weber-King in its use, we propose its assignment and request Station KUCA to show cause why its license should not be modified.

DATES: Comments must be filed on or before March 16, 1981, and reply comments on or before April 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (*Clinton* and Bald Knob, Arkansas) BC Docket No. 79-1; RM-3166, RM-3351.

Memorandum Opinion and Order Further Notice of Proposed Rule Making and Order to Show Cause

Adopted: January 13, 1981.

Released: January 19, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for reconsideration filed by Weber-King Radio of the *Report and Order*, 45 FR 28718, published April 30, 1980, denying the assignment of either Channel 296A or 221A to Clinton, Arkansas. No comments have been received. As a result of the action proposed herein we are hereby reopening this proceeding in response to the petition for reconsideration.

2. The *Report and Order* denied the assignment of Channel 296A to Clinton in favor of Bald Knob, Arkansas. The deciding factors were Bald Knob's larger population and lack of any local service whereas Clinton has a daytime AM station. In addition, no other channel was available for assignment to Bald Knob, while Channel 221A could have been assigned to Clinton with a 10 kilometer (6 mile) site restriction.[1] In this regard, Weber-King stated that it preferred Channel 296A in view of the site restriction for Channel 221A which would prevent it from using combined facilities with its AM station, located south of Clinton. Thus, without adequate assurance from Weber-King, it appeared that Channel 221A would remain unapplied for if assigned. Based on the lack of interest in Channel 221A and our desire to proceed with the two pending applications, we did not assign Channel 221A to Clinton. Since then Conway Station KUCA's application for Channel 218C has been granted and construction for the new facility is completed.[2] The application of Pine Bluff Station KOTN-FM for a transmitter move is still pending.

3. We have previously stated Clinton is deserving of a first FM and fulltime local radio station. At this point however, it will be necessary to modify the license of Station KUCA to specify Channel 217 and an *Order to Show Cause* will be issued for that purpose herein. In this regard, Station KUCA is entitled to reimbursement from the ultimate Clinton permittee for the costs of the changeover which should be relatively minor since a move of only one frequency is involved. Also as noted earlier, a 10 kilometer (6 mile) site restriction for the Clinton assignment must be imposed.[3]

4. In view of the foregoing, it is ordered, That the petition for reconsideration is granted and this proceeding is hereby reopened.

5. Further, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, for the community listed below as follows:

City and Channel No.	
Clinton, Arkansas:	Present:— Proposed: 221A

6. It is further ordered, That pursuant to Section 316 of the Communications Act of 1934, as amended, the University of Central Arkansas shall show cause why its license for Channel 218C should not be modified to specify Channel 217C at Conway, Arkansas, if the Commission determines that the public interest would be served by adopting the proposed assignment.

7. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station KUCA-FM, Conway, Arkansas, may not later than March 16, 1981, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Station KUCA-FM may not later than April 6, 1981, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. If the right to a hearing is waived and no written statement is filed by the date referred to above, KUCA-FM will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

8. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to the University of Central Arkansas, P.O. Box A, Conway, Arkansas, 72032, the party to whom the *Order to Show Cause* is directed.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures,

[1] The availability of Channel 221A was affected by the pendency of two applications—[1] Station KUCA, Conway, had applied to upgrade its station from 218A to 218C which involved a 38.4 kilometer (24 mile) short spacing; [2] Station KOTN-FM, Pine Bluff, had applied to change its site which involved a 30.4 kilometer (19 mile) short spacing.

[2] The *Notice* indicated that Station KUCA could be switched to Channel 217 with its then proposed Class C facilities if Channel 221A were to have been assigned.

[3] In BC Docket No. 80-90, *Notice of Proposed Rule Making*, 78 F.C.C. 2d 1235 (1980), the Commission proposed to permit the use of Class A facilities on channels reserved for Class C stations. In case Weber-King Radio would prefer to await the outcome of BC Docket No. 80-90, there may be Class A channels which can be assigned without site restrictions.

and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before March 16, 1981, and reply comments on or before April 6, 1981.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*,—FR ———, published ———, 1980.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-3455 Filed 1-29-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Proposal To List Panicum carteri (Carter's Panicgrass) as an Endangered Species and Determine its Critical Habitat

AGENCY: Fish and Wilflife Service.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to determine that one plant, *Panicum carteri* Hosaka (Carter's panicgrass) is an Endangered Species and that Mokoli'i island, Hawaii is its Critical Habitat. These actions are taken under the authority of the Endangered Species Act of 1973, as amended. The plant is an annual grass of very limited distribution on Mokoli'i island, off the northeast shore of Oahu. Vandalism, including the possibility of fire and trampling; and recent planting of coconut trees in the area in which it grows are the greatest threats to its survival.

DATES: Comments from the public on this proposal must be received by April 30, 1981. Comments from the Governor of Hawaii must be received by April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235–2771).

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, 1000 N. Glebe Road, Fifth Floor, Arlington, Virginia.

SUPPLEMENTARY INFORMATION: *Panicum carteri* is an annual grass whose population fluctuates considerably in numbers from year to year, apparently in response to the amount of winter rainfall. The largest number of individuals of this species ever observed was slightly over two hundred, while in some years observers have failed to find the species at all. The principal threats to the species' survival are trampling by visitors to Mokoli'i island; vandalism, including arson; and the recent planting of coconut trees in the area in which it grows.

Background

Section 12 of the Endangered Species Act of 1973 (the Act) directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director of the U.S. Fish and Wildlife Service published notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of the report of the Smithsonian Institution as a petition under Section 4(c)(2) of the Act. The plant species named in this petition were placed under review for addition to the list of Endangered and

Threatened plants and on June 16, 1976, the Director published a proposed rule (41 FR 24523–24572) which would have listed some 1,700 such taxa as Endangered. This proposal was based on the Smithsonian petition as well as comments and other information received by the Service and the Smithsonian Institution. *Panicum carteri* was listed in House Document No. 94–51 and the 1975 notice as extinct, but was later rediscovered and included in the proposal.

The Endangered Species Act Amendments of 1978 subsequently required that any proposal to list a species be withdrawn unless made final within two years. A period of one year was allowed after the passage of the amendments on November 10, 1978, during which no proposals were to be withdrawn because of having passed a two year deadline. On December 10, 1979, the Service published a notice withdrawing that portion of the proposal of June 16, 1976, that had not been the subject of final action, as well as four other expired proposals. The present proposal is based on information available at the time of the 1976 proposal and information gathered between that time and the date of the proposal's withdrawal as well as a report of a visit to Mokoli'i indicating that the site from which *Panicum carteri* has been known was recently disturbed by the planting of coconut trees (Annabelle Takahashi, letter dated Oct. 8, 1980).

In the June 2, 1977, **Federal Register** (42 FR 32373–32381) the Service published a final rule detailing regulations to protect Endangered and Threatened plant species. These established prohibitions and a permit procedure to grant exceptions to the prohibitions under certain conditions.

Summary of Factors Affecting the Species

Section 4(a) of the Act (16 U.S.C. 1531 et seq.) and regulations promulgated to implement the listing provisions of the Act (45 FR 13010–13026, to be codified at 50 CFR part 424) set out the procedures to be followed by the Director in determining whether any species is Endangered or Threatended as defined by the Act. Five general classes of factors are to be considered in making any such determination. These factors as they apply to the status of *Panicum carteri* are:

(1) *Present or threatened destruction, modification , or curtailment of habitat or range. Panicum carteri* occurs only on Mokoli'i, or Chinaman's Hat, island in Honolulu county, Hawaii. This is a part of Kualoa Regional Park. Although the master development plan for the park designates the islands as a wildlife sanctuary, it will be difficult to control access to the island. The island can be reached by wading during low tide and by small boats at other times. As the development plans are implemented and more people are attracted to the park, it is inevitable that traffic will become heavier on Mokoli'i. The entire population of the species ranges along a foot trail. Although the effect of pedestrian traffic on the species is not known, some deterioration of the environment with a concomitant effect on the species can be anticipated. A report received by the Service (Annabelle Takahashi, letter dated Oct. 8, 1980) indicates that recent planting of coconut trees on Mokoli'i may have had a severe impact on the area from which *Panicum carteri* is known.

(2) *Overutilization for commerical, sporting, scientific, or educational purposes*—Does not apply to this species.

(3) *Disease or Predation*—None known.

(4) *Inadequacy of existing regulatory mechanisms*—Although Mokoli'i is a designated wildlife sanctuary, it is difficult to restrict access to the island.

(5) *Other natural or manmade factors affecting continued existence*—The small number of individuals and their limited distribution must be considered a threat to the species' continued existence. A single fire or act of vandalism could severely deplete the one known population.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The proposed Critical Habitat of *Panicum carteri* includes the entire island of Mokoli'i (approximately 4 acres), although the plant only occurs in two restricted portions of the Island. Because of the small size of Mokoli'i, activities anywhere on the island could be significant to the conservation of this species. As an example, a fire set virtually anywhere on the island during drought conditions might spread to the area in which the *Panicum* grows. Therefore, the Service believes the entire island to be an area essential to the conservation of the species.

Section 4(f)(4) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for this species. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

Actions that would result in direct adverse effects on the proposed Critical Habitat includes setting of fires on the island and trampling of the portion of the island that actually supports the population of *Panicum carteri*. Any action that contributed to increased human visitation of Mokoli'i could be expected to contribute indirectly to such adverse modification.

Because of the lack of Federal involvement in the area proposed as Critical Habitat, no direct consequences are foreseen as a result of such designation. Federal recognition that the island is essential to the conservation of *Panicum carteri*, however, may tend to reinforce the City and County of Honolulu's compatible designation of the area as a wildlife sanctuary.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis for the present proposal to serve as a basis for considering the possible exclusion of certain portions of the area from Critical Habitat because of impacts such designation might have. On this basis, the Service believes the present proposal to be without significant economic or other impacts in the foreseeable future. A final analysis will be prepared prior to the time of promulgating a final rule determining the Critical Habitat of *Panicum carteri*. This final anslysis will take into account any additional information obtained in response to this proposal, and will serve in part as the basis of a decision regarding the final boundary of the Critical Habitat.

Effects of This Proposal if Adopted as a Final Rule

In addition to the effects discussed above, the effects of this proposal if adopted as a final rule would include, but would not necessarily be limited to, those mentioned below.

The Act and implementing regulations published in the June 24, 1977 **Federal Register** set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. All of those prohibitions and exceptions also apply to any Threatened species, excluding seeds of cultivated plants treated as Threatened, unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered and Threatened plants, are found at §§ 17.61 and 17.71 of 50 CFR and are summarized below.

With respect to *Panicum carteri* all prohibitions of Section 9(a)(2) of the Act, as implemented by Section 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell this species or offer it for sale in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and § 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances.

Section 7 of the Act also requires that Federal agencies carry out programs for the conservation of Endangered and Threatened species and that they ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of such species or destroy or adversely modify the Critical Habitat of such species. A procedure is also established whereby particular Federal actions may be exempted from compliance with Section 7(a). Provisions for interagency cooperation in complying with Section 7(a) of the Act are codified at 50 CFR Part 402. The present proposal would make the protective provisions of Section 7(a)(3) of the Act available in furtherance of the conservation of *Panicum carteri* and protection of its proposed Critical Habitat.

The Service will also review the status of this species to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate appendices to that Convention or whether it should be considered under other appropriate international agreements.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file at the Service's Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made prior to the promulgation of a final rule as to whether it is a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Note.—The Service has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of *Panicum carteri*. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location of and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the area proposed as Critical Habitat;

(5) The probable impacts on such activities if the area is designated as Critical Habitat; and

(6) The foreseeable economic and other impacts of the Critical Habitat designation.

Final promulgation of a rule on *Panicum carteri* will take into consideration the comments and any additional information received by the Director, and such communications may lead him to adopt final regulations that differ from this proposal.

Public Meeting

The Service hereby announces that a public meeting will be held at Kahalu'u Elementary School Cafeteria, 47–280 Waihe'e road, Kaneohe, Hawaii, on Thursday, March 5, 1981, at 7:30 p.m. concerning this proposed rule. The public is invited to attend this meeting and to present opinions and information regarding the proposal.

This proposal is published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*, 87 Stat. 884)

The primary authors of this proposed rule are Dr. Derral Herbst, U.S. Fish and Wildlife Service, 300 Ala Moana Blvd., Honolulu, HI 96850 (808/546–5615) and Dr. John J. Fay, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Information Sources

Hosaka, E.Y. 1942. A new Hawaiian *Panicum* (Gramineae). Occ. Paps., B.P. Bishop Museum 17:67–69.

Park Engineering, Inc. 1972. Master Development Plan—Kualoa Regional Park for the City and County of Honolulu, Department of Parks and Recreation.

U.S. Army Engineer District, Honolulu, 1977. Detailed Project Report and Final Environmental Statement for Beach Erosion Control, Kualoa Regional Park, Oahu, Hawaii.

Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

1. It is proposed to amend § 17.12 by adding, in alphabetical order, the following to the list of Endangered and Threatened plants:

§ 17.12 Endangered and threatened plants.

Species		Historic range	Status	When listed	Critical habitat	Special rule
Scientific name	Common name					
Poaceae—Grass family: *Panicum carteri*	Carter's panicgrass	Hawaii	E	NA	Yes	NA

2. It is further proposed to amend § 17.96(a) by adding a description of the Critical Habitat of *Panicum carteri* alphabetically by family, genus, and species as follows:

Poaceae

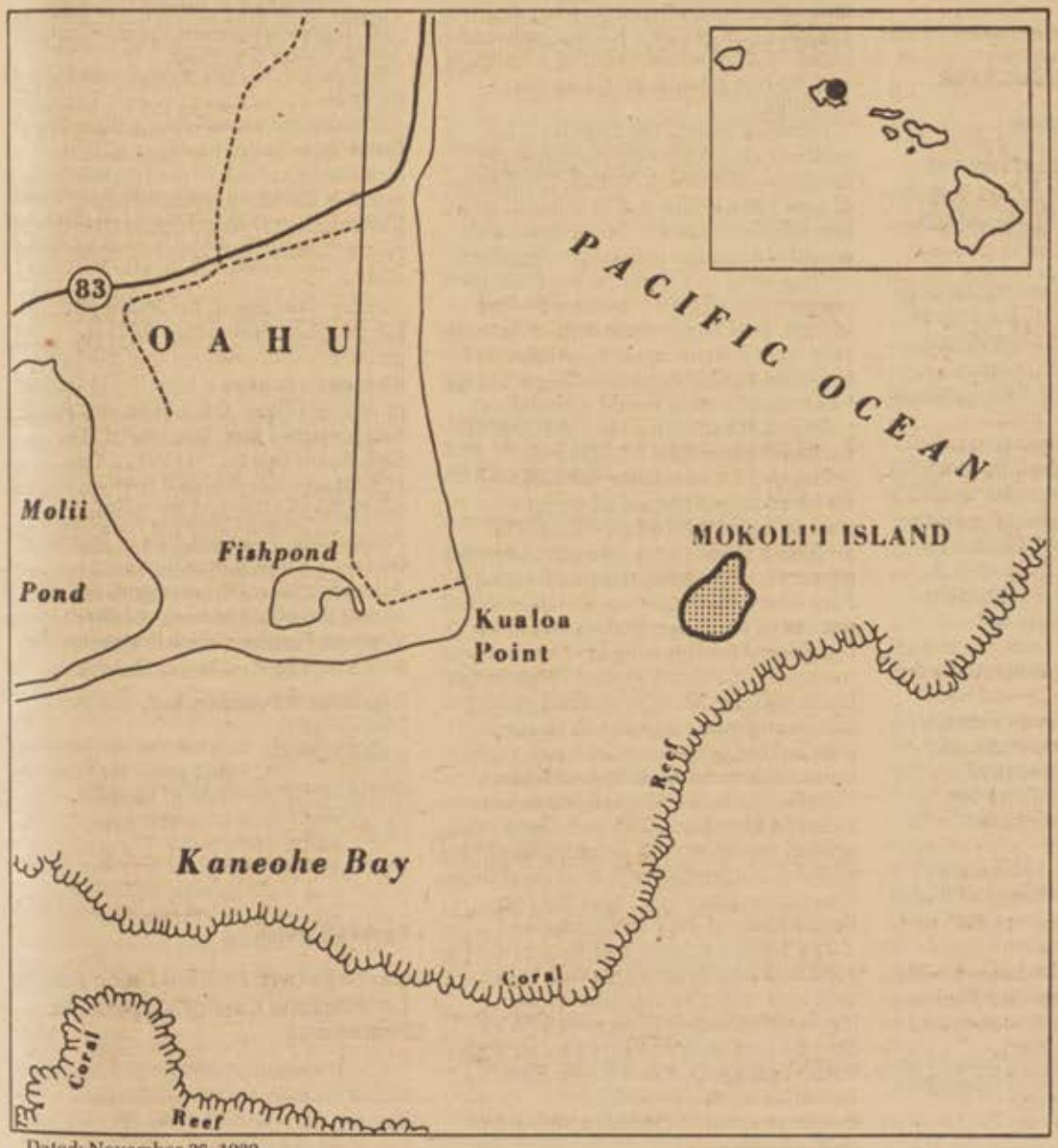
Panicum carteri

Carter's panicgrass

Hawaii, City and County of Honolulu, entire island of Mokoli'i (see map).

CARTER'S PANICGRASS

Honolulu County, HAWAII



Dated: November 26, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[Proposal: *Panicum carteri* as Endangered, with Critical Habitat]

[FR Doc. 81-3531 Filed 1-29-81; 8:45]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 20
Friday, January 30, 1981

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools; Income Poverty Guidelines

Correction

In FR Doc. 81-1298 appearing on page 3946, in the issue of Friday, January 16, 1981, make the following corrections:

1. On page 3946, middle column, second paragraph, second line, the word "mik" should have read "milk".

2. On page 3946, middle column, third paragraph, the first word of the tenth line, "socila" should have read "social".

3. On page 3947, in the heading of the table for "Income Poverty Guidelines," the dates should extend from "Jan. 1, 1981–Sept. 30, 1981" rather than from "Feb. 1, 1981–Sept. 30, 1981" as published.

4. On page 3947, in the table make the following corrections:

a. The figure under "Poverty level", "Year", for a family of one in *Alaska* reading "3,960" should have read "5,960", and for a family of two in *Hawaii and Guam* reading "6,650" should have read "6,850".

b. The figure under "125 percent of poverty", "Month", for a family of five in *Hawaii and Guam* reading "11,128" should have read "1,128".

5. On page 3947, beneath the table the "Authority, signature, date and file line were inadvertently omitted and should have read as set forth below:

"(42 U.S.C. 1785, 1766, 1772, 1773(e), and sec. 203, Pub. L. 96-499, 94 Stat. 2599)

"Dated: January 8, 1981.

"Carol Tucker Foreman,

"Assistant Secretary for Food and Consumer Services.

"[FR Doc. 81-1298 Filed 1-15-81; 8:45 am]"

BILLING CODE 1505-01-M

Rural Electrification Administration

Western Farmers Electric Cooperative; Finding of No Significant Impact

The Western Farmers Electric Cooperative (Western) of Anadarko, Oklahoma, has requested REA financing assistance to construct 375 miles of new 138 kV transmission line, to rebuild 35 miles of transmission line, from 69 kV to 138 kV to add 433,850 KVA of substation capacity at new and existing substation and for related and miscellaneous facilities.

Included among the total facilities outlined above are two transmission line networks which include 278.5 miles of new 138 kV line and 29 miles of 69 kV line rebuilt to 138 kV. These networks would change the previously approved arrangement to deliver power from the cooperative's Hugo steam generating station, now under construction, into the area transmission system which was based on 345 kV facilities. These 138 kV transmission lines would also deliver power to Western member systems at various distribution substations.

The two transmission networks involved consideration of various corridors and interconnections. The preferred alternatives were chosen after economic and engineering evaluations. Four alternative systems which involved the use of various corridors were considered for this project. The first was to construct a 69 kV system to serve the loads plus 138 kV system overlay with auto-transformer support at strategic points. This system would have interconnections with SPA at Brown, Tupelo, Weleetka plus interconnects with PSCO at Lone Oak and Craig. This system would require a minimum of 138/69 kV auto-transformers at each of these interconnecting points plus the Hugo Power Plant of Western Farmers.

The second system was to construct a 138 kV line with direct service to the members' distribution substations having interconnections with SPA at Brown, Tupelo and Weleetka and with PSCO at Lone Oak and Craig. This would be all one network interconnected at Pittsburg, instead of two networks.

The third system was to construct a 138 kV line with direct service to the member distribution substations at 138 kV with interconnecting points to SPA at Brown, Tupelo, and Weleetka plus interconnection points with PSCO of Oklahoma at Lone Oak, Clayton, and Craig.

The fourth alternative system was to construct a 138 kV line with direct service to the members' distribution substations at 138 kV, having interconnections with SPA at Brown, Tupelo, Weleetka and interconnections with PSCO of Oklahoma at Lone Oak and Craig. This would be a two network system.

Western prepared BER's (Borrower's Environmental Reports) on all the facilities involved in the financing request. REA has prepared an Environmental Assessment (EA) for the two transmission networks mentioned above.

After a review of the BER's and the EA REA concluded that its loan guarantee commitment and the insured loan will not have a significant impact on the quality of the human environment and prepared this "Finding of No Significant Impact" (FONSI). This FONSI can be reviewed in the office of the Director (Room 5831, South Agriculture Building), Power Supply Division, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the the cooperative, Western Farmers Electric Cooperative, P.O. Box 429, Anadarko, Oklahoma.

Dated at Washington, D.C., this 26th day of January, 1981.

Joseph Vellone,

Administrator, Rural Electrification Administration.

[FR Doc. 81-3507 Filed 1-29-81; 8:59 am]

BILLING CODE 3410-15-M

Forest Service

Meetings Cancellation; Tahoe Federal Coordinating Council's Operating Procedures

Meetings scheduled for February 3rd (San Francisco), 11th (South Lake Tahoe), and the 18th (Carson City and Las Vegas) have been cancelled.

These meetings have been cancelled to allow time for the evaluation of Executive Order 12247 in light of the need to determine how the Federal Government can best assist the Tahoe

Regional Planning Agency carry out their responsibilities.

Zane G. Smith, Jr.,

Chairman, Tahoe Federal Coordinating Council.

[FR Doc. 81-3452 Filed 1-29-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Intent to Prepare Environmental Impact Statement; Puerto Rico

Notice is hereby given that the Rural Electrification Administration (REA), if lead agency, intends to prepare an Environmental Impact Statement (EIS) in order to fulfill its requirements under the National Environmental Policy Act (NEPA) of 1969 in connection with a possible loan guarantee commitment to the Puerto Rico Electric Power Authority (PREPA), P.O. Box 4267, San Juan, Puerto Rico, 00936, for a portion of the financing required for the construction of certain generation and possibly transmission facilities. PREPA is investigating possible sites near Aguada, Rincon, Punta Borinquen and Puerto Arroyo, all in the Commonwealth of Puerto Rico.

The sites are being investigated for a possible coal or coal-oil fired generating station, consisting ultimately of 3–300 MW units. Associated with the proposed generating station will be transmission facilities connecting the station into the existing transmission grid, fuel handling facilities, water intake and discharge, waste disposal, and pollution control equipment.

Alternatives to be considered by REA and PREPA are described in REA Bulletin 20–21: 320–21 and may include among other options, (a) no project, (b) conservation measures, (c) alternative sites for generating plant and transmission, (d) alternative fuels, and (e) alternative methods of generation.

Interagency meetings and public scoping meeting or public scoping meetings will be held as soon as practicable. Government agencies, other organizations, and the public are invited to participate in the planning and analysis of this proposed project at an early stage. Issues to be discussed at the public scoping meeting include, but are not limited to, (a) determination of project scope and identification of the significant environmental issues, (b) elimination of issues which are not significant from detailed study, (c) identification of other environmental review, consultation, and study requirements so the lead and cooperating agencies may have prepared other required analyses and studies concurrently with the EIS, and (d) identification of environmentally sensitive areas and/or other potential sites. The participants will be invited to critique specific alternative sites identified as well as propose other potential non-site specific alternatives. Inquiries and comments should be forwarded to the Assistant Administrator—Electric, USDA, REA, Agriculture—South Building, Washington D.C. 20250.

The REA's financing assistance to PREPA will be subject to, and release of funds thereunder will be contingent upon, REA's arriving at a satisfactory conclusion regarding compliance with EIS procedures required by the NEPA of 1969.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington D.C., this 22nd day of January 1981.

Joseph Vellone,

Acting Administrator.

[FR Doc. 81-3035 Filed 1-29-81; 8:45 am]

BILLING CODE 3410-15-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 commodities and a military resale commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 30, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On November 21, 1980, October 31, 1980, September 26, 1980, and November 21, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 77104, 45 FR 72248, 45 FR 63898, and 45 FR 77104) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities, military resale commodity, and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities, military resale commodity, and services are hereby added to Procurement List 1981:

Class 5510

Lath, Wood
5510–00–NSH–0002 (3/8"x 1½x36")
5510–00–NSH–0003 (3/8"x 1½x48")
(Requirements for Bureau of Land Management in the States of Washington and Oregon)

Military Resale Item No. and Name

No. 570 Clothespins, Plastic

SIC 7349

Janitorial/Custodial
U.S. Courthouse, 40 Foley Square, New York, New York

SIC 7542

Carwash Service
Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon

C. W. Fletcher,

Executive Director.

[FR Doc. 81-3506 Filed 1-29-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Correction of Additions

FR Doc. 80–40785 published on January 5, 1981 (46 FR 996) is amended as follows:

a. The effective date for all of the additions to the Procurement List listed is changed from January 2, 1981 to January 5, 1981.

b. The addition to the Procurement List of ladies pajama tops and pants and ladies robes is corrected to reflect the requirements of the Veterans Administration (VA) only. The addition of the ladies pajama tops and pants is further limited to the portions of the VA requirements which are not produced by the Federal Prison Industries.

C. W. Fletcher,

Executive Director.

[FR Doc. 81-3508 Filed 1-29-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List

1981 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 4, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 1660

Harness Assembly
1660–00–066–2078

Class 8415

Cover, Helmet, Camouflage
8415–00–NIB–0001 Small and Extra Small, White
8415–00–NIB–0002 Medium and Large, White
8415–01–103–1349
8415–01–103–1350

SIC 0782

Grounds Maintenance
Department of the Army, Babe Ruth Field, Fort Ord, California

SIC 7349

Janitorial Service
Federal Building, 100 W. Capital Street, Jackson, Mississippi

C. W. Fletcher,

Executive Director.

[FR Doc. 81–3509 Filed 1–29–81; 8:45 am]

BILLING CODE 6820–33–M

CIVIL AERONAUTICS BOARD

Environmental Impact Statement for John Wayne Airport, Orange County, Calif.; Meeting

AGENCY: Civil Aeronautics Board.

ACTION: Public meeting on Draft Environmental Impact Statement for John Wayne Airport, Orange County, California.

DATE: February 9, 1981.

The United States Civil Aeronautics Board will sponsor a public meeting on Monday, February 9, 1981, at the Tustin Civic Center, City Hall, Council Chambers to hear public comments and questions on the Draft Environmental Impact Statement for proposed new air carrier authority at John Wayne Airport in Orange County. The CAB is considering applications for authority by a number of airlines desiring to serve the Airport. The meeting will be chaired by Mrs. Gloria Schaffer, Member of the Board.

The meeting will be held in two sessions: from 2 p.m. to 4 p.m., and from 7:30 p.m. to 9:30 p.m. The Tustin Civic Center is located at 300 Centennial Way, Tustin, California. Persons interested in making statements are urged to contact Ms. Jan Redding, CAB, Burlingame, California, at (415) 876–2767, to be placed on the speakers' list.

FOR FURTHER INFORMATION CONTACT: Jan Redding (415) 876–2767 or Mark Atwood (202) 673–5333.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–3574 Filed 1–29–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Unrefined Montan Wax From the German Democratic Republic; Postponement of Preliminary Antidumping Decision

AGENCY: U.S. Department of Commerce.

ACTION: Postponement of Preliminary Antidumping Determination.

SUMMARY: The Department of Commerce has determined that this antidumping case is "extraordinarily complicated", and will postpone its preliminary determination whether sales of unrefined montan wax from the German Democratic Republic have occurred at less than fair value until March 4, 1981, at the latest.

EFFECTIVE DATE: January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Import Administration Specialist, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W. Washington, D.C. 20230 (202–377–3003).

SUPPLEMENTARY INFORMATION: On September 24, 1980, the Department of Commerce published notice in the **Federal Register** (45 FR 64611) that it was initiating, under section 732(b) of the Tariff Act of 1930 (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether unrefined montan wax from the German Democratic Republic (GDR) is being or is likely to be sold at less than fair value. The notice stated that, unless the investigation were extended, the Department would issue a preliminary determination not later than February 12. Section 733(c) of the Act provides that the Department of Commerce may postpone its preliminary determination concerning sales at less than fair value if it concludes that the parties involved are cooperating in the investigation, the case is extraordinarily complicated, and additional time is needed to make the preliminary determination.

Pursuant to section 733 of the Act, the Department concludes that the parties concerned are cooperating and that this case is extraordinarily complicated because it presents a novel issue and because of the adjustments to be considered.

The Department has determined that the GDR is a state controlled economy within the meaning of section 773(c) of the Act. Section 353.8 of the Commerce Department Regulations states a preference for the use of prices or constructed value in a non-state-controlled-economy country for purposes of establishing the fair value of merchandise produced in a state-controlled-economy country. Because it is uncertain whether montan wax is produced in sufficient quantities in any market economy countries outside the United States, the Import Administration has sought information from various sources so that we could investigate the alternative methods for determining the fair value of merchandise from a state-controlled economy country. All parties have demonstrated good faith in endeavoring to supply this information.

At this time we are exploring the possibility of making a determination based upon the prices or constructed value of merchandise produced in a non-stated-controlled-economy country other that the United States. However, the possibility exists that unrefined montan wax is produced, in quantities suitable for making a determination in this investigation, in only one other country than the United States, the German Democratic Republic.

Thus, the Department may make a determination of fair value based upon the factors of production in the German Democratic Republic, by valuing such factors in a non-state-controlled-economy country of reasonably comparable economic development. Both of these alternatives would require complex adjustments for differences in production. Therefore, the Department will need additional time to collect and

analyze data necessary for a preliminary determination.

Accordingly, the Department will issue a preliminary determination in this case not later than March 4, 1981.

This notice is published pursuant to section 733(c)(2) of the Act, 19 U.S.C. 1673(c)(2)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

January 26, 1981.

[FR Doc. 81-3507 Filed 1-29-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate three San Francisco Region projects for a twelve month period, two beginning June 1, 1981, and one beginning July 1, 1981. The aggregate total cost of the projects is $880,000.

Funding Instrument: It is anticipated that the funding instruments, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be grants.

Program Description: The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority businesspersons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either non-profit or commercial entities). These firms must be capable of providing such services as:

—Preparation of business plans;
—Financial packaging;
—Industrial management assistance;
—Personnel management services;
—Marketing planning;

and a broad range of other business services excluding legal services.

Applications are invited for the following three projects:

1. One grant for a management and technical assistance project to operate in the Sacramento, Vallejo-Fairfield-Napa, Stockton, and Modesto, California SMSAs in Sacramento, Placer, Yolo, Solano, Napa, San Joquin, and Stanislaus counties of California. The project will operate at a cost not to exceed $520,000. The Project I.D. Number is 09-10-80016-01.

2. One grant for a management and technical assistance project to operate in the Las Vegas, Nevada SMSA in Clark County, Nevada. The project will operate at a cost not to exceed $110,000. The Project I.D. Number is 09-10-80017-01.

3. One grant for a management and technical assistance project to operate in the Riverside-San Bernardino-Ontario, California SMSA in the counties of Riverside and San Bernardino, California. The project will operate at a cost not to exceed $250,000. The Project I.D. Number is 09-10-80018-01.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for these projects may be requested by writing the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 450 Golden Gate Avenue, Box 36014, San Francisco, California 94102.

In requesting the application kit, the applicant must specify its profit status; i.e., State or local government, Federally recognized Indian tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of March 4, 1981. Applications received after that date will not be considered.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance) (This program is not subject to the requirements of OMB Circular A-95)

Dated: January 26, 1981.

R. V. Romero,

Regional Director.

[FR Doc. 81-3501 Filed 1-29-81; 8:45 am]

BILLING CODE 3510-21-M

Office of the Secretary

[Secretary's Circular 33]

Interim Designation of Subordinate Unit Heads

Dated: January 23, 1981.

1. The below named Departmental personnel are delegated the authority to perform the functions of the following respective Secretarial officers and heads of organizational units in the Department of Commerce until further notice or until a successor takes office:

General Counsel, Alfred Meisner
Assistant Secretary for Administration, Clifford J. Parker
Assistant Secretary for Policy, Frederick T. Knickerbocker
Assistant Secretary for Congressional Affairs, David J. Elliot
Under Secretary for International Trade, Paul O'Day
Assistant Secretary for Economic Development, Harold W. Williams
Assistant Secretary for Productivity, Technology, and Innovation, Robert B. Ellert
Assistant Secretary for Communications and Information, Dale N. Hatfield
Assistant Secretary for Tourism, Lee J. Wells
Assistant Secretary for Trade Administration, John Greenwald
Assistant Secretary for Trade Development, J. Mishell George
Assistant Secretary for International Economic Policy, Franklin J. Vargo
Director, Bureau of the Census, Daniel B. Levine
Director, Minority Business Development Agency, Allan A. Stephenson

2. These Departmental personnel shall, as authorized by law, perform the functions of the following respective officers until further notice or until a successor takes office:

Administrator, National Oceanic and Atmospheric Administration, James P. Walsh
Commissioner, Patent and Trademark Office, Rene D. Tegtmeyer
Inspector General, Frederic A. Heim, Jr.

3. The following Departmental personnel shall continue to perform the functions of their offices until further notice:

Assistant Secretary for Maritime Affairs, Samuel B. Nemirow
Director, National Bureau of Standards, Earnest Ambler
Commissioner General of the United States for Energy-Expo 82, Charles L. Fraser
Chief Economist, Courtenay M. Slater
Director, Office of Public Affairs, Myron A. Hartwig
Director, Bureau of Economic Analysis, George Jaszi
Director, National Technical Information Service, Melvin S. Day
Direector, Bureau of Industrial Economics, Beatrice N. Vaccara

Clifford J. Parker,

Acting Assistant Secretary for Administration

FR Doc. 81-3717 Filed 1-29-81; 11:10 am]

BILLING CODE 3510-17-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Receipt of Petitions for Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978 and Proposed Order Granting Special Temporary Public Interest Exemptions.

AGENCY: Economic Regulatory Administration Department of Energy.

ACTION: Notice of petitions for and proposed order granting special temporary public interest exemptions.

SUMMARY: A number of petitions have been received and filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for temporary public interest exemptions for the use of natural gas as a primary energy source. Such exemptions are authorized by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 *et seq.*, (FUA or the Act). The owners/operators of the powerplants have provided the following information:

Petitioner/generating station	Unit identification	Maximum quantity of oil to be displaced [1] (barrels/per day)	Type of oil to be displaced	Coal or alternat fuel to be displaced
Arizona Public Service Co. (Phoenix)	CC 1	490	Residual	No.
	CC 2	463	Residual	No.
	CC 3	510	Residual	No.
Community Public Service Co. (Lordsburg)	No. 4	152	Residual [2]	No.
Louisiana Power & Light Co. (Little Gypsy)	No. 1	5	Distillate	No.
	No. 2	91	Distillate	No.
	No. 3	6	Distillate	No.
(Monroe)	No. 12			
(Ninemile Point	No. 1	56	Residual [2]	No.
	No. 4	1,164	Distillate	No.
	No. 5	256	Distillate	No.
Mississippi Power & Light (Gerald Andrus)	No. 1	19, 652	Residual	No.
City of Natchitoches (Natchitoches)	No. 10	3	Residual	No.
Pacific Gas & Electric Co. (Pittsburg)	No. 6	3,288	Residual	No.
	No. 7	8,948	Residual	No.
(Moss Landing)	No. 7	4,047	Residual	No.
Pennsylvania Electric Co. (Warren)	No. 20	107	Distillate	No.
Plains Electric Generation & Transmission Cooperative Inc. (Algodones).	No. 1	48	Residual	No.
	No. 2	48	Residual	No.
	No. 3	48	Residual	No.

[1] Barrels per day.
[2] High sulfur residual fuel (greater than 0.5 percent sulfur).

FUA became effective on May 8, 1979. The Act prohibits the use of natural gas as a primary energy source in certain existing powerplants and also authorizes exemptions under certain conditions.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing section 311(e) of FUA. This final rule, 10 CFR Part 508 (44 FR 21230, April 9, 1979), sets forth the policy ERA has adopted in implementing section 311(e) of FUA, and the eligibility standards which petitioners for the temporary exemption must meet.

The grant of these temporary exemptions will allow these existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by sections 301(a)(2) and (3) of FUA. The use of natural gas, permitted under these temporary exemptions, will result in displacing distillate and residual fuel oils in existing electric powerplants.

The above listed owners/operators have filed petitions with ERA for temporary public interest exemptions for certain existing electric powerplants. ERA has reviewed these petitions and has determined that the powerplants meet the eligibility criteria established in 10 CFR § 508.2.

ERA is proposing to issue orders which would grant temporary public interest exemptions to all of the powerplants listed above, pursuant to the authority of section 311(e) of FUA and 10 CFR Part 508. These proposed orders, when finalized, would grant a temporary exemption to the subject powerplants from the prohibition against natural gas use, contained in sections 301(a)(2) and (3) of FUA.

Additionally, special temporary public interest exemptions do not relieve existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Proposed Order Granting Special Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby sets forth its Order proposing to grant special temporary public interest exemptions from the prohibitions of sections 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. § 8301 *et seq.*, pursuant to section 311(e) of FUA, 10 CFR § 501.68, and 10 CFR Part 508, to the following powerplants:

Case control No.	Petitioner	Generating station	Unit identification	Location
50101-0117-50-41, 50101-0117-51-41, 50101-0117-52-41	Arizona Public Service Co	Phoenix	CC 1, CC 2, CC 3	Phoenix, Ariz.
50645-2443-04-41	Community Public Service Co	Lordsburg	No. 4	Lordsburg, N. Mex.
51694-1402-01-41, 51694-1402-02-41, 51694-1402-03-41	Louisiana Power & Light Co	Little Gypsy	No. 1, No. 2, No. 3.	LaPlace, La.
51694-1403-01-41, 51694-1403-04-41, 51694-1403-05-41		Ninemile Point	No. 1, No. 4, No. 5.	Westwego, La.
51694-9190-12-41		Monroe	No. 12	Monroe, La.
51687-8054-01-41	Mississippi Power and Light	Gerald Andrus	No. 1	Greenville, Miss.
51982-1450-10-41	City of Natchitoches	Natchitoches	No. 10	Natchitoches, La.
52224-0271-06-41, 52224-0271-07-41	Pacific Gas & Electric	Pittsburg	No. 6, No. 7	Pittsburg, Calif.
52224-0260-07-41		Moss Landing	No. 7	Moss Landing, Calif.
54153-9177-20-41	Pennsylvania Electric Co	Warren	No. 20	Warren, Pa.
52340-2475-01-41, 52340-2475-02-41, 52340-2475-03-41	Plains Electric Generation & Transmission Cooperative, Inc.	Algodones	No. 1, No. 2, No. 3.	Algodones, N. Mex.

I. Statutory Prohibitions

The above listed powerplants are prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited from using natural gas as a primary energy source in excess of the average base year proportions allowed in section 301(a)(3) of the Act.

II. Eligibility for Exemption

The existing powerplants listed above have submitted petitions to ERA for a special temporary public interest exemption and have asserted that:

a. Each existing powerplant is:

1. Prohibited on May 8, 1979, from using natural gas as a primary energy source by section 301(a)(2) of FUA, or

2. Prohibited from using natural gas in excess of the average base year proportions allowed in section 301(a)(3) of FUA.

b. The proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a) (2) or (3) of FUA:

1. Will displace consumption of middle distillate or residual fuel oil, and

2. Will not displace the use of coal or any other alternate fuel in any facility of the owner/operator utility system, including the powerplant for which the exemption petition was submitted.

III. Rationale

To the extent that the *near-term* choice of fuels for existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred. The expanded use of natural gas in these powerplants will be a significant step toward reducing the Nation's oil consumption in the short term. This increased use of natural gas will help the United States meet its international commitments to reduce its demand for imported petroleum products, protect the Nation from the effects of oil shortages, and cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas for oil displacement is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria established in 10 CFR 508.2, 44 FR 21230, ERA proposes to grant the exemptions.

IV. Duration

ERA proposes to grant these temporary public interest exemptions generally as follows:

1. In no case will any exemption granted extend beyond June 30, 1985, or exceed a maximum of 5 years (including the period of time during which the petition was pending), whichever occurs first.

2. To those facilities that will displace middle distillate fuel oil, grant exemptions until June 30, 1985, subject to the limitations described in paragraph 1, above.

3. To those facilities that will displace residual oil with a sulfur content of 0.5 percent or less, grant exemptions for an initial period of two years, with an automatic extension of up to three years, subject to the limitations described in paragraph 1, above, and upon ERA's written acceptance of a system-wide fuel conservation plan filed by the petitioner consistent with the terms and conditions set forth below.

4. To those facilities that will displace residual oil with a sulfur content greater than 0.5 percent, grant exemptions for an initial period ending December 7, 1981, with provision for an extension, subject to the limitations described in paragraph 1, above, and at ERA's option based on an appropriate request filed by the petitioner.

These proposed temporary exemptions are subject to termination by ERA upon six months written notice, if ERA determines such termination to be in the public interest.

V. Terms and Conditions

Pursuant to the authority of section 314 of FUA and 10 CFR § 508.6 ERA will require the recipient of a final order to: 1) report the actual monthly volumes of natural gas used in each exempted powerplant and the estimated number of barrels of each type of fuel oil displaced during the exemption period; 2) submit a system-wide fuel conservation plan to include the period covered by the temporary exemption; and 3) submit to ERA a report on progress achieved in implementing the system-wide fuel conservation plan. The first progress report is due within thirty days following the end of the calendar year in which the system-wide fuel conservation plan is required and annually thereafter.

Comments

ERA is publishing this notice of petitions filed and its proposed order granting these exemptions, to invite interested persons to submit written comments pursuant to the requirements of FUA. In addition, any interested person may request that a public hearing be convened in regard to these petitions under the provisions of section 701(d) of FUA.

Dates

Written comments relating to thses petitions and the proposed order are due on or before March 2, 1981. Requests for a public hearing are also due on or before March 2, 1981.

ADDRESSES: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4055

Elmer Lee (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 3112–E, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4268

Marx Elmer (Office of General Counsel), Department of Energy, Room 6B–178, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2967

This is not the final notice of petitions and proposed orders under the final rule. ERA will continue to comply with the requirements of section 701(c) of FUA and will publish further notices as petitions are received and accepted.

Issued in Washington, D.C. on January 23, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–3402 Filed 1–29–81; 8:45 am]

BILLING CODE 6450–01–M

Department of Energy vs. Cap Oil Company and H. A. Chapman Estate; Consent Orders

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute two Consent Orders and to provide an opportunity for public comment on these Consent Orders in the form of potential claims against the refunds deposited in an escrow account established pursuant to the Consent Orders. Comments by: March 2, 1981.

ADDRESS: Send to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816)/374–5934.

SUPPLEMENTARY INFORMATION: On January 19, 1981, the Office of Enforcement of the ERA executed two Consent Orders with Cap Oil Company and the Estate of H. A. Chapman ("the Chapman Group") of Tulsa, Oklahoma. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalities and interest, becomes effetive upon its execution. In this matter, each of the Consent Orders involves less than $500,000.

1. The Consent Orders

The Chapman Group, with its home office located in Tulsa, Oklahoma, is a firm engaged in the production and sale of natural gas liquid products ("NGL products") and condensate and is suject to the Mandatory Petroleum Pricing and Allocation Regulations at 10 CFR Parts 210, 211, and 212. In order to resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of the Capman Group, the Office of Enforcement and the Chapman Group entered into Consent Orders which stipulated:

1. Among its business activities, the Chapman Group is a "gas plant owner", a "gas plant operator" and a seller of "condensate", and is therefore subject to the price regulations at 10 CFR Part 212, Subparts K and D. These Consent Orders cover sales of condensate and NGL products during the period September 1, 1973 through November 30, 1979.

2. The reasons for the overcharges was that the Chapman Group (1) sold condensate in excess of the applicable ceiling prices mandated by 6 CFR 150.354(c) and 10 CFR 212.73(a), and (2) sold NGL products at prices in excess of those mandated by 6 CFR 150.355 and 150.358 and 10 CFR 212.82, 212.83, 212.143 and 212.163.

3. It is understood that the Chapman Group does not, by entering into the consent Orders, admit that it has violated any regulations of the DOE.

The provisions of 10 CFR 205.199J, including the obligation of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, the Chapman Group agrees to deliver certified checks totaling $180,400, which includes interest, to the United States Department of Energy within 30 days after the Consent Orders become effective. Such refund will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable law and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum indsustry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers of offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identifed, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of these Consent Orders.

You should send your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of these Consent Orders by writing to the same address or by calling (816)374–5934.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on the chapman Group consent Orders." We will consider all comments we receive by 4:30 p.m., local time, on March 2, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures at 10 C.F.R. § 205.9(f).

Issued in Kansas City, Mo., on the 22nd of January, 1981.

William D. Miller,

Manager, Central Enforcement District, Economic Regulatory Administration.

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-3495 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-01-M

Search Drilling Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order. Comments by March 2, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch.

Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374–5932.

SUPPLEMENTARY INFORMATION: On January 19, 1981, the Office of Enforcement of the ERA executed a Consent Order with Search Drilling Co. of Wichita, Kansas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Search Drilling Co., with its home office located in Wichita, Kansas is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Search Drilling the Office of Enforcement, ERA, and Search Drilling entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by Search Drilling during the period January 1, 1978 through December 31, 1980.

2. The reason for the overcharges was Search Drilling sold crude oil at prices in excess of the applicable ceiling price, as defined at 6 CFR 150.354 and at 10 CFR 212.73.

3. It is understood that Search Drilling does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Search Drilling agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the Transactions specified in I.1. above, the sum of $94,205, plus interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in monthly installments and completed within 37 months from the effective date of the Consent Order. Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Search Drilling Consent Order." We will consider all comments we receive within March 2, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR § 205.9(f).

Issued in Kansas City, Missouri on the 22nd day of January, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-3400 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-01-M

Webster Oil Company, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: January 19, 1981. Comments by: March 2, 1981.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement Department of Energy, 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (Phone) 816–374–5932.

SUPPLEMENTARY INFORMATION: On January 19, 1981, the Office of Enforcement of the ERA executed a Consent Order with Webster Oil Company, Inc. of Springfield, Missouri. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Webster Oil Company, Inc. (Webster) with its home office located in Springfield, Mo., is a firm engaged in the marketing of motor gasoline, propane and fuel oils to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211,

212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Webster the Office of Enforcement, ERA, and Webster entered into a Consent Order.

The Consent Order encompasses Webster's sales of covered products during the period October 1, 1973, through May 20, 1974.

II. Disposition of Refunded Overcharges

In this Consent Order, Webster agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I above, the sum of one hundred fifteen thousand dollars ($115,000.00) by January 19, 1985. Refunds of overcharges of $4,696.00 will be in the form of a price reduction in its sales of motor gasoline to end-users for a period of one (1) year after the effective date of the Consent Order.

Refunds of overcharges to resellers of $110,304.00 will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These refunds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required.

Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for the Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments or written notification of a claim on the outside of your envelop and on the documents you submit with the designation, "Comments on Webster Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 2, 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 Kansas City, Missouri on the 22nd day of January 1981.

Dated: January 22, 1981.

William D. Miller,

District Manager of Enforcement.

Concurrence:

David H. Jackson,

Chief, Enforcement Counsel.

[FR Doc. 81-3497 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Biomass Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Biomass Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (pub. L. 92–463, 86 Stat. 770).

Date and Time: February 12, 1981, 8:30 am to 5:00 pm. February 13, 1981, 8:30 am to 12 noon.

Place: Department of Energy, Forrestal Building, Room 4A–104, 1000 Independence Avenue, S.W., Washington, D.C. 20585

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, MS 3F–032, 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: Working Session to review *draft* Biomass Energy Report.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and resonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, 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 January 26, 1981.

Antionette G. Joseph,

Associate Director for Field Operations Management.

[FR Doc. 81-3571 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP78–432–006]

ANR Storage Co.; Petition To Amend

January 26, 1981.

Take notice that on December 11, 1980 [1] ANR Storage Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP78–432–006 a petition to amend the order issued July 23, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the 50-day gas storage service volumes provided to Panhandle Eastern Pipeline Company (Panhandle), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

[1] This application was initially tendered for filing on December 11, 1980; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until December 22, 1980; thus the filing was not completed until the later date.

Petitioner states that it was authorized, *inter alia*, to provide up to 1,140,000 Mcf of 50-day gas storage service to Panhandle pursuant to a July 6, 1978, gas storage agreement.

It is stated that Panhandle needs additional gas storage in order to meet its customers' peak-day winter requirements. It is further asserted that Petitioner and Panhandle have entered into an amendment to the gas storage agreement dated December 5, 1980, which increases the maximum volume of 50-day gas storage service to be provided to Panhandle from 1,140,000 Mcf to 3,100,000 Mcf.

Petitioner states that upon termination of gas storage service to Southern Natural Gas Company on March 31, 1981, Petitioner would have an additional 1,960,000 Mcf of 50-day gas storage service capacity available. It is stated that this additional capacity would be utilized to increase Panhandle's gas storage service and that no new facilities are required for the rendition of this service.

Petitioner asserts that it would charge a rate of 59.32 cents per Mcf for the 50-day gas service proposed or such higher rate as finally determined proper in Docket No. RP80–83 for the 50-day gas storage service presently rendered. It is further stated that Panhandle would supply injection compressor fuel equal to 1.3 percent of the volumes delivered for storage and that Petitioner would deduct from the volumes withdrawn from storage for redelivery to Panhandle withdrawal compressor fuel equal to 0.15 percent of such volumes.

Petitioner, it is asserted, would transport the gas to and from storage to a point of interconnection with Great Lakes Gas Transmission Company in Crawford County, Michigan.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 17, 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 and 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3533 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-227-000]

Arizona Public Service Co.; Filing

January 26, 1981.

The filing company submits the following:

Take notice that on January 19, 1981, Arizona Public Service Company (APS) tendered for filing a Layoff Agreement for Power and Energy from APS' Unit No. 4 of it Cholla Generating Station to Utah Power & Light Company (Utah).

Early approval under Section 35.3 is requested by Utah as Utah may be required to make other arrangements should the provisions of this Agreement not be available.

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 Sections 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 Febraury 13, 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 availabe for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3534 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3805]

Boston Edison Co. and Metropolitan District Commission; Application for Preliminary Permit

January 23, 1981.

Take notice that Boston Edison Company and Metropolitan District Commission (Applicant) filed on December 1, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3805 to be known as the Silk and Circular Dams Project located on the Charles River in the Towns of Needham, Wellesley and Newton, in Middlesex and Norfolk Counties, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: C. B. Damrell, V.P., Boston Edison Company, 800 Boylston Street, Boston, Massachusetts 02199.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Circular and Silk Dams owned by the Metropolitan District Commission. Applicant proposes to install a powerhouse with a single turbine-generator with a rated capacity of approximately 300 kW at each dam. Applicant estimates that the project would produce up to 1,200,000 kWh annually.

Purpose of Project—Energy produced at the project would be utilized by Boston Edison Company for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include preliminary designs, economic analysis, 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 requests a preliminary permit term of 16 months. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other

formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d)(1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest 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 filed on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3805. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street., NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3535 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-148-000]

Boston Gas Co.; Application

January 23, 1981.

Take notice that on January 19, 1981, Boston Gas Company (Applicant), One Beacon Street, Boston, Massachusetts 02108, filed in Docket No. CP81-148-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import 125,000 cubic meters of liquefied natural gas (LNG) from Perusahaan Pertambangan Dan Gas Bumi Negara (Pertamina), 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 entered into a liquefied natural gas sales contract with Pertamina dated January 16, 1981, pursuant to which it proposes to purchase approximately 125,000 cubic meters of LNG from Pertamina. Applicant states that the Btu content of the LNG to be imported would be between 1,070 and 1,170 Btu per cubic foot and that the price of the LNG would be $6.13 per million Btu F.O.B. Indonesia. Applicant further states that it would pay Pertamina at the same rate for all LNG used to cool-down the LNG transport vessel.

Applicant asserts that the LNG would be lifted at the Badak-Pertamina LNG facility in Indonesia and would be transported by a U.S.-flag vessel, the El Paso Southern, which is expected to depart Greece for Indonesia on January 17, 1981, and which is expected to arrive in Indonesia and load the subject LNG cargo between February 3 and February 10, 1981.

Applicant states that approximately 60,000 cubic meters of the LNG sought to be imported would be used to replace LNG which has been made available to Applicant by Southern Energy Company (Southern Energy) and that the remainder would be used to replenish Applicant's depleted LNG inventories which are vitally needed to meet peak demand on cold days.

Applicant submits that the LNG would be delivered to the storage facilities of Distrigas of Massachusetts Corporation, (DOMAC) in Everett, Massachusetts, and/or to Southern Energy's LNG facility at Elba Island, Georgia. Applicants asserts that the LNG facility or facilities utilized would be determined based on whether or not LNG deliveries from Sonatrack, the Algerian LNG Company, have recommenced to DOMAC by the date of arrival of the subject LNG cargo. It is stated that if the subject LNG is delivered entirely to the Southern Energy LNG facility at Elba Island, the gas remaining after the replacement of the volumes due to Southern Energy would be made available to Applicant by displacement.

Applicant asserts that the importation of the subject LNG is vitally necessary in light of the natural gas supply emergency currently existing in Massachusetts and in particular in Applicant's service area.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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 detemining 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3536 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-224-000]

Duke Power Co.; Filing

January 26, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on January 1, 1981 a supplement to the Company's Electric Power Contract with Broad River Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 143.

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

designated demand: Delivery Point No. 2 from 2,000 KW to 2,500 KW, Delivery Point No. 6 from 1,750 KW to 2,200 KW, Delivery Point No. 7 from 2,000 KW to 2,200 KW, Delivery Point No. 8 from 4,100 KW to 4,500 KW, Delivery Point No. 9 from 3,000 KW to 4,000 KW and Delivery Point No. 10 from 3,400 KW to 4,000 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 and effective date of March 19, 1981.

According to Duke Power copies of this filing were mailed to Broad River Electric Cooperative, Inc., 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 Sections 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 February 13, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3537 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3779-000]

Great Northern Nekoosa Corp.; Application for Preliminary Permit

January 23, 1981.

Take notice that Great Northern Nekoosa Corporation (Applicant) filed on November 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3779 to be known as the Big "A" Project located on the West Branch of the Penobscot River in Piscataquis County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph F. O'Handley, General Counsel and Secretary, Great Northern Nekoosa Corporation, 75 Prospect Street, Stamford, Connecticut 06901. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 125-foot high, 1,900-foot long earth and rock-fill dam; (2) a 950-foot long ogee spillway with four 28-foot square radial gates; (3) a reservoir with a total storage capacity of 32,000 acre-feet; (4) an 18-foot diameter, 7,000-foot long tunnel/penstock; (5) a powerhouse with three turbine-generators with a total rated capacity of 34.1 MW; (6) a tailrace channel; (7) a 3.2 mile long 115 kV transmission line; and (8) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 233 million kilowatt hours saving the equivalent of 382,600 barrels of oil or 108,000 tons of coal.

Purpose of Project—Energy generated at the project would be used to replace energy produced by oil fired electric generators for the Applicant's industrial processes.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include engineering plans, and an environmental assessment. 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 work to be performed under this preliminary permit would cost $765,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Arches Project No. 3237 filed on July 3, 1980, by Penobscot Hydro Associates, under 18 CR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3779. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3538 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3526]

Harrison Western Corp.; Application for Preliminary Permit

January 23, 1981.

Take notice that Harrison Western Corporation (Applicant) filed on October 6, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3526 to be known as the Silver Jack Project located on the Cimarron Creek near the Town of Cimarron, Gunnison County, Colorado at the existing Silver Jack Dam owned by the United States Water and Power Resources Service (Township 46 North Range 6 West N.M.P.M.) and is located within the Uncompahgre 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. Warren Harrison, Engineering Manager, Harrison Western Corporation, 1208 Quail Street, Lakewood, Colorado 80215. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing government dam and would consist of a powerhouse with three Ossberger turbines connected to three generators with a total rated capacity of 1,440 kW. A transmission line with a mimimum length of 15 miles would be required. The project could generate up to 10,100,000 kWh annually, which would save the equivalent of 16,600 barrels of oil for 4,700 tons of coal.

Purpose of Project—Power generated by the project would be sold to either Colorado-Ute Electric Association or REA.

Proposed Scope and Cost of Studies under Permit—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 $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 26, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this Application should file a petition to intervene or a protest with the Commission, in accordance with the requirement 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 filed on or before March 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3526. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3539 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3785-000]

Hydroelectric Constructors, Inc.; Application for Preliminary Permit

January 23, 1981.

Take notice that Hydroelectric Constructors, Inc. (Applicant) filed on November 24, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3785 to be known as the Dillion Project located on Lake Dillion and the Blue River in the Town of Silverthorne, Summit 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. Glen G. Dorman, President, Hydroelectric Constructors, Inc., 5353 W. Dartmouth Avenue, Denver, Colorado 80227. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize flows which are normally discharged into the Blue River from the existing Dillion Dam and Reservoir owned by the City and County of Denver. The proposed project would consist of: (1) the existing 240-foot high, 6,175-foot long Dillon earth fill dam and

its 3,300 acre reservoir; (2) a new 400-foot long penstock originating at the existing outlet works; (3) a powerhouse containing a turbine-generator unit with a rated capacity of 1 MW; (4) a 3,000-foot long, 24.9 kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6,000,000 kWh which would save the equivalent of 9,900 barrels of oil or 2,800 tons of coal.

Purpose of Project—Applicant intends to sell electric energy to a public or private utility.

Purposed Scope and Cost of Studies under Permit—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 $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordane with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all captial letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3785. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3540 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-222-000]

Kansas Gas and Electric Co.; Proposed Tariff Change

January 26, 1981.

The filing Company submits the following:

Take Notice that Kansas Gas and Electric Company on January 15, 1981, tendered for filing a proposed change in its FPC Electric Service Tariff No. 141. The proposed Amendment changes the minimum and maximum amounts of power.

The Amendment is necessary because the present demands are being exceeded.

Copies of this filing were served upon United Electric Cooperative Inc.

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 Para. 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 February 12, 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.

Lois D. Casbell,

Acting Secretary.

[FR Doc. 81-3541 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-221-000]

Kansas Gas and Electric Co.; Proposed Tariff Change

January 26, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company on January 15, 1981, tendered for filing a proposed change in its FPC Electric Service Tariff No. 123. The proposed Amendatory Agreement changes the minimum and maximum amounts of power.

The Amendatory Agreement is necessary because the present demands are being exceeded.

Copies of this filing were served upon the City of Mount Hope, Kansas.

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 Para. 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 February 13, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3542 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-220-000]

Kansas Gas and Electric Co.; Proposed Tariff Change

January 26, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company on January 15, 1981, tendered for filing a proposed change in its FPC Electric Service tariff No. 142. The proposed Amendment changes the minimum and maximium amounts of power.

The Amendment is necessary because the present demands are being exceeded.

Copies of this filing were served upon The Sekan Electric Cooperative Association Inc.

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 Para. 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 February 13, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3544 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-225-000]

Louisville Gas and Electric Co.; Proposed Tariff Change

January 26, 1981.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E) on January 19, 1981, tendered for filing pursuant to the Interconnection Agreement between LG&E and Big Rivers Electric Corporation (Big Rivers), a Fourth Supplemental Agreement.

The purpose of this filing is to amend said Interconnection Agreement to comply with FERC Orders 84 and 84-B and to increase the demand charge for Short Term Power from 70¢ per kilowatt-week to 85¢ per kilowatt-week.

LG&E requests an effective date of March 16, 1981, with respect to the change in Short Term Power demand charge. With respect to the modification to comply with Orders 84 and 84-B, LG&E requests an effective date of September 1, 1980, as established in Order 84-B.

Copies of the filing were served upon Big Rivers and the Energy Regulatory Commission of Kentucky.

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 February 13, 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.

Lois D. Cashell,

Acting Secretary.

[Docket No. RP80-97]

Tennessee Gas Pipeline Co.; Change of Date for Informal Settlement Conference

January 23, 1981.

Take notice that the informal settlement conference in the above-listed docket which was originally scheduled for January 27, 1981, will be postponed until March 4, 1981. Such informal conference will be at 10:00 a.m. and will include all interested persons desiring to engage in settlement discussions in this proceeding. The meeting place will be posted on the day of the conference on the second floor 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 Commisison, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3546 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-144-000]

Upper Peninsula Power Co.; Order Accepting for Filing and Suspending Proposed Rates, Directing Summary Disposition, Denying Motion, Granting Interventions, and Establishing Procedures

Issued: January 23, 1981.

On November 26, 1980, Upper Peninsula Power Company (UPPCO) tendered for filing revised rates for firm power service to its seven wholesale customers,[1] and a proposed curtailment plan to govern its procedures in the event that it experiences a short-term (a few hours) or long-term (more than a few hours) capacity shortage or fuel shortage. The proposed revised rates would result in an increase in revenues of approximately $654,021 (16.28%) for the twelve month period ending June 30, 1980. UPPCO requests an effective date of January 31, 1981.

Public notice of the filing was issued on December 4, 1980, with responses due on or before December 26, 1980. A petition to intervene was timely filed by Wisconsin Electric Power Company (WEP) stating that it is a customer of UPPCO and that it will be affected by any decision made in this proceeding. WEP does not request a hearing, but requests that if a hearing is instituted, that it be made a full party thereto. The City of Negaunee, Michigan (City) filed a timely protest in which the City states that it is a customer of UPPCO and that

[1] See Attachment A for a list of customers and rate schedule designations.

the proposed increased rates will result in excess revenues to UPPCO. The City has not, however, requested intervenor status.[2]

On January 19, 1981, UPPCO filed an untimely motion to limit the suspension period to one day, if any, in this proceeding. In support of its motion for minimal suspension, UPPCO refers, *inter alia*, to its requested rate of return, certain earnings, and dividend information, a purportedly inadequate market to book ratio, the company's reductions in work force and deferral of certain maintenance work, and the alleged inadequacy of retail rate relief.

Discussion

We find that participation in this proceeding by WEP is in the public interest. Therefore, we shall grant the petition to intervene.

Our analysis indicates that UPPCO's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates 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. No such circumstances have been presented here. As the Commission noted in *Public Service Company of Colorado*, Docket No. ER80-447, order issued September 15, 1980,

> . . . most utilities are currently facing high costs of capital, fuel, construction and other items. It is the Commission's responsibility under the Federal Power Act to determine a rate of return, as well as other rate relief, appropriate to recover these costs. But this determination is a complex matter and one that cannot normally be resolved in the short time in which the Commission must make its suspension determination. We note that to the degree available financial indicators affect our rate of return analysis for purposes of our preliminary review of proposed rates, measures of the Company's financial condition have already been cosidered in our initial determination as to whether the filing complies with statutory standards. In the absence of a clear emergency, we will not further consider allegations of financial hardship as an independent basis for determining the appropriate suspension period.

UPPCO has not demonstrated the existence of such emergency circumstances in its motion for a nominal suspension. Accordingly, we shall deny that motion and suspend the rates for a period of five months permitting the rates to take effect subject to refund thereafter on June 30, 1981.

UPPCO's proposed curtailment plan provides that the company will promptly notify the Commission in the event an emergency situation exists. It will inform the Commission of the nature, time and duration of such an emergency and the specific procedures implemented in response to the emergency. Further, UPPCO's curtailment plan provides that, unless the emergency is sudden and unanticipated, UPPCO will notify all customers that an emergency exits. It then will request all customers to voluntarily reduce their loads before it initiates manual load shedding procedures. Once a wholesale or resale customer is notified of an emergency and is requested to institute emergency procedures, such customer's "failure to cooperate may force the Company to interrupt all service to the customer for the duration of (the) emergency." The plan does not specify what constitutes "failure to cooperate." If further action is necessary, the plan describes additional steps that UPPCO will take, with top priority afforded to essential health and safety services. In addition, the plan identifies methods for interrupting transmission and distribution circuits, and accommodating emergencies that might result from a long-term fuel shortage.

While UPPCO's proposed curtailment plan may be reasonable, we are unable to make such determination at this point. The area of electric service curtailment plans is a new one for this Commission. We shall therefore set the curtailment plan for hearing to further examine the question of its justness and reasonableness. We note that UPPCO's customers have expressed no objection to the provisions of the curtailment plan. Further, although we are as yet unable to conclude that the plan is just and reasonable, we believe that prompt implementation of the plan will provide certain assurances not otherwise available to UPPCO's customers. Thus, with respect to this limited portion of UPPCO's submittal, we shall impose only a one day suspension, allowing the plan to become effective, subject to the outcome of this proceeding, as of February 1, 1981.

The Commission notes that UPPCO has included Accumulated Deferred Investment Tax Credit (ADITC) balances as a separate component of its capitalization at the company's claimed overall rate of return. We have consistently held that ADITC must be distributed proportionately through the capital structure or eliminated entirely.[4] Moreover, the Commission has considered this issue to be an appropriate matter for summary disposition. As a result, we shall summarily reject UPPCO's inclusion of ADITC as a separate component of its capitalization. However, UPPCO's treatment of ADITC has no immediate effect on the company's claimed cost of service, since UPPCO has used book interest as incurred during the test period in computing its interest deduction for tax purposes, rather than synchronizing its interest expense based on its weighted long-term debt cost. Accordingly, we shall not require the company to refile its rates to reflect the summary disposition of the ADITC issue until the conclusion of this proceeding.

The Commission orders:

(A) UPPCO's motion for a minimal suspension is hereby denied.

(B) The proposed increased rates and charges filed by UPPCO are hereby accepted for filing and suspended for five months to become effective June 30, 1981, subject to refund.

(C) The proposed curtailment plan accompanying UPPCO's submittal is hereby accepted for filing and suspended for one day to become effective February 1, 1981, subject to the outcome of this proceeding.

(D) Summary disposition is hereby ordered with respect to UPPCO's treatment of ADITC. This determination shall be reflected in any rates finally approved in this proceeding.

(E) WEP is hereby granted intervention subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided, further,* that

[2] See 18 CFR § 1.10(b).

[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).

[4] *E.g., Wisconsin Electric Power Company*, Docket No. ER80-567, order issued September 30, 1980, mimeo at 6-7; *Public Service Company of New Mexico*, Docket Nos. ER79-478 and ER79-479, order issued December 18, 1979, mimeo at 3; *Carolina Power & Light Company*, Docket No. ER76-495, Opinion No. 19, issued August 2, 1978, mimeo at 10.

the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) 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 (1979))], a public hearing shall be held concerning the justness and reasonableness of UPPCO's proposed increased rates and charges and its proposed curtailment plan.

(G) The Commission staff shall serve top sheets in this proceeding on or before April 24, 1981.

(H) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within approximately ten days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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 severe and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell

Acting Secretary.

Upper Peninsula Power Co.

[Docket No. ER81-144-000]

Filed: November 26, 1980.
Dated: Undated.

Other party	Rate schedule No.	Supplement No.	Supersedes supplement No.	Description
Wisconsin Electric Power Co	2	16	14	Rate WR-1.
		17	14	Fuel clause.
		18	.....	Curtailment plan.
Wisconsin Electric Power Co	3	17	15	Rate WR-1.
		18	16	Fuel clause.
		19	.....	Curtailment plan.
Village of Baraga	6	16	14	Rate WR-1.
		17	15	Fuel clause.
		18	.....	Curtailment plan.
Village of L'Anse	7	16	14	Rate WR-1.
		17	15	Fuel clause.
		18	.....	Curtailment plan.
City of Negaunee	11	14	12	Rate WR-1.
		15	13	Fuel clause.
		16	.....	Curtailment plan.
City of Gladstone	13	13	11	Rate WR-1.
		14	12	Fuel clause.
		15	.....	Curtailment plan.
Alger-Delta Cooperative Electric Association	14	16	14	Rate WR-1.
		17	15	Fuel clause.
		18	.....	Curtailment plan.
Ontonagon County REA	15	16	14	Rate WR-1.
		17	15	Fuel clause.
		18	.....	Curtailment plan.

[FR Doc. 81-3548 Filed 1-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-223-000]

Washington Water Power Co.; Proposed Tariff Change

January 26, 1981.

The filing Company submits the following:

Take notice that The Washington Water Power Company of Spokane, Washington (Water Power), on January 16, 1981, pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations thereunder, tenders for filing a change in rates applicable to electric service rendered to its wholesale cutomers under electric tariff Schedule 61. The change in rates is proposed to become effective as of March 18, 1981. The proposed rate change is submitted for the purpose of compensating Water Power for increases in its cost of capital, labor, materials and supplies and taxes.

Water Power states that its current wholesale contract rates are deficient by some $998,000 annually based on sales volumes set forth in the statements accompanying its notice of change in rates.

Copies of the filing have been served upon the five (5) Water Power wholesale customers affected by the filing.

Any person desiring to be heard or to protest said notice 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 protest should be filed on or before February 13, 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. Water Power's proposed tariff and rate filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-3547 Filed 1-29-81; 8:45 am]
BILLING CODE 6450-85-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement, U.S. and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under theAgreement for Cooperation between the United States and Japan (Atomic Energy, Cooperation for Civil Uses).

The subsequent arrangement to be carried out under the above mentioned agreement involves the extension of an agreement executed between the United States and Japan for the reprocessing of up to 99 tons of U.S.-supplied fuel at the Tokai reprocessing facility. The original agreement which was signed on September 12, 1977, was to cover a two-year period, i.e., until September 12, 1979. At that time, both Governments agreed to extend the period twice to April 30, 1980. The proposed subsequent arrangement would extend the agreement with certain modifications to June 1, 1981, and permit the reprocessing of an additional 50 tonnes over and above the original 99 tonnes.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 26, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-3486 Filed 1-29-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[RD-FRL 1742-8]

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Equivalent Method for SO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (FR 7044, February 18, 1975), has approved an amendment to the Lear Siegler Model AM2020 SO_2 Equivalent Method, Designation Number EQSA-1280-049 (**Federal Register**, Vol. 45, Page 79547, December 1, 1980) to include an additional measurement range, to expand the operating temperature range and to allow the use of an automatic zero and span correction feature. While the method identification number remains the same the method description is revised as follows:

EQSA-1280-49, "Lear Siegler Model AM2020 Ambient SO_2 Monitor," operating on the 0-0.5 or 0-1.0 ppm range, at a wavelength of 299.5 nm, with a 5 minute integration period, over any 10° C temperature range between 20° and 45° C, with or without the automatic zero and span correction feature.

This method is available from Lear Siegler, Inc., Environmental Technology Division, 74 Inverness Drive East, Englewood, Colorado 80112.

This change is made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designation (45 FR 79545, December 1, 1980). As a designated equivalent method, this method is acceptable for use by States and other control agencies for purposes which require use of a reference or equivalent monitoring method.

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (45 FR 79545) or by writing to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Envoronmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical or procurement questions concerning the method should be directed to the manufacturer.

Richard M. Dowd,

Assistant Administrator for Research and Development.

January 22, 1981.

[FR Doc. 81-3523 Filed 1-29-81; 8:45 am]

BILLING CODE 6560-35-M

[A-5-FRL 1743-1]

E.I. DuPont de Nemours and Co., Circleville, Ohio; Final Determination, Prevention of Significant Deterioration of Air Quality

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to E.I. DuPont de Nemours and Company, Pickaway County, Circleville, Ohio.

On June 26, 1979, E.I. DuPont de Nemours and Company submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to install two 70,000 lb/hr. coal-fired steam boilers. The application was submitted pursuant to the regulations for PSD.

On August 13, 1980, E.I. DuPont de Nemours and Company was notified that its application was complete and preliminary approval was granted.

On September 30, 1980, U.S. EPA published notice of its decision to grant a preliminary approval to E.I. DuPont de Nemours and Company. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by E.I. DuPont, the Company was notified on December 8, 1980, that U.S. EPA had determined that the proposed new construction in Circleville, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve E.I. DuPont de Nemours and Company of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact David P. DiTraglia, Acting Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2090

John McGuire,

Regional Administrator, Region V.

U.S. Environmental Protection Agency

Region V

Approval to Construct EPA-5-A-81-1

In the Matter of E.I. DuPont de Nemours & Company, Circleville, Ohio Facility; Proceeding Pursuant to the Clean Air Act, as amended

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. E.I. DuPont de Nemours (DuPont) proposes to install two 70,000 lbs. of steam per hour coal-fired steam boilers at its Circleville, Ohio plant. The proposed system will replace four No. 2 oil/gas-fired steam boilers that are currently in use.

2. DuPont's Circleville, Ohio plant is located in a rural area within Pickaway County, Ohio. Pickaway County has been designated attainment for total suspended particulate (TSP), carbon monoxide (CO), nitrogen dioxide (NO_2) and sulfur dioxide (SO_2) (with the exception of Harrison Township) and non-attainment for ozone (O_3) pursuant to Section 107 of the Act.

3. The proposed modification is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

4. Based on the allowable emissions, the proposed boilers are a major source for SO_2 and NO_x. The U.S. Environmental Protection Agency (U.S. EPA), Region V, performed a full PSD review for both pollutants (SO_2 and NO_x).

5. DuPont submitted a PSD application to the U.S. EPA on February 20, 1980. On August 13, 1980, the application was determined to be complete and preliminary approval was granted.

6. On September 30, 1980, notice was published in *The Circleville Herald* seeking comments from the public on DuPont's application and U.S. EPA's preliminary approval of the proposed modification. No public comments were received and a public hearing was not requested.

7. For particulate emissions, a fabric filter system is proposed for the boilers to meet a

limitation of 0.06 pounds per million BTU of heat input. In addition, bag filters would be provided for ash handling to control emissions from the hoppers. Fugitive emissions from coal handling would also be reduced by means of water sprays and covered conveyors.

8. To control sulfur dioxide emissions, a low-sulfur (1% nominal) coal is proposed to be used as fuel. The fuel would be chosen and burned in a manner designed to meet a limitation of 1.6 pound per million BTU of heat input.

9. To reduce NO_x emissions, a combination of low excess air and burner design is proposed as a means of control. The resultant emission rate should be no more than the limitation of 0.6 pounds per million BTU of heat input.

10. After review and analysis of the material submitted by DuPont, U.S. EPA has determined that the emissions from the proposed boilers will not violate the SO_x and NO_x National Ambient Air Quality Standards (NAAQS) within the vicinity of the DuPont Circleville plant or in nearby non-attainment areas for these pollutants. Furthermore, the boilers' SO_x emissions will not exceed the Class II PSD increment.

Conditions for Approval

11. The emission rate for particulates shall not exceed the limitation of 0.06 pound per million BTU of heat input to the boilers.

12. The emission rate for sulfur dioxide shall not exceed the limitation of 1.6 pounds per million BTU of heat input to the boilers.

13. The emission rate for nitrogen oxides shall not exceed the limitation of 0.6 pound per million BTU of heat input to the boilers.

14. To assure that the limitations are met, stack testing by means of U.S. EPA-approved methods shall be conducted by the applicant after installation of the appropriate control equipment. A notice of such tests shall be forwarded to the U.S. EPA 30 days prior to the tests actual performance.

15. The applicant shall not alter the design stack parameters identified in its application including exit gas temperature, exit gas velocity, stack diameter and stack height. The air quality analysis relies heavily on the combination of stack parameters, control devices and emission limitations such that any change in these factors could alter the results of the air quality analysis. Therefore, design changes must receive written authorization of the U.S. EPA.

Conditions 11 through 13 represent the application of BACT as required by Section 165 of the Act. Conditions 14 and 15 are necessary to ensure that on a continual basis, emissions from DuPont do not violate Class II increments for SO_x and the emission standards established in Condition 11 through 13 are not violated.

16. The opacity of emission shall not exceed 20 per cent except for one six-minute period per hour of not more than 27 per cent opacity.

17. Company shall install, calibrate, maintain and operate continuous emission monitoring equipment for opacity in accordance with Appendix B of 40 CFR Part 60.

Approval

18. Approval to install the two coal-fired boilers is hereby granted to the E.I. DuPont de Nemours & Company subject to the conditions expressed herein and consistent with the materials and data filed by the Company. Any departure from the conditions of this approval or the terms expressed in the data filed by the Company, must receive the prior written authorization of U.S. EPA.

19. On December 14, 1979, the United States Court of Appeals for the D.C. Circuit handed down its final opinion in the case of *Alabama Power Co.* vs. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 FR 52735, may affect future actions under PSD with respect to the Circleville, Ohio plant.

20. This approval to construct does not relieve DuPont of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable Federal, State and local requirements.

21. This approval is effective immediately. This approval to construct shall become invalid, if installation of the two coal-fired steam boilers is not commenced within 18 months after receipt of this approval or if expansion is discontinued for a period of 18 months or more. The administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA five days after construction is commenced.

22. A copy of this approval has been forwarded to the Pickaway County District Library, 165 East Main Street, Circleville, Ohio 43113.

Dated: December 8, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 81–3521 Filed 1–29–81; 8:45 am]

BILLING CODE 6560–30–M

[ER–FRL–1743–4]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A–104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EIS's) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the council on Environmental Quality's regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of January 19, 1981 to January 23, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from January 30, 1981 and will end on March 16, 1981. The 30-day review period for final EIS's as calculated from January 30, 1981 will end on March 2, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703)558–8270.

SUMMARY OF NOTICE: This notice sets forth a list of EIS's filed with EPA during the week of January 19, 1981 to January 23, 1981. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county (IES) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's. All additional information relating to EIS's such as time extensions or reductions of prescribed review periods, withdrawals, retractions, corrections or supplemental reports is also noticed under the appropriate agency.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245–3006.

Dated: January 27, 1981.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A–104).

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A, Admin. Building, Washington, D.C. 20250, (202) 447–3965.

Forest Service

Draft

LITTLE ANNE SKI AREA DEVELOPMENT, ASPEN, Pitkin County, Colo., January 21: Proposed is the issuance of a special use permit for the development of the Little Anne ski area within the White River National Forest in Aspen, Pitkin County, Colorado. The preferred alternative would involve issuance of a permit for full development

consisting of: (1) a skier capacity of 4,500, (2) accessing the mountain with a single condola system, and (3) expansion of the existing permitted areas of Aspen Highlands and Burnt Mountain at snowmass. (USDA-FS-DES-02-15-81-02.) (EIS ORDER No. 810048.)

DEPARTMENT OF DEFENSE

Contact: Col. Kenneth Halleran, Chief of the Environmental Office, Headquarters Daen-ZCE, Office of the Assistant Chief of Engineers, Department of the Army, Room 1E676, Pentagon, Washington, D.C. 20310, (202) 694-4269.

Army

Final

FORT DEVENS ONGOING MISSION, CONTINUANCE, Worcester County, Mass., January 22: Proposed is the ongoing mission activities of Fort Devens located in Worcester County, Massachusetts. The basic alternatives considered are: (1) continuance of Fort Devens' mission and activities at current levels, (2) downgrading Fort Devens' activities by relocating existing activities and troop units to other installations and by maintaining the installation in a semi-active status, (3) total closure of the installation and transfer of all functions to other Federal facilities, and (4) expand the mission to include restationing of troops and activities from other locations. Comments made by: EPA, HEW, DOI, USAF, local agencies, businesses. (EIS Order No. 810073.)

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, Attn.: Daen-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.

U.S. Army Corps of Engineers

Draft

BETHEL SMALL BOAT HARBOR, IMPROVEMENT, Alaska, January 23: Proposed is the improvement of the Bethel small-boat harbor, Alaska. The preferred alternative would involve: (1) dredging six acres of existing slough and bulldozing an additional six acres to a depth of four feet below mean lower low water, (2) disposal of 124,000 cubic yards of excavated material on approximately 20 acres east of the basin, and (3) provisions for access and basin services. This alternative would provide four boat basins to house 1,200 riverboats. (Alaska District.) (EIS Order No. 810072.)

EXTENSION: The review period for the above EIS has been extended until March 31, 1981. (#810072)

DEEP DRAFT ACCESS TO LA PORTS, MISSISSIPPI RIVER, several counties in Louisiana, January 21: Proposed is the improvement of deep-draft navigation approaches from the Mississippi River to the ports of New Orleans and Baton Rouge, Louisiana. The preferred alternative would involve the dredging of a larger deep draft navigation approach in the Mississippi River extending to Baton Rouge via the southwest pass and a turning basin at the upstream end of the enlarged channel. Five other alternatives are considered. Eleven parishes of Louisiana would be affected by the project. (New Orleans District.) (EIS Order No. 810045.)

BIG RIVER RESERVIOR WATER RESOURCES DEVELOPMENT, Kent County, R.I., January 22: Proposed is a water resources development and management plan for the Big River reservoir area of the towns of coventry and West Greenwich, Kent County, Rhode Island. The preferred alternative would involve: (1) construction of the reservoir, (2) demand conservation, (3) less intensive development of groundwater for the Bristol County area, (4) facilities to deliver water from the Providence area, (5) meet the needs of the Bristol County system, (6) flood damage reduction measures, and (7) recreational development. The cooperating agency is the FWS. (New England Division.) (EIS Order No. 810061.)

EXTENSION: The review period for the above EIS has been extended until April 1, 1981. (#810061).

Draft Supplement

SNETTISHAM HYDROELECTRIC PROJECT, CRATER LAKE (DS-1), Alaska, January 22: This statement supplements a final EIS, #710632, filed 1-19-71 concerning the Snettisham hydroelectric project located on the speel arm of Port Snettisham near Juneau, Alaska. Proposed is the development of the Crater Lake phase requiring reopening of two borrow pits, construction of a power tunnel and penstock, disposal sites for tunnel tailings, a surface road to the tunnel, access to the tunnel near Crater Lake, and the installation of a third 27,000 kW generator in the existing powerhouse. The cooperating agencies are DOE, FS, and Alaska Power Administration. (Alaska District.) (EIS Order No. 810059.)

CORRECTION: Rouge River Basin, Elk Creek Lake, OR, Reestablishment of EIS Availability Date was published in FR January 16, 1981. The correct date of EIS availability is December 24, 1980—the end of review date remains January 22, 1981. (#800946).

DEPARTMENT OF COMMERCE

Contact: Dr. Robert T. Miki, Acting Deputy Assistant Secretary for Regulatory Policy, Room 7614, Department of Commerce, Washington, D.C. 20230, (202) 377-2482.

National Oceanic and Atmospheric Administration

Draft Supplement

SALMON COMMERCIAL/RECREATIONAL FMP, AMENDMENT (DS-3), Pacific Ocean, January 23: this statement supplements final EIS, No. 780221, filed 3-8-78. Proposed is the amendment of the Fishery Management Plan for the Pacific Commercial and Recreationsl Salmon fisheries off the coasts of Washington, Oregon and California. The 1981 amendment evaluates the current status of the coastwide Salmon stocks, reviews the 1980 ocean salmon fishery, and presents the management regime alternatives for the 1981 fisheries. Several management options and alternatives are considered. (EIS Order No. 810069.)

DEPARTMENT OF ENERGY

Contact: Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G-064, Forrestal Bldg., Washington, DC 20585, (202) 252-4600.

Final

SCR-II DEMONSTRATION PROJECT, FORT MARTIN, Monongalia County, W. Va., January 22: Proposed is the solvent refined Coal-II Demonstration project. This project would involve the construction and operation of a 6,000 tons of coal per stream day (TPSD) capacity facility at Fort Martin in Monongalia County, West Virginia. The facility would convert high-sulfur coal into a low-sulfur, low-ash primary liquid fuel product; secondary gaseous and liquid fuel products; and by-product sulfur, ammonia and tar acids. A goal of the demonstration program is to facilitate the construction and operation of a 30,000 TPSD commercial facility. (DOE/EIS-0069-F). Comments made by: DOT, DOI, HUD, HHS, EPA, DOC, COE, USAF, State, and local agencies, groups, individuals and businesses. (EIS Order No. 810062.)

EXTENSION: The review period for the above EIS has been extended until March 15, 1981 (No. 810062).

Bonneville Power Administration

Final

BPA ROLE IN PACIFIC NW POWER SUPPLY SYSTEM, Programmatic, January 23: This programmatic statement examines the role of the BPA in the Pacific NW power supply system, including its participation in a hydro-thermal power program. The alternatives consider: (1) Legislation reducing BPA's role in the region, (2) use existing authority, (3) increased BPA role in region, and (4) establishment of a regional energy commission. The original draft, No. 770896, filed 7-22-77 was replaced by a revised draft, No. 800260, filed 4-10-80. (DES/EIS-0066). Comments made by: AHP, HHS, DOI, USDA, DOC,COE, EPA, NRC, TVA, State and local agencies. (EIS Order No. 810065.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: RTP Library, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541-2777.

Draft

METAL COIL SURFACE COATING INDUSTRY, EMISSIONS, Regulatory, January 19: Proposed are performance standards that would limit emissions of volatile organic compounds from new, modified and reconstructed metal coil surface coating operations. Five regulatory alternatives are considered which include no action, the use of the best available emission control device in conjunction with current industry practice or with enclosed application rooms, and two alternatives which would impose higher emission limits for those plants that use low-VOC content coatings. (EPA-450/3-80-035A) (EIS Order No. 810044.)

EXTENSION: The review period for the above EIS has been extended until April 6, 1981 (No. 810044).

TAPE AND LABEL SURFACE COATING INDUSTRY, STANDARDS, Regulatory, January 22: Proposed are performance standards which would limit emissions of volatile organic compounds (VOC) from new, modified and reconstructed pressure sensitive tape and label surface coating

facilities. Three Alternatives consider: (1) No new source performance standard resulting in an 80% reduction of overall VOC emissions; (2) limiting VOC emissions from drying ovens only, resulting in an 85% reduction; and (3) control of both drying oven and fugitive VOC emissions resulting in an 90% reduction. (EPA–450/3–80–003A). (EIS Order No. 810057.)

CORRECTION: North Atlantic Incineration Site, Designation, published FR January 9, 1981—contained an incorrect telephone number. The correct number is (202) 472–2836 (No. 800993).

Final

AUTO/LIGHT-DUTY TRUCK SURFACE COATING OPERATIONS, Regulatory, January 19: Proposed are standards of performance for automobile and light-duty truck surface coating operations under section III of the Clean Air Act. The standards would limit emissions of volatile organic compounds from new, modified, and reconstructed facilities. Numerical emission limits for each "affected facility" have been selected as follows: (1) 0.10 KG of VOC per liter of applied coating solids from each prime coat operation, (2) 0.84 KG of VOC per liter of applied coating solids from each guide coat operation, and (3) 0.84 KG of VOC per liter of applied coating solids from each top-coat operation. (EPA–450/3–79–030B). Comments made by: DOT, DLAB, State agencies, groups and businesses. (EIS Order No. 810046.)

Final

Contact: Mr. Eugene Wojcik, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2157.

STEUBEN LAKES WWT SYSTEMS, CASE STUDY NO. 4, Steuben County, Ind., January 21: Proposed is a wastewater treatment plan for the Steuben Lakes Regional Waste District located in Steuben County, Indiana. The recommended action is the limited action alternative and includes: (1) Site specific analysis of on-site systems, (2) repair and renovation of on-site systems, (3) management of the on-site systems by a small waste flows district, and (4) continued monitoring of surface water quality as well as ground water quality. Comments made by: HUD, DOT, USDA, DOI, HEW, State agencies, groups, individuals and businesses. (EIS Order No. 810054.)

Contact: Ms. Lisa Corbin, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington, (206) 442–1285.

EXTENSION: Lake Washington/Green River Basins Wastewater Mgmt. Plan, published FR December 17, 1980—review has been extended from February 2, 1981 until February 17, 1981 (No. 800959).

FEDERAL ENERGY REGULATORY COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Room 3000, S–22, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 (202) 357–8228.

ANYONE DESIRING TO PROTEST OR FILE A PETITION TO INTERVENE WITH THE FERC ON THE BASIS OF A DRAFT EIS LISTED BELOW SHOULD DO SO IN ACCORDANCE WITH THE REQUIREMENTS OF FERC'S RULES OF PRACTICE AND PROCEDURE, 18 CFR 1.8, 1.10 (1979), WITHIN THE TIME PERIOD SET FORTH IN THIS NOTICE, UNLESS OTHERWISE STATED.

Draft Supplement

ROCKY MOUNTAIN PROJECT, DAM RELOCATION (DS–1): Floyd County, Ga., January 23: This statement supplements final EIS, No. 760735, filed 5–18–76. Proposed is amendment of the license for the construction and operation of the Rocky Mountain project located in Floyd County, Ga. The amendment would involve the relocation of the lower reservior main dam about 4,400 feet downstream of the licensed site on Heath Creek. Relocation would also involve the construction of two smaller dams and a permanent diversion channel. (Project No. 2725) (FERC/EIS–0021/DS) (EIS Order No. 810070.)

GENERAL SERVICE ADMINISTRATION

Contact: Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20450 (202) 566–1416.

RETRACTION: Charleston Post Office and Courthouse Renovation, SC, published FR January 16, 1981 has been officially retracted due to noncompletion of distribution (No. 810020).

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–6300.

Draft

RIPPON LANDING DEVELOPMENT, MORTGAGE INSURANCE: Prince William County, Va., Janaury 22: Proposed is the issuance of HUD home mortgage insurance for the Rippon Landing planned development in Prince William County, Va. The development would encompass 517 acres and consist of a mix of approximately 1,885 townhouse, condominium, and apartment units. Approximately 145 acres would be reserved for community support facilities. Also to be included are a shopping center and recreational facilities. (EIS Order No. 810058.)

WITHDRAWAL: Wellington Hill Development, NH, published FR November 17, 1980 was officially withdrawn by HUD on January 12, 1981 (No. 800835).

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240 (202) 343–3891.

Bureau of Indian Affairs

Draft

MT. TOLMAN OPEN PIT COPPER-MOLYBDENUM MINE, LEASE: Ferry County, Wash., January 23: Proposed is the approval of a mineral lease and mining plan for an open pit copper-molybdenum mine on the Colville Indian Reservation in Ferry County, Wash. The project would consist of: (1) a flotation mill plant designed for the production of copper and molybdenum concentrates; (2) waste disposal sites; and (3) support facilities, including a transmission line and a water pipeline. Operations would mine and mill 60,000 tons per day of ore for an estimated 43 years. The cooperating agencies are BPA, EPA, the Colville Confederated Tribes and the HHS/Indian Health Service. (DES–81–4) (EIS Order No. 810071.)

Final

UTE MOUNTAIN STRIP COAL MINE LEASE: San Juan County, N. Mex., January 23: Proposed is the leasing of the Ute Mountain Ute tribal lands in San Juan County, N. Mex. for the purposes of coal mining. The area encompasses 1,320 acres and would involve a 10-year lease with an option to renew for 10 years. Exploration has indicated that approximately 8 to 10 million tons of coal could be mined. The alternatives consider: (1) non-development, and (2) alternative mining methods. The exact type of mine operations have not been determined. (FES–81–4). Comments made by: DOI, EPA, local agencies. (EIS Order No. 810068.)

BUREAU OF LAND MANAGEMENT

Final

1981 OCS OIL/GAS LEASE SALE No. 56, SOUTH ATLANTIC: Atlantic Ocean, January 22: Proposed is the 1981 Outer Continental Shelf (OCS) oil and gas lease sale No. 56 for the South Atlantic offshore region which consists of 1,628,251 acres offshore the States of North Carolina, South Carolina, Georgia, and Florida. It is estimated that there are 1.4 billion barrels of oil and 2.5 trillion cubic feet of natural gas in the leasing area. Total development of the project will require 101 exploratory wells, 56 production platforms, and 1,299 development wells. Four alternatives are: (1) hold sale as proposed, (2) tract deletion, (3) delay sale, and (4) withdraw the sale (no action). (FES–81–6). Comments made by : DOI, USAF, DOT, EPA, FERC, COE, DOC, State and local agencies, groups, individuals and businesses. (EIS Order No. 810063.)

National Park Service

Final

LASSEN VOLCANIC NATIONAL PARK: Several counties in California, January 23: Proposed is a general management plan for the Lassen Volcanic National Park located in the counties of Shasta, Tehama, Lassen, and Plumas, Calif. Major features of the plan are: (1) removal of developments on the Manzanita Lake area, (2) construction of interpretive centers at the two main entrances to the park, (3) retention of the present capacity of the ski area with improved facilities, and (4) replacement of inadequate sewage treatment facilities in the park. (FES–81–5). Comments made by: AHP, USDA, DOI, DOT, EPA, State and local agencies, groups, individuals, and businesses. (EIS Order No. 810067.)

EXTENSION: Acreage Limitation, published FR January 16, 1981—review has

been extended from March 3, 1981 until March 16, 1981 (No. 810015).

DEPARTMENT OF DEFENSE, NAVY

Contact: Mr. Ed Johnson, Head, Environmental Impact Statement/RDT&E Branch, Office of the Chief of Naval Operation, Department of the Navy, Washington, D.C. 20350 (202) 697-3689.

EXTENSION: Feral Animal Removal, San Clemente Island, published FR September 12, 1981—review extended from November 3, 1980 to February 12, 1981 (No. 800681).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426-4357.

Federal Aviation Administration

Final

DULLES ACCESS HIGHWAY EXTENSION, I-66 INTERCHANGE: Fairfax County, Va., January 23: The proposed Dulles Access Highway Extension (DAHE) located in Fairfax County, Va., will be a four-lane divided highway, extending the existing highway from the vicinity of Spring Hill Road near Tysons Corner, 3½ miles southeasterly to an interchange with I-66 in the vicinity of Haycock Road near the city of Falls Church. In addition, outer parallel roadways from VA-7 to I-495 are included in this proposal as a toll facility. The proposed roadways will have interchanges with six crossroads: VA-7, Spring Hill Road, I-495, VA-123, Magarity Road and I-66. Comments made by: DOT, DOI, EPA, DOE, State and local agencies, groups, individuals, and businesses. (EIS Order No. 810064.)

Federal Highway Administration

Draft

OHIO RIVER BRIDGE CONSTRUCTION: Scioto County, and Greenup County, Ky., January 21: Proposed is the construction of a new Ohio River bridge in the vicinity of Portsmouth, Scioto County, Ohio and South Shore, Greenup County, Ky. The preferred alternative would involve the construction of a two-lane bridge and approaches approximately 1.1 miles downstream of the existing bridge. The cooperating agencies are the COE, USCG, DOI, FSW, and HCRS. (FHWA-OH-EIS-80-02-D) (EIS Order No. 810050.)

EXTENSION: The review period for the above EIS has been extended until March 19, 1981 (No. 810050).

Final

ISLE OF PALMS CONNECTOR, SC-703 TO US 17/701: Charleston County, S.C., January 21: Proposed is the construction of a new highway connector which will extend from the Isle of Palm (Highway 703) to U.S. 17/701 in Charleston County, S.C. The project length is approximately 3.88 miles. The entire facility will initially be two lanes, will be on a bridge structure for the limits of the wetlands it will traverse, will utilize normal cut and fill construction operations on the mainland and Isle of Palms, and will involve new construction within a new roadway corridor. It is proposed that the roadway be located within a four-lane highway right-of-way. (FHWA-SC-EIS-79-02-D) (EIS Order No. 810055.)

I-565, I-65 TO OAKWOOD AVE/ ANDREW JACKSON WAY (F-2): Limestone, Madison, and Limestone Counties, Ala., January 21: Proposed is the construction of I-565 from I-65 to the vicinity of Oakwood Avenue and Andrew Jackson Way in the city of Huntsville in Madison and Limestone Counties, Ala. The facility would be a 4 to 6 lane, limited access, Interstate highway extending for 21 miles. The alternatives consider: (1) alternate alignments, (2) no action, (3) mass transit, (4) postponement, and (5) a reduced facility. The statement finalizes section 3 of the project from Jorden Land to Huntsville. A previous final EIS, No. 780341, was filed 4-7-78 concerning sections 1 and 2 from I-65 to Jorden Lane. (FHA-ALA-EIS-72-08-F.) Comments made by: USDA, HUD, EPA, HEW, DOT, DOI, TVA, COE, AHP, State and local agencies and groups. (EIS Order No. 810056.)

Final

U.S. HIGHWAY 24 BYPASS, COLORADO SPRINGS, El Paso County, Colo.; January 19: Proposed is the relocation of US 24 through the city of Colorado Springs, El Paso County, Colorado. The new facility would extend from the Midland Expressway to existing US 24. Interchanges would be placed at Academy Boulevard, Powers and Airport, Powers and Platte, and within an area west of Circle. In addition to no action six build alternatives are considered. (FHWA-COLO-EIS-75-02-F). Comments made by: DOT, FEA, USDA, HUD, DOI, EPA, State and local agencies, groups, individuals and businesses. (EIS Order No. 810047.)

I-969, LAHSER ROAD TO I-75, Oakland County, Mich., January 21: Proposed is the construction of I-696 from Lahser Road to I-75 in Oakland County, Michigan. The 8 mile segment would complete I-696 providing full east-west freeway service. The facility would have 3 or 4 lanes in each direction and service roads along most of its route. The alternatives considered are: (1) no action, (2) upgrading existing roads, (3) other modes of transportation, and (4) various other urban freeway alignments. The cooperating agency is the State of Michigan. (FHWA-MICH-EIS-72-03-F). Comments made by: DOT, DOC, USDA, DOI, EPA, COE, EDA, State and local agencies, and individuals. (EIS Order No. 810049.)

LATHAM-MOHAWK RIVER INTERCHANGE, ALTERNATE ROUTE 7, Albany County, N.Y., January 21: The proposed project, alternate route 7, located in Albany County, New York, is a four lane divided freeway with an additional climbing lane in the westbound direction. Beginning in the vicinity of the present partially constructed exit 7 of route I-87 in Latham, the project proceeds eastward to the existing interchange with Route I-787 in Maplewood. A major feature will be an interchange which will allow traffic flow between the project and routes I-87 and US 9. (FHWA-NY-EIS-78-02-F). Comments made by: DOT, AHP, USDA, DOI, EPA, NRC, State and local agencies, groups, individuals and businesses. (EIS Order No. 810053.)

Final

CONNECTICUT RIVER BRIDGE CROSSING, Windham, Vt., and Cheshire, N.H., January 21: Proposed is the construction of a bridge crossing the Connecticut River between Rockingham, Windham County, Vermont and Walpole, Cheshire County, New Hampshire. The alternatives consider, in addition to no build, improvement of the existing bridge and five locations for the construction of a new bridge. A new bridge would consist of a 40 foot roadway with one six foot sidewalk and would be either a three span girder or an arch span. (FHWA-NH-EIS-79-02-F). Comments made by: EPA, DOI, HUD, AHP, USDA, FPC, DOC, State and local agencies, groups. (EIS Order No. 810052.)

WA-5, TROSPER ROAD TO MARTIN WAY INTERCHANGE, Thurston County, Wash., January 23: The proposed action involves improvement to WA-5 which is a major north-south route from the Mexican border to the Canadian border on the west cost. It connects the cities of Portland, Olympia, Tacoma, Seattle and Vancouver, in the Pacific Northwest. The proposed highway improvement consists of improving a 6.5 mile section of WA-5 from Trosper Road interchange to Martin Way interchange. The improvements involve widening the existing alignment from four to six lanes from Capitol Lake interchange to Martin Way interchange and construction of auxiliary lanes for operational improvements in some locations. (FHWA-WA-EIS-78-01-F). Comments made by: DOT, EPA, USDA, DOI, HUD, DOE, COE, State and local agencies, individuals. (EIS Order No. 810066.)

RETRACTION: I-78 Completion, Berkeley Heights to Springfield, NJ, published FR January 16, 1981, has officially retracted due to noncompletion of distribution. (No. 810018).

U.S. Coast Guard

Final

MISSISSIPPI RIVER BRIDGE, GRAMERCY TO WALLACE, St. James and St. John the Baptist Parishes, La., January 22: Proposed is the construction of the Mississippi River Bridge between the cities of Gramercy in St. James Parish and Wallace in St. John the Baptist Parish, Louisiana. The bridge would be four lanes with uncontrolled access approaches connecting LA-3127 on the west bank and US 61 on the east bank. Four construction and 3 non-construction alternatives are considered. Comments made by: USDA, DOT, EPA, DOC, HUD, DOI, AHP, State and local agencies, groups and businesses. (EIS Order No. 810060.)

[FR Doc. 81-3575 Filed 1-29-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-14, File No. BPH-79 1106 AG, et al.]

Broadcast Enterprises, et al.; Applications for Construction Permit for New FM Station

Adopted: January 16, 1981.

Released: January 26, 1981.

By the Chief, Broadcast Bureau.

In re applications of Broadcast Enterprises, Powell, Wyoming, Req: 92.9 MHz, Channel 225 100 kW (H&V), 1855 feet (BC Docket No. 81-14, File No. BPH-791106AG); Camdeck Corporation, Powell, Wyoming, Req: 92.9 MHz, Channel 225 100 kW (H&V), 1857 feet (BC Docket No. 81-15, File No. BPH-800401AG); and Jack H. Jensen, Powell, Wyoming, Req: 92.9 MHz, Channel 225 99.5 kW (H&V), 1657 feet (BC Docket No. 81-16, File No. BPH-800408AC); for construction permit for a new FM station; hearing designation order.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Broadcast Enterprises, Camdeck Corporation (Camdeck), and Jack H. Jensen (Jensen).[1]

2. *Broadcast Enterprises.* Analysis of the financial portion of Broadcast Enterprises' application reveals that it will require $120,800 to construct the proposed facility and operate for three months, itemized as follows:

Equipment	$90,000
Legal costs	5,000
Other costs	5,800
Operating expenses	15,000
Loan payment	5,000
Total	120,800

To meet this requirement Broadcast Enterprises intends to rely on a loan in the amount of $60,000 and deferred credit from the equipment supplier in the amount of $67,500. However, although the bank commitment letter will require the personal endorsements of William A. Mack and Carol S. Mack, Broadcast Enterprises has not submitted a statement establishing their willingness to guarantee the loan, as required by Paragraph 4(e) of Section III of Form 301. Accordingly, a limited financial issue will be specified.

3. Broadcast Enterprises has failed to comply substantially with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that the applicant has failed to survey leaders of significant population groups set forth in its demographic study, as required by Questions and Answers 10, 13(a) and 16 of the *Primer*. For example, labor leaders were not included. Furthermore, Broadcast Enterprise has not described the broadcast matter it proposes to meet the needs of the community, as required by the Commission's *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971), Question and Answer 29, and Question C, Part I, Section IV-A of Form 301. Accordingly, an appropriate issue will be specified.

4. *Camdeck.* Camdeck has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that the applicant has failed to survey leaders of significant population groups set forth in its demographic study, as required by Questions and Answer 10, 13(a) and 16 of the *Primer*. For example, labor leaders were not included. Accordingly, an ascertainment issue will be specified. In addition, Camdeck failed to submit a description of the racial or ethnic composition of Powell as required by the *Primer*, Question and Answer 9. Accordingly, an ascertainment issue will be specified.

5. *Jensen.* Analysis of the financial portion of Jensen's application reveals that he will require $52,900 to construct the proposed facility and operate for three months, itemized as follows:

Equipment (lease)	$8,625
Land and Building	7,650
Other Costs	6,525
Operating expenses	30,100
Total	52,900

To meet this requirement Jensen intends to rely on a loan in the amount of $60,000. However, the bank commitment letter fails to comply with Paragraph 4(e) Section III of Form 301 in that it does not specify the interest rate of the loan. Moreover, by its own terms the letter expired on June 15, 1980.[2] Accordingly, a limited financial issue will be specified.

6. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Jensen published the required notice. To remedy this deficiency, Jensen will be required to publish local notice of his application and to file a statement of publication with the presiding Administrative Law Judge.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Broadcast Enterprises:

(a) the source and availability of funds over and above the $67,500 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine whether Broadcast Enterprises:

(a) interviewed leaders of labor groups in Powell in connection with its ascertainment effort; and

(b) proposed programming adequately designed to meet the needs of the community.

3. To determine whether Camdeck interviewed leaders of labor groups in Powell or determined the racial or ethnic composition of the community in connection with its ascertainment effort.

[1] As of November 31, 1980 Jensen's transmitter site was short-spaced by two miles with the pending applications of Buffalo Communications Corp. (ARN 800725AD) and KBBS, Inc. (ARN 790602AC), both for Buffalo, Wyoming. On December 1, 1980 Buffalo Communications Corp. amended its application to specify a non-short-spaced site, leaving Jensen short-spaced only to KBBS, Inc. KBBS, Inc., however, was notified in a letter dated March 14, 1980 that its application would also have to be amended to specify a non-short-spaced site. As of this time, no amendment has been received from KBBS. Rather than consolidate the Powell and Buffalo applications for hearing in a single proceeding, we believe that the public interest would be better served by holding two separate hearings and noting the present short-spaced circumstances of Jensen's application. *See In re R & S Broadcasting Company, Inc.*, BC 80-626, Released October 20, 1980.

[2] Although the Commission recently adopted a new policy regarding the validity of bank letters; that is to say, that a bank letter which extends a line of credit to the applicant for at least 12 months and is in effect as of the date of filing would be considered valid despite having expired by the time of the preparation of the hearing order, Jensen has not met even this liberalized test because his bank letter was only in effect for a term of nine months. See *In re Applications of Contemporary Television Broadcasting, Inc.*, adopted December 17, 1980.

4. To determine whether Jensen's bank commitment letter is valid, and if not, whether Jensen has sufficient funds to construct and operate the proposed station.

5. To determine which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

9. It is further ordered, That Jack H. Jensen file a statement of publication with the presiding Administrative Law Judge as described in § 73.3580(h) of the Rules.

10. It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-3560 Filed 1-29-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-7, File No. BPH-790831AG, et al.]

Owensboro on the Air, Inc., et al.; Application for Construction Permit for New FM Station

In re applications of Owensboro on the Air, Inc., Metropolis, Illinois, Req: 98.3 MHz, Channel 252 3 kW(H&V), 300 feet, (BC Docket No. 81-7, File No. BPH-790831AG); Tradewater Broadcasting Company, Inc., Metropolis, Illinois, Req: 98.3 MHz, Channel 252 3 kW(H&V), 300 feet, (BC Docket No. 81-8, File No. BPH-791211AE); Fort Massac Broadcasting Company, Metropolis, Illinois, Req: 98.3 MHz, Channel 252 3 kW(H&V), 190 feet, (BC Docket No. 81-9, File No. BPH-800514AG); Samuel Stratemeyer, Metropolis, Illinois, Req: 98.3 MHz, Channel 252 3 kW(H&V), 300 feet, (BC Docket No. 81-10, File No. BPH-800516AB); and PML Broadcasting Company, Metropolis, Illinois, Req: 98.3 MHz, Channel 252 3 kW(H&V), 300 feet, (BC Docket No. 81-11, File No. BPH-800519AD), for construction permit for a new FM station; hearing designation order.

Adopted: January 9, 1981.

Released: January 26, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Owensboro on the Air, Inc. (Owensboro); Tradewater Broadcasting Company Inc. (Tradewater); Fort Massac Broadcasting Company (Fort Massac); Samuel K. Stratemeyer; and PML Broadcasting Company.

2. *Owensboro.* Owensboro has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 1507 (1971). All problems and needs ascertained by the consultations with community leaders and the general public must be listed (See Question and Answer 22). Also, the broadcast matter proposed to meet the needs of the community must be described with the anticipated time segment (*e.g.*, 9:30 a.m.), duration (*e.g.*, one hour), and frequency (*e.g.*, daily) of the program must be indicated, together with a showing as to which programs are responsive to which problems and needs. (See Question and Answer 29.) As Owensboro has neither listed the community problems in Metropolis nor the programs which are responsive to the problems and needs, a limited issue will be specified.

3. *Tradewater.* Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. The local notice must contain the names of all corporate officers and directors. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. Tradewater's certification of local notice does not contain the names of its officers and directors. Accordingly, Tradewater will be required to republish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

4. *Fort Massac.* We have no evidence that Fort Massac published the local notice required by § 73.3580(h) of the Rules. To remedy this deficiency, it will be required to publish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

5. Section 73.210 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. Fort Massac proposes to locate its main studio east of Metropolis. Fort Massac has failed to set forth circumstances showing good cause for a waiver of § 73.210. Accordingly, an issue will be specified.

6. Fort Massac has also failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). The dates on which the community leader and general public surveys were held must be stated, in order for us to determine whether the applicant has complied with Questions and Answers 2 and 15. Moreover, from the information before us, it appears that the applicant has failed to submit a description of the composition and demographics of Metropolis. Question and Answer 11(a) requires that the community leader interviews be conducted by principals or management-level employees of the proposed station. The applicant has failed to indicate compliance with this requirement. Accordingly, a limited issue will be specified.

7. Data submitted by the applicants indicate that there would be a significant difference in ths size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues.

1. To determie with respect to the efforts of Owensboro on The Air, Inc. to ascertain the needs of its proposed service area:

(a) whether the appliant has complied with Question and Answer 22 of the *Primer*.

(b) whether the applicant's programming proposal complies with Question and Answer 29 of the *Primer*.

2. To determine whether the proposal of Fort Massac Broadcasting Company to locate its main studio outside the community of license is in compliance with § 73.210 of the Commission's Rules with respect to location of the main studio, and if not, whether circumstances exist which would warrant a waiver of that Section.

3. To determine with respect to the efforts of Fort Massac to ascertain the needs of its proposed service area:

(a) Whether the applicant has complied with Questions and Answers 9 and 10 of the *Primer*.

(b) Whether the applicant's community leader surveys were conducted by principals or management-level employees.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, That Tradewater Broadcasting Company, Inc. shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

11. It is further ordered, That Fort Massac Broadcasting Company shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

12. It is further ordered, That in the event of a grant of the application of Fort Massac Broadcasting Company, grant of the application is subject to the condition that in the event the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Fort Massac Broadcasting Company will divest itself of either WMOK(AM) or the FM in accordance with the guidelines established in such rulemaking proceeding.

13. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-3561 Filed 1-29-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Application of Banco Central Y Economias, San Juan, Puerto Rico for Exemption From Provisions of Securities Exchange Act of 1934, as Amended

Pursuant to authority granted the Corporation under Sections 12(h) and 12(i) of the Securities Exchange Act of 1934, as amended, notice is hereby given to all interested parties that Banco Central y Economias, San Juan, Puerto Rico, has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it from the filing of periodic reports with the Federal Deposit Insurance Corporation pursuant to the provisions of Section 13 of the Securities Exchange Act of 1934, as amended, and the Rules and Regulations adopted by FDIC thereunder with respect to all fiscal periods included in and events occurring during the period beginning September 2, 1977 and ending December 31, 1981.

The application states, in part:

(1) Banco Central y Economias ("BCE") is organized under the laws of the Commonwealth of Puerto Rico and is not a member of Federal Reserve System. Its deposits are insured by Federal Deposit Insurance Corporation.

(2) In 1977, Banco Central ("BC"), Madrid, Spain formed BCE to take over the banking business of Banco Economias ("BE") in a series of transactions among BE, BC, Aetna Life Insurance Company (the note holder), BCE and the FDIC. The only equity securities outstanding are common stock held entirely by BC and warrants issued to former shareholders of BE.

(3) BE's common stock was registered with the FDIC pursuant to Sections 12(g) and 12(i) of the Act, and BCE is regarded as a successor issuer of BE in accordance with Section 335.4(a)(2) of the FDIC Rules and Regulations.

(4) The Warrants are not exercisable until May 1, 1982, and in the interim, the transferability of each Warrant is almost totally restricted. Therefore, there is no trading market for the Warrants and only 522 holders of the Warrants.

(5) In the absence of active trading in the Warrants and any occasion for making investment decisions by the holders, the Warrantholders have no present need for the reports which would be filed.

(6) The Warrantholders were informed that they would receive no reports of BCE in the proxy statement they received prior to the meeting in which they gave their overwhelming consent to the series of transactions forming BCE.

(7) The Warrantholders are completely protected by the Undertaking for filing with FDIC and submission to the Warrantholders of an offering circular of BCE complying with FDIC requirements in effect at the time at least 120 days and 90 days, respectively, prior to the time the Warrants may first be exercised.

(8) BCE's activities and financial status are subject to regulatory review by the FDIC and Secretary of the Treasury of the Commonwealth at the present time.

(9) The requirement that BCE file reports would be costly and disruptive.

Accordingly, the Applicant believes that the requested exemption is appropriate, in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1934 Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

Notice is further given that any interested person not later than March 2, 1981, may submit to the Corporation in writing his views on any substantial facts bearing on this application or request an opportunity to be heard thereon. Any such communication or request should be addressed to:

Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request an opportunity to be heard will receive any notices or orders issued in this matter, including the date of the hearing and any postponements thereof. At any time

after that date, an order granting the application in whole or in part may be issued upon request or upon the person's own motion.

Dated this 26th day of January, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-3487 Filed 1-29-81; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Interagency Agreement for Nonstructural Damage Reduction Measures as Applied to Common Flood Disaster Planning and Post Flood-Recovery Practices

Twelve agencies, coordinated and lead by the Federal Emergency Management Agency (FEMA), have entered into an interagency agreement that establishes a common policy statement and implementing guidelines with respect to common flood disaster planning and post flood recovery practices.

The text of the agreement is set forth below.

Dated: January 9, 1981.

George W. Jett,

General Counsel.

Interagency Agreement for Nonstructural Damage Reduction Measures as Applied to Common Flood Disaster Planning and Post-Flood Recovery Practices

I. Introduction

Federal, State and local interests have expended over $10 billion for structural measures to mitigate flood losses. Notwithstanding this effort, average annual flood losses have continued to increase. This experience has generated renewed interest in nonstructural flood damage reduction measures which are usually complementary and, in some situations, necessary substitutes for structural approaches.

Since nonstructural measures frequently can be used in flood disaster recovery situations, the Director of the Office of Management and Budget (OMB), in a memorandum dated July 10, 1980, has directed that "All Federal programs that provide construction funds and long term recovery assistance must use common flood disaster planning and post-flood recovery practices." The objective of this policy is to coordinate flood disaster recovery efforts and to assure that these efforts give full consideration to nonstructural as well as structural measures to minimize flood losses to the extent practicable, and thereby reduce the flood vulnerability of riverine and coastal communities.

The Federal Emergency Management Agency (FEMA) is directed to coordinate and lead 12 key departments and agencies in the development of an interagency agreement that establishes a common policy statement and guidelines to implement the policy. The President has assigned to the Director of the Federal Emergency Management Agency the responsibility to establish Federal policies for and to coordinate all mitigation and assistance functions of Executive agencies. The Director shall represent the President in working with State and local governments and the private sector to stimulate vigorous participation in mitigation, response and recovery programs. All Executive agencies are to cooperate with and assist the Director in the performance of his functions (E.O. 12148, July 20, 1979).

The July 10, 1980 memorandum from OMB provides that:

The common flood disaster planning and post-flood recovery practices will ensure that Federal financial and technical assistance minimizes flood losses.

Flood disaster planning, as used in this agreement, occurs in response to an officially declared disaster. Pre-disaster planning, as used in this agreement, is a planning initiated hazard mitigation effort that addresses potential (prior to flood events) flood problems. These planning processes can proceed concurrently with agency studies that are being conducted to identify justified flood damage reduction measures.

Consistent with the President's July 1978 Water Policy Initiatives, nonstructural measures are to be used wherever practicable.

Structural measures affect the floodwaters. Nonstructural measures affect activities in the flood plain. Nonstructural measures will play an important role in flood hazard mitigation programs, and used alone, will often be the most acceptable and efficient approach. The degree of nonstructural as related to structural measures will vary with respective problems but will always be given full consideration in detailed as well as general studies. The post-disaster situation affords unique opportunities for hazard mitigation through the effective use of nonstructural measures. This agreement does not address emergency actions (work essential to save lives and protect property) in a post-disaster situation. It is concerned primarily with nonstructural measures for hazard mitigation which may be accomplished in the post-disaster recovery period. Such measures include, but are not limited to:

—flood plain regulations;

—relocation of structures and facilities out of the flood hazard area with attendant land acquisition and management;

—floodproofing of existing and new structures and facilities;

—forecasting, warning and evacuation plans; and

—vegetative measures to reduce runoff.

This policy is also designed to encourage wise use of the Nation's flood plains.

The concept of "wise use of the Nation's flood plains" is discussed in the Water Resources Council's "Unified National Program for Flood Plain Management." In the context of this agreement, wise use of flood plains includes minimizing flood losses to the extent practicable and restoring and preserving the natural and beneficial values served by flood plains. Flood plains generally provide excellent resources for agricultural, aquacultural, and forestry production, and these activities are included in the concept of "natural and beneficial values." This agreement focuses on urban, suburban and rural areas, and is not intended to cover land used in the production of primary agricultural products. The goal is to achieve an absolute decline in communities' average annual flood losses due to unwise flood plain use. Activities and programs to accomplish this goal shall address both future and existing development. Emphasis shall be on reserving or clearing land to ensure open floodways and coastal high hazard areas.

II. Common Federal Policy

In order to ensure that Federal financial and technical assistance minimizes flood losses and that future Federal expenditures for flood disaster recovery and relief will be minimized, the parties to this agreement agree to the following elements of a common Federal policy in response to flood disasters:

A. All Federal programs that provide construction funds and long-term recovery assistance shall use common flood disaster planning and post-flood recovery practices.

B. Wise use of the Nation's flood plain shall be an objective of this agreement and shall be encouraged.

C. These common practices shall ensure that responses to flood disasters are prompt and effective to the fullest extent practicable and are based on evaluation and delineation of the flood and related hazards.

D. These common practices for pre-disaster planning and post-flood recovery, including nonstructural flood damage reduction measures and flood disaster recovery activities, shall be based on and implemented in accordance with the Unified National Program for Flood Plain Management, Executive Orders 11988 and 11990, and the President's July 1978 Water Policy Initiatives, and shall be guided by the Water Resources Council's Guidelines for Implementing E.O. 11988.

E. As provided in E.O. 11988, having determined that a proposed action is located in the base flood plain, an agency is required to identify and evaluate practicable alternatives to locating in the flood plain.

1. Relocation of existing structures and facilities from flood hazard areas may well be an appropriate action. In either a planning initiated activity prior to a disaster (see V.A.2 and V.C.3) or as past of post-flood disaster recovery activities, structures and facilities that may be or have been adversely affected by floods shall be considered for relocation out of the flood plain in the following situations:

a. the structure or facility is located in a designated or approximate floodway;

b. the structure or facility is located in a designated or approximately coastal high hazard area;

c. the structure or facility was substantially damaged.

d. State or local legislation, regulation, and/or restrictions have designated the structure or facility as a non-conforming use and discourage its continuation or prohibit the repair of the structure or facility when affected by a flood disaster; or

e. the structure or facility has experienced repetitive flooding.

2. In a flood hazard area where it has been determined that relocation of existing flood damaged structures and facilities is not practicable, floodproofing may be an appropriate response in the following situations:

a. Where evaluations have shown that the floodproofed structures and facilities will not affect adversely lives and property or the natural and beneficial values served by flood plains.

b. Where new water dependent structures and facilities, after proper evaluation, are deemed necessary.

3. In a flood hazard area where it has been determined that neither relocation nor floodproofing are practicable, alternative actions, including the no action option, must be considered.

G. The parties to this agreement will support coordinated post-flood recovery efforts by:

1. Striving toward coordinated hazard mitigation in the post-flood recovery effort. To achieve that result, the parties shall work to develop actions necessary to reduce the threat to lives and property posed by future floods and to encourage all other levels of government and private interests to do likewise.

2. Agreeing to have representatives participate in hazard mitigation teams to be established by the FEMA Regional Director in each of the ten Federal regions, as appropriate, to implement this agreement. These teams will involve appropriate state and local participation.

III. Interagency Task Force

An Interagency Task Force for Nonstructural Flood Damage Reduction Measures and Flood Disaster Recovery is hereby established by and comprised of the parties to this agreement. This interagency task force, which operates at the Washington level, will be chaired by the FEMA representative designated to coordinate the development of the Interagency Agreement and the Handbook of Procedures for Flood Disaster Mitigation Planning as called for by the OMB Directive.

IV. Responsibilities of the Interagency Task Force

The task force has the following responsibilities:

A. Pre-Disaster Planning

Develop procedures in cooperation with State and local representatives, when appropriate, for pre-disaster planning to avoid future flood losses. Those procedures include:

—coordinating Federal technical assistance and other program resources;

—packaging of Federal program elements to promote the use of nonstructural measures for flood damage reduction;

—developing and disseminating on the packages of Federal program assistance available;

—encouraging the preparation of pre-disaster plans for reducing future flood losses and encouraging wise use of flood plains;

—encouraging the development of flood forecasting and warning systems;

—providing guidance for preparaton and review of post-disaster plans; and

—avoiding redundant or competitive expenditures.

The Parties and each FEMA Regional Director will encourage all levels of government and all private interests to use the procedures developed. Agencies required to follow the Water Resources Council's Principles and Standards for Planning Water and Related Land Resources will implement measures by actions consistent with the Principles and Standards.

B. Post Flood Recovery

Assist in efforts to coordinate activities and facilitate commitment of funds to help implement the report recommendations of the hazard mitigation team.

C. Preparation of Handbook of Procedures

Prepare a handbook of procedures for flood hazard mitigation planning. This handbook should be suitable for use by members of the hazard mitigation teams, and if appropriate, by State and local agencies in carrying out their responsibilities. The handbook will be prepared prior to October 1, 1981.

D. Quarterly Reports

Submit to the Office of Management and Budget through October 1, 1982, quarterly progress reports on the development of a common post-flood response policy, flood hazard mitigation teams, and future flood disaster planning procedures. To expedite the preparation of these quarterly reports, copies of hazard mitigation reports will be forwarded to the Task Force by the FEMA Regional Directors. Staff support for preparation of these reports shall be provided by FEMA.

V. Hazard Mitigation Teams

The parties agree to the following elements pertaining to hazard mitigation teams.

A. General

1. Within 90 days from the date of this Agreement, these teams shall be operational in each of the 10 Federal Regions.

2. The teams shall be mobilized by the FEMA Regional Director in response to a Presidentially declared flood disaster or emergency. The teams may also be mobilized by the FEMA Regional Director in response to a planning initiated hazard mitigation effort. An agency, in response to a request to participate in a hazard mitigation team effort in other than a Presidentially declared disaster or emergency, may reply that other program commitments preclude any involvement.

B. Composition

1. Composition of the teams shall be interagency, interdisciplinary, and intergovernmental with representation from all appropriate agencies which are party to this agreement. Appropriate State and local participation will be arranged by the team leader. Federal

and State team members shall be familiar with their agency programs and will have either had experience or will receive training in flood plain management and hazard mitigation. The Federal Emergency Management Agency shall conduct a training program to assure that the teams are prepared to deal with both future disaster planning and post-flood recovery efforts.

2. Each party shall designate a representative and two alternates in each Federal region, as appropriate, to participate on hazard mitigation teams.

3. The hazard mitigation team leader in each of the ten Federal regions will be designated by the FEMA Regional Director and will be familiar with flood plain management and hazard mitigation.

C. Tasks

1. In a post-flood recovery effort, the hazard mitigation team shall prepare recommendations for actions to be taken by each agency and each non-federal level of government. Such recommendations shall be in accordance with the following principles of E.O. 11988: avoidance of flood plain unless it is the only practicable alternative; and minimization of harm to and within flood plains.

a. *Hazard Mitigation Report*—due within 15 days from the date of the disaster. This report will provide an overall framework for the hazard mitigation and disaster recovery activities conducted by the parties to this agreement including those conducted by FEMA in implementing Section 406, P.L. 93-288. The 406 surveys are to be complimentary to and a part of the implementation of the hazard mitigation report. The report shall be submitted concurrent with implementation to the FEMA Regional Director for comment and coordination and shall include the following elements:

—Assessment of the nature, cause and extent of flood damage to structures and facilities, by watershed where practical.

—Identification, based upon best available data, of: high hazard flood areas, areas likely to be in a floodway; and coastal high hazard areas.

—Identification of areas in which Federal investment to repair or replace structures and facilities should be avoided and the relocation of people and structures out of these areas should be encouraged.

—Identification of emergency actions (work essential to save lives and protect property) when it is necessary to separate restoration activities from these emergency actions which are to proceed while the Hazard Mitigation Report is being prepared.

—Identification of areas in which Federal assistance should seek to mitigate hazards through the floodproofing of structures.

—Identification of those immediate actions and alternatives that are required to minimize recurring flood damage within those identified areas.

—Delineation of areas subject to specific nonstructural policies and measures.

—Specific recommendations which when taken will leave the community less vulnerable to future flood hazards.

An implementation program initiating a package of Federal and State programs to address hazard mitigation opportunities with emphasis on non-structural measures.

—Identification of priorities and a schedule for implementation of the report recommendations.

—Definition of agency actions including the appropriate Federal agency to lead in the implementation of the report recommendations.

b. In extraordinary circumstances involving large scale, major disasters, the FEMA Regional Director may determine that a preliminary Hazard Mitigation Report will be submitted within 15 days. A more detailed report would be presented by the Team within 30 days from the date of the disaster.

c. *Post-Flood Recovery Progress Report*—due 90 days from the date of the receipt of the Hazard Mitigation Report. This report shall be submitted to the FEMA Regional Director for comment and coordination by the designated lead agency and shall include:

—Identification of progress made in implementing the hazard mitigation report.

—Description of problems or issues that have developed after completion of the report.

—Recommendations for further actions.

2. The FEMA Regional Director shall bring any difficulties in the implementation of the report recommendations to the immediate attention of the Task Force Leader. The Regional Director and the Task Force Leader shall, in consultation with the appropriate agencies, together decide on the proper course of action.

3. In a pre-disaster hazard mitigation planning effort, the hazard mitigation team shall review and evaluate existing local and State plans for flood hazard mitigation and shall report its findings and recommendations concerning specific needs to:

—Assess the nature and causes of the flood risk.

—Identify, based upon best available data: high hazard flood areas; areas within a floodway; and coastal high hazard areas.

—Prepare a Hazard Mitigation Report to include:

Conceptual Plan.
Specific recommendations which, when taken by the community, will leave them less vulnerable to future flood losses.
Efforts to be taken to avoid harmful land uses in flood areas and evaluation of alternatives.
Package of Federal and State programs available to assist community nonstructural measures.
Suggested legislative or code amendments required.
Suggested priorities action list and implementation schedule.

—Review and comment by public.

VI. Compliance

The Parties agree to the following compliance measures:

A. Federal agencies shall conform their recovery actions to the recommendations of the hazard mitigation report to the fullest extent practicable.

B. When a proposed action does not follow the recommendations of the Hazard Mitigation Report, the initiating department or agency shall report the proposed action to the FEMA Regional Director along with the reasons therefore prior to the initiation of the action.

C. When appropriate, unresolved differences between FEMA and a Federal department or agency may be referred to the CEQ, pursuant to 40 CFR 1504.

D. FEMA's Regional Director shall require states to identify a State agency and a local agency to provide on-going local leadership in implementing the Hazard Mitigation Report. Federal agencies working with other State and local agencies will encourage their cooperation with the designated non-Federal lead agency.

E. Within manpower and funding limitations, Federal agencies shall give due consideration to providing financial and technical assistance, as needed, in furtherance of the hazard mitigation recommendations.

VII. Oversight Responsibility

The Parties acknowledge that the Office of Management and Budget, the Council on Environmental Quality, and the Water Resources Council shall jointly oversee the compliance to this agreement.

VIII. Annexes to Agreement

Annexes to this agreement may be developed among the signing parties to:

1. Clarify the basic agreement's provisions and their relation to specific programs and authorities.
2. Identify the parties' procedures for carrying out the common Federal policy.
3. Set forth common program areas for effectuating flood hazard mitigation.
4. Provide further details for coordinating respective agencies' activities.

The executed agreement and the annexes will be included in the Handbook of Procedures for Flood Hazard Mitigation.

Director, Federal Emergency Management Agency
Secretary of Agriculture
Secretary of the Army
Secretary of Commerce
Secretary of Health and Human Services
Secretary of Education
Secretary of Housing and Urban Development
Secretary of Interior
Secretary of Transportation
Administrator, Environmental Protection Agency
Administrator, Small Business Administration
Chairman, Tennessee Valley Authority.

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BILLING CODE 6718-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Application Solicitation

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Application Solicitation.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) is publishing this final program announcement/application solicitation for the Labor-Management Cooperation Program following careful consideration of public comments. This program is supported by Federal funds authorized by the Labor-Management Cooperation Act of 1978, subject to annual appropriations.

DATE: Applications are due on or before April 3, 1981, for plant committees and on or before April 10, 1981, for area and industrywide committees.

ADDRESS: Send applications to: Peter L. Regner, Director, Labor-Management Grant programs, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C. 20427.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, 202-653-5240.

A. Comments Received

Five general comments of significance were made by several parties in response to the request for public comment published in the December 22, 1980 issue of the **Federal Register.** Although the comment period ended on January 18, 1981, comments received as of January 26 were considered. It should be noted that the number of "no comment" responses received by FMCS far outnumbered the total number of respondents. The five common comments reflect the following concerns:

(1) The requirement for applications to project monthly milestones was seen as "unrealistic and unnecessary." It was suggested that FMCS require only quarterly milestone projections.

(2) The requirement for outside or contracted evaluations for every grant over $50,000 was found to be excessive. Suggestions ranged from increased flexibility regarding internal vs. outside evaluations to having FMCS staff do the evaluations themselves.

(3) The exclusion of third party non-profit entities as applicants was questioned. It was suggested that those entities whose primary purpose was to establish labor-management committees in their local jurisdictions be allowed to apply.

(4) The restriction of the total project period to two years for existing committees and three years for new efforts was questioned. Suggestions included increasing the total project period to four or five years coupled with an increase in the applicant's matching share.

(5) Several comments, all from existing labor-management committees or representatives thereof, urged that the present policy of encouraging but not requiring a cost sharing of project costs by applicants be changed. Suggestions ranged from a no match policy for new committees only to 50 percent match for all applicants.

B. Discussion of Comments

(1) FMCS believes that the projection of monthly rather than quarterly milestones will result in better grants management by FMCS staff as well as possibly better project administration by grantee staff. FMCS realizes that such milestone projections are target dates and expects that not all projections will always be reached on schedule. Successes and problems in meeting projected milestones will constitute the basis of the quarterly progress reports sent to FMCS.

(2) FMCS policy has been changed to reflect the desire for greater flexibility. The evaluation of project activities, however, remains a standing requirement for FY 81. FMCS staff will administer all grants and monitor the progress of each grantee. Such efforts, however, do not constitute an evaluation. FMCS will also consider the feasibility of a national level evaluation of this program in FY 82.

(3) The restriction on eligibility for third party non-profit entities has been modified. The complete lifting of this restriction, particularly in cases involving multiple jurisdictions and major national industries, will be considered in FY 82.

(4) There are two reasons why FMCS has decided to retain its 2–3 year project period limitation. First and foremost, the limited appropriations for this program necessitate keeping the funding duration as short as feasible in order to ensure that a reasonable amount of funding is available each year for "new start" efforts. Second, FMCS believes that three years is a sufficient length of time for a project to demonstrate its ability to deal with the issues this program is trying to address. If additional time is needed to resolve some of those issues, support can be sought from those local sources who will benefit the most from the results of the committee.

(5) FMCS is concerned that most new and many existing committees will be hard pressed to obtain funds for a matching requirement. While there are some valid reasons for requiring a formal match, FMCS does not believe at this time that such reasons outweigh the potential negative impact that a match requirement could have on the legislative intent to "encourage the establishment" of such committees. The match question will be reviewed again in FY 82.

C. Introduction

This final announcement for the Labor-Management Cooperation Program represents the efforts of the Federal Mediation and Conciliation Service to implement the provisions of the Labor Management Cooperation Act of 1978 which was approved in October 1978.

The Act generally authorized FMCS to: provide assistance in the establishment and operation of plant, area, and industrywide labor and management committees which—

(A) have been organized jointly by employers and labor organizations representing employees in that plant, area, or industry; and

(B) are established for the purpose of improving labor management relationships, job security, organizational effectiveness, enhancing

economic development or involving workers in decisions affecting their jobs including improving communication with respect to subjects of mutual interest and concern.

The Act also prohibited FMCS from awarding any grants or contracts under the following three circumstances:

(1) no assistance can be given for plant labor-management committees unless the employees in that plant are represented by a labor organization and there is in effect at that plant a collective bargaining agreement;

(2) no assistance can be given for an area or industrywide labor-management committee unless its participants include any labor organizations certified or recognized as the representative of the employees of an employer participating in such a committee. However, employers whose employees are not represented by a labor organization may participate on such area or industry-wide committees; and

(3) no assistance can be given to any committee which FMCS finds to have as one of its purposes the discouragement of the exercise of rights contained in section 7 of the National Labor Relations Act (29 U.S.C. 157) or the interference with collective bargaining in any plant or industry.

With respect to item (2) above, applicants for area or industrywide grants must offer committee memberships to every labor organization having a collective bargaining contract with any employer participating on the committee. Any labor organization so desiring any voluntarily elect not to participate on the Committee. Documentation of all this (i.e., the listing of each participating employer and corresponding labor organizations and written declinations by those labor organizations not electing to participate on the committee) must be included as part of the application.

The Program Description and other sections that follow as well as a separately published FMCS Financial and Administrative Grants Manual make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a plant, areawide, or industrywide labor-management committee. Directions for obtaining an application kit may be found in Section J.

D. Program Description

Objectives

The Labor Management Cooperation Act of 1978 identified the following seven general areas for which financial assistance would be appropriate:

(1) to improve communications between representatives of labor and management;

(2) to provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;

(3) to assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process;

(4) to study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the plant, area, or industry;

(5) to enhance the involvement of workers in making decisions that affect their working lives;

(6) to expand and improve working relationships between workers and managers; and

(7) to encourage free collective bargaining by establishing continuing mechanisms for communication between employers and their employees through Federal assistance to the formation and operation of labor-management committees.

The primary objective of this program is to provide financial assistance for the continuation or establishment of joint labor-management committees to carry out specific objectives that meet the aforementioned general criteria and conform to the restrictions mentioned in Section C (Introduction). As discussed in the legislation, these committees may be found at either the plant, area, or industry levels. A plant committee is generally characterized as restricted to one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple and diverse employers as well as multiple labor unions operating within city, county, contiguous multi-county, or statewide jurisdictions. An industry committee generally consists of a collection of productive enterprises and related labor unions producing a common product or service either on a local, state, regional, or nationwide level. Public sector committees (i.e., composed of public managers and public service employee unions) will be considered under the industry category. The employees represented in such a committee must be covered by a formal collective bargaining agreement.

In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

Required Program Elements

1. *Problem Statement*—The application should discuss in detail what specific problem(s) face the plant, area, or industry and workforce that will be addressed by the committee. Applicants should document the problems using as much relevant data as possible and discuss the full range of impacts these problems could have or are having on the plant, area, industry, or community. An industrial or economic profile of the plant/area/industry and workforce might prove useful in explaining the problems. This section basically discusses WHY the effort is needed.

2. *Results or Benefits Expected*—By using specific goals and objectives, the application should discuss in detail WHAT the labor-management committee will accomplish during the life of the grant. While a goal of "improving communication between employers and employees" may suffice as one overall goal of a project, the objectives should, whenever possible, be expressed in measurable terms. Applicants should focus on the impacts or changes that the committee's efforts will have on the plant, area, or industry. The goals, objectives, and projected impacts will become the foundation for future monitoring and evaluation efforts.

3. *Approach*—This is perhaps the largest section in the application and specifies HOW the goals and objectives will be accomplished. At a minimum, the following elements should be included in all grant applications:

(a) a discussion of the strategy the committee will employ to accomplish its goals and objectives;

(b) a listing, by name and title, of all proposed members of the labor-management committee. Be sure to identify the chairperson(s) and the role he/she will play. The application should also offer a rationale for the selection of the committee members and the chairperson(s);

(c) a discussion of the number, type, and role of all committee staff persons. Include proposed position descriptions for all staff that will have to be hired as well as resumes for staff already on board;

(d) in addressing the proposed approach, applicants should also present their justification as to why Federal funds are needed to implement the proposed approach;

(e) a statement of how often and where the committee will meet as well as any plans to form subordinate committees for particular purposes;

(f) for applications from existing committees (i.e., in existence at least 12

months prior to the submission deadline), a discussion of the past efforts and accomplishments and how they would integrate with the proposed future effort;

(g) for plant committees, a justification for why their proposed efforts should be considered highly innovative and replicable in other plants across the country; and

(h) a brief discussion of objectives and activities that are anticipated for the second budget period (i.e., continuation grant period).

4. *Major Milestones*—This section should include an implementation plan that indicates what major implementation steps, operating activities, and objectives will be accomplished as well as a timetable for WHEN they will be finished. A milestone chart must be included that indicates what specific accomplishments (process and impact) will be completed each month over the life of the grant. The accomplishment of these tasks and objectives, as well as problems and delays therein, will serve as the basis for quarterly progress reports to FMCS.

5. *Evaluation*—All grant applications of $100,000 or more in Federal funds are required to provide for an outside (i.e., contracted) evaluation of their efforts. Such contracts shall be for a maximum of $10,000 per budget period. The proposed evaluation plan must be submitted to FMCS for approval before the contractor/consultant may be hired and no later than 90 days after grant award. The applicant must, therefore, guarantee full access to the contractor and submit all final evaluation reports to FMCS.

The grant application should discuss what basic questions or issues the proposed evaluator would examine and what baseline data the committee staff would already have/or will gather for the evaluator. This section should be written with the application's own goals and objectives clearly in mind and the impacts or changes that the effort is expected to cause.

For applications under $100,000, applicants are allowed the option of contracting for external evaluations or conducting their own evaluation. Applicants may expend up to $5,000 for either of these two options. In either case, an evaluation plan must be discussed in this section.

6. *Letters of Commitment*—Applications must include letters of commitment from all proposed or existing committee participants and chairpersons. These letters should indicate that the participants support the application and are willing to personally attend scheduled committee meetings.

7. *Other Requirements*—Applicants are also responsible for the following:

(a) the submission of data indicating specifically how many employees will be covered or represented through the labor-management committee;

(b) the request for and clearance from the appropriate local and/or State Clearinghouse Agency as required per OMB Circular A-95;

(c) from existing committees, a copy of the existing staffing levels and breakout of annual operating costs;

(d) a detailed budget narrative based on policies and procedures contained in the FMCS Financial and Administrative Grants Manual;

(e) an assurance that the labor-management committee will not interfere with any collective bargaining agreements; and

(f) an assurance that written minutes of all committee meetings will be prepared and made available to FMCS.

Selection Criteria.

The following criteria will be used in the scoring and selection of applications for award:

(1) the extent to which the application has clearly identified the problems and justified the needs that the proposed project will address;

(2) the degree to which appropriate and measurable goals and objectives have been developed to address the problems/needs of the plant, area, or industry;

(3) the feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the intended project results. For plant committees, the degree of innovation will receive special consideration;

(4) the appropriateness of committee membership and chairperson representation and the degree of commitment of these individuals to the goals of the application;

(5) the feasibility and thoroughness of the implementation plan in specifying major milestones and target dates;

(6) the feasibility and thoroughness of planning on how to best evaluate the project's impacts, including major evaluation topics and necessary data elements; and

(7) the cost effectiveness and fiscal soundness of the application's budget request. This will consider fiscal feasibility vs. goals and approach and the nature and amount of voluntary in-kind or cash contribution the applicant is willing to offer in meeting total project costs.

E. Eligibility

Potentially eligible grantees include State and local units of government, private non-profit labor-management committees, and a labor organization/private company or public agency applying jointly to create a labor-management committee. In the latter situation, the application should be signed by the top labor and company/industry or public official and indicate which entity will assume fiscal responsibility for the grant. If a private for-profit industry assumes such responsibility, no request for payment of fee or profit will be accepted.

Third party private non-profit entities who can document that their major purpose or function has been the establishment of labor-management committees in their local/state jurisdictions, are eligible to apply. However, all funding must be directed to the functioning of the labor-management committee, and all requirements under Part D must be followed.

Although other third party groups and national organizations are excluded from applying, eligible applicants may contract with any appropriate firm or group to assist the committee in its approved functions.

In addition to the eligibility restrictions mentioned above and in Section C (Introduction), the following restrictions are also placed on applicants for a plant or industry labor-management committee:

(1) where an area labor-management committee is already in existence or in the final stages of development, applicants for either plant or industry committees in that same area must document that their proposed efforts would not duplicate or otherwise conflict with the area committee; and

(2) applicants for plant committees must document that their objectives are truly innovative and replicable in other parts of the nation.

In the event two or more applications are received that compete under the same category from the same jurisdiction (e.g., two plant committee applications from the same city or two area-wide applications from the same county), only the higher scoring application will be awarded (if both are ranked acceptable for funding).

F. Allocations

In Fiscal Year 1981, a total of $1 million has been allocated by the Congress for this program. This allocation will be divided into three funding pools; $100,000 will be available for committees at the plant level; $700,000 will be for committees at the

area level; and, $200,000 will be for committees at the industrywide level.

For the plant and industrywide categories, applications from existing committees and proposed new committees will compete based on highest scores only. For area committees, 25 percent of available funds under this category will be reserved for the highest scoring existing applicants; 25 percent reserved for best new applicants; and the remaining 50 percent will be allocated to either new or existing applicants depending on highest scores only.

In the event that the amount requested by acceptable applications for one or more of the above three categories falls short of the amount of funds available, those excess funds will be reprogrammed to the category(ies) where demand exceeds available funds.

G. Dollar Range and Length of Grants and Continuation Policy

Awards to continue or expand existing labor-management committees (i.e., in existence at least 12 months prior to the submission deadline) shall be for a period of 12 months. If successful progress is made during this initial budget period and if sufficient appropriations are available, these grants may be continued for up to an additional 12 months. The total project period will thus normally be no more than 24 months.

Initial awards to establish new labor-management committees (i.e., not yet established or in existence less than 12 months prior to the submission deadline), shall be for a period of 18 months. If successful progress is made during this initial budget period and if sufficient appropriations are available, these grants will be continued for up to an additional 18 months. The total project period will thus normally be no more than 36 months.

The dollar range of awards are as follows:

(1) Plant—up to $25,000 per annum or $37,500 per 18-month period.

(2) Area—up to $100,000 per annum or $150,000 per 18-month period.

(3) Industry—up to $120,000 per annum or $180,000 per 18-month period.

Applicants are reminded that these figures represent maximum Federal funds only. If total costs to accomplish the objectives of the application exceed the maximum allowable Federal funding level, applicants may supplement the Federal funds through voluntary contributions from other sources.

H. Match Requirements and Cost Allowability

It is FMCS policy to encourage the voluntary sharing of total project costs by applicants. However, no specific applicant contribution or match is required for funding. Voluntary applicant contributions (cash or in-kind) toward the total cost of program operations will be taken into consideration under the "cost effectiveness" selection criteria used in the rating of all applications. It shall also be the policy of this program to reject all requests for indirect or overhead costs. In addition, these funds must not be used to supplant private or local/state government funds previously made available for these purposes. Also, under no circumstances will management staff or employees participating on a labor-management committee be paid or otherwise compensated out of grant funds for time spent at committee meetings.

For a more complete discussion of cost allowability, applicants are encouraged to consult the FMCS Financial and Administrative Grants Manual which will be included in the application kit.

I. Application Submission and Review Process

An original application plus four copies should be submitted to FMCS prior to the deadline dates. Applications should be addressed to the Federal Mediation and Conciliation Service, Office of Labor-Management Grant Programs, 2100 K Street, N.W., Washington, D.C. 20427.

The deadlines for the three categories of funding are as follows:

(1) *Plant Committees*—All applications for the funding of committees at the plant level must be received by FMCS on or before April 3, 1981.

(2) *Area and Industrywide Committees*—All applications for the funding of committees at the area and industrywide level must be received by FMCS on or before April 10, 1981.

All applications should indicate which category they are applying under. Applications involving one industry within either one area or nationwide should apply under the industrywide category.

After the deadline dates have passed, the applications will be reviewed by an FMCS Grant Review Board with input from appropriate FMCS Regional Directors. All applications will be given a numerical score and ranked in order of their final scores. Based on these scores, the Director of the Office of Labor-Management Grant Programs will recommend which applications will be placed in which one of the following three categories: (a) unacceptable for funding, (b) potentially acceptable for funding but funds are unavailable, and (c) recommended for funding. The final decision on funding and responsibility for award will rest with the Director of the Office of Mediation Services.

All FY 81 grant awards are expected to be made within 90 days of the application submission deadlines. Applications submitted after the deadline dates or that fail to include an original plus four legible copies or fail to adhere to other basic requirements may be administratively rejected prior to the convening of the Grant Review Board.

J. Contact

Individuals wishing to apply for funding under this program should contact the Federal Mediation and Conciliation Service as soon as possible to obtain an application kit. These kits, as well as additional information or clarification, can be obtained by contacting Peter L. Regner, Federal Mediation and Conciliation Service, Office of Labor-Management Grant Programs, 2100 K Street, N.W., Washington, D.C. 20427, or calling 202/653-5240.

Nicholas A. Fidandis,

Acting Acting Director, Federal Mediation and Conciliation Service.

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BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

ABT Bancshares Corp.; Formation of Bank Holding Company

ABT Bancshares Corporation, Hot Springs National Park, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of Arkansas Bank and Trust Company, Hot Springs National Park, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3179 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Correction

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party comenting would be aggrieved by approal of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 9, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

This notice supplements a previous **Federal Register** document [FR Doc. 81-1204] published at page 3277 of the issue for Wednesday, January 14, 1981. The location of the office at which the activities will be conducted was not listed.

CITICORP, New York, New York (consumer finance and insurance activities; Oklahoma) the office at which the activities will be conducted is located in Tulsa, Oklahoma.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 27, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3476 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve bank not later than February 19, 1981.

A. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

First Mississippi National Corporation, Hattiesburg, Mississippi (insurance underwriting activities; Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia): to engage through *de novo* offices of its subsidiary Bienville Insurance Company, in acting as underwriter for credit life and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system. These activities will be conducted from offices in Hattiesburg, Mississippi, serving the southeast portion of the United States, including the twelve states listed above.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 27, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3483 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than February 23, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 30 Pearl Street, Boston, Massachusetts 02106:

Industrial National Corporation, Providence, Rhode Island (commercial financing, factoring and personal property leasing in southeastern New England; leasing activities nationwide); to establish a *de novo* office of its indirect subsidiary, Ambassador Factors Corporation and thereby to engage in the activities of commercial financing, factoring, and leasing of personal property, such office to be located in Providence, Rhode Island; and to engage *de novo* in the leasing of personal property at the existing office of Ambassador Factors Corporation located in New York, New York. The service area of the Rhode Island office is southeastern New England, and the service area for the leasing activities at the New York office is national.

B. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pa., (finance and leasing activities; Delaware, Maryland, New Jersey and Pennsylvania): to engage in leasing personal property, or acting as agent, broker, or advisor in leasing such property on a full payout basis, in accordance with provisions of the Board's Regulation Y; making or acquiring loans and other extensions of credit principally in the form of finance leasing. These activities would be conducted from an office in King of Prussia, Pennsylvania, serving Delaware, Maryland, Southern New Jersey and Philadelphia, Chester, Montgomery and Buck Counties in Pennsylvania. Comments on this application must be received by February 20, 1981.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3484 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

Darrouzett Bancshares, Inc.; Formation of Bank Holding Company

Darrouzett Bancshares, Inc., Darrouzett, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First National Bank of Darrouzett, Darrouzett, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3480 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

Elgin National Bancorp; Formation of Bank Holding Company

Elgin National Bancorp, Elgin, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of the Elgin National Bank, Elgin, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3481 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of Lake Air National Bank of Waco, Waco, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3482 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

St. Croix Banco, Inc.; Acquisition of Bank

St. Croix Banco, Inc., New Richmond, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 77 per cent or more of the voting shares of Bank of Somerset, Somerset, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any

questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3485 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

Valders Bancorp.; Formation of Bank Holding Company

Valders Bancorporation, Valders, Wisconsin, has applied for the Board's approval under section 3 (a)(1) of the Bank Holding Company Act, (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Valders State Bank, Valders, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3486 Filed 1-29-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Designation of GAO Liaison for Railroad Accounting Principles Board

AGENCY: U.S. General Accounting Office.

ACTION: Designation of GAO Liaison for Railroad Accounting Principles Board.

SUMMARY: Mr. Arthur L. Litke is designated by the Comptroller General of the United States as GAO Liaison for the Railroad Accounting Principles Board. Mr. Litke is responsible for coordinating preliminary activities with respect to the Board.

ADDRESS: Room 5043, 441 G Street N.W., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur L. Litke, (202) 275-5293.

Elmer B. Staats,

Comptroller General of the United States.

[FR Doc. 81-3558 Filed 1-29-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Safety and Occupational Health Study Section; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Safety and Occupational Health Study Section

Date: March 2-3-4-5, 1981

Place: Howard Johnson Wheaton Motel, University Blvd. West & Viers Mill Road, Wheaton, Maryland 20902

Time and Type of Meeting: Open: 7:00 p.m.-8:30 p.m.—March 2 Closed: 8:30 p.m.-9:30 p.m.—March 2 Closed: 8:30 a.m.-5 p.m.—March 3-4-5

Contact Person: Roger A. Nelson, Acting Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 8-63, Rockville, Maryland 20857

Telephone: 301-443-4493

Purpose: The committee is charged with initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda: Agenda items for the open portion of the meeting will include consideration of minutes of previous meeting and administrative reports. Beginning at 8:30 p.m., March 2, 1981, through adjournment on March 5, 1981, the Study Section will be performing the initial review of research grant and training grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and the Determination of the Director, Centers for Disease Control, pursuant to Public Law 92-463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 23, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-3566 Filed 1-29-81; 8:45 am]

BILLING CODE 4110-87-M

Food and Drug Administration

[Docket No. 78N-0100]

Viral Vaccines and Immune Globulins; Revocation of Licenses

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of certain biological product licenses. This action was taken at the request of the licensees in response to an earlier notice of opportunity for hearing (NOH).

EFFECTIVE DATES: November 10, 1980 for the revocation of the product license for the manufacture of Mumps Immune Globulin (Human) (Hyparotin), manufactured by Cutter Laboratories, Inc.; and November 20, 1980 for the revocation of the product license for the manufacture of Measles Immune Globulin (Human), manufactured by Lederle Laboratories, Division American Cyanamid Co.

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

SUPPLEMENTARY INFORMATION: Consistent with § 601.25 (21 CFR 601.25) of the biologics regulations, FDA published a proposal in the **Federal Register** of April 15, 1980 (45 FR 25652), which announced the agency's intention to revoke the product licenses for the manufacture of certain viral and rickettsial vaccines and therapeutically related immune globulins. These products were classified as Category II (biological products determined to be unsafe or ineffective or to be misbranded and which should not continue in interstate commerce) or IIIB (biological products for which available data are insufficient to classify their safety and effectiveness and should not continue in interstate commerce), based on the recommendations of the Panel on Review of Viral Vaccines and Rickettsial Vaccines (the Panel) and adoption of the Panel's recommendations by FDA. The April 15, 1980, proposal announced that the agency would publish an NOH to revoke those licenses in Categories II and IIIB. The NOH was published in the **Federal Register** of October 3, 1980 (45 FR 65675) under § 12.21(b) (21 CFR 12.21(b)).

Before publication of the NOH, all of the product licenses for products classified in Category II except Mumps Immune Globulin (Human) (Hyparotin), manufactured by Cutter Laboratories,

Inc., 4th and Parker Sts., Berkeley, CA 94710 (U.S. License No. 8), were revoked at the request of the licensees. Similarly, before publication of the NOH, all of the product licenses for products classified in Category IIIB except Measles Immune Globulin (Human), manufactured by Lederle Laboratories, Division American Cyanamid Co., Middletown Rd., Pearl River, NY 10965 (U.S. License No. 17), were revoked at the request of the licensees.

After publication of the NOH for the two outstanding products, both manufacturers requested that their product licenses be revoked. In response to the requests, the Director, Bureau of Biologics, FDA, issued letters of revocation on November 10, 1980, to Cutter Laboratories, Inc., for the manufacture of Mumps Immune Globulin (Human) (Hyparotin), and on November 20, 1980, to Lederle Laboratories, Division American Cyanamid Co., for the manufacture of Measles Immune Globulin (Human). No viral and rickettsial vaccines and therapeutically related immune globulins classified in Categories II and IIIB are now being manufactured. Accordingly, no further action in response to the October 3, 1980, NOH is necessary.

This notice is published under § 601.8 (21 CFR 601.8).

Dated: January 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-3273 Filed 1-29-81; 8:45 am]

BILLING CODE 4110-03-M

Antihemophilic Factor Workshop; Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a 1-day public workshop to discuss Current Clinical Experience with Antihemophilic Factor.

DATE: The meeting will be held March 2, 1981.

ADDRESS: The meeting will be held in Rm. 115, Bldg. 29, Bureau of Biologics, Food and Drug Adminstration, 8800 Rockville Pike, Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT: Dr. David L. Aronson (301–496–2691) or Dr. Genesio Murano (301–496–2694), Bureau of Biologics (HFB–200), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205.

SUPPLEMENTARY INFORMATION: FDA's Bureau of Biologics, Division of Blood and Blood Products, is sponsoring a public workshop to discuss Current Clinical Experience with Antihemophilic Factor. Subjects to be discussed include: (1) current state of standardization; (2) in vivo recovery of antihemophilic factor; (3) clinical efficacy of antihemophilic factor; and (4) needed studies of antihemophilic factor. FDA will consider information presented at this meeting by representatives of manufacturers, regulatory agencies, and the health professions for developing plans for future regulatory and scientific activities.

The workshop will begin at 9 a.m. in Rm. 115, Bldg. 29, Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205. Limited seating will be on a first-come-first-serve basis.

Dated: January 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-3465 Filed 1-29-81; 8:45 am]

BILLING CODE 4110-03-M

Medical Radiation Advisory Committee; Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Medical Radiation Advisory Committee by the Secretary, Department of Health and Human Services.

DATE: Authority for this committee will expire on January 5, 1983, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: January 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-3466 Filed 1-29-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Ronald M. Johnson, Chief, St. Louis Station, St. Louis, MO.

DATE: The meeting will be held at 1 p.m., Friday, February 13, 1981.

ADDRESS: The meeting will be held at the Colony Village Restaurant, Exit I–80, Little Amana, IA.

FOR FURTHER INFORMATION CONTACT: Mary Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 North Collins, Laclede's Landing, St. Louis, Mo. 63102, 314–425–5027.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's St. Louis Station, and to contribute to the agency's policymaking decisions on vital issues.

Dated: January 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-3461 Filed 1-29-81; 8:45 am]

BILLING CODE 4110-03-M

Health Services Administration

Maternal and Child Health Research Grants Review Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1981:

Name: Maternal and Child Health Research Grants Review Committee

Date and time: February 25–27, 1981, 9:00 a.m.

Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Open February 25, 9:00 a.m.–10 a.m.

Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda: The Committee will be performing the review of grant applications for Federal assistance. This meeting will be open to the public from 9:00 to 10:00 a.m., February 25 for the Opening Remarks. It will be closed to the public from 10:00 a.m. to 5:00 p.m. on February 25 and from 9:00 a.m. to 5:00 p.m. on February 26 and February 27 to review applications, in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or

other relevant information should write to or contact DR. GONTRAN LAMBERTY, Bureau of Community Health Services, Health Service Administration, Room 7–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Agenda items are subject to change as priorities dictate.

Dated: January 26, 1981.

William H. Aspen, Jr.,

Associate Administrator for Management.

[FR Doc. 81-3527 Filed 1-29-81; 8:45 am]

BILLING CODE 4110-84-M

Office of the Secretary

General Powers and Duties of Public Health Service; Delegation of Authority

Notice is hereby given that on January 14, 1981 the Secretary of Health and Human Services delegated to the Assistant Secretary for Health all the authorities vested in the Secretary under Title III of the Public Health Service Act (42 U.S.C. 241 *et seq.*), as amended. The delegation to the Assistant Secretary for Health excluded the authorities reserved to the Secretary by Section AA.30, HHS Organizational Manual, including the authority to submit reports to the President and Congress, establish advisory committees and councils, and appoint members to advisory committees and councils. The delegation also excluded the authority to promulgate regulations except for the authority under section 301 of the Public Health Service Act pertaining to the functions assigned to the Food and Drug Administration.

The delegation to the Assistant Secretary for Health included the authority to ratify actions taken on behalf of the Public Health Service pursuant to section 318 of the Public Health Service Act concerning veneral disease programs.

The Assistant Secretary for Health may redelegate the authorities under Title III, as prescribed by pertinent legislative provisions contained in Title III or, in the absence of such provisions, as may be appropriate.

All previous delegations made by the Secretary to the Assistant Secretary for Health of Title III authorities have been superseded. Provision has been made for existing redelegations of Title III authorities to officials of the Public Health Service to continue in effect pending further redelegation provided they are consistent with the delegation to the Assistant Secretary for Health.

Dated: January 19, 1981.

Alair Townsend,

Assistant Secretary for Management and Budget.

[FR Doc. 81-3471 Filed 1-29-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona Intensive Wilderness Inventory; Final Decision; Units Under Protest

Final Decisions on the Intensive Wilderness Inventory were announced in the November 7, 1980 **Federal Register**. This notice identified those units for which the Final Decision became effective on December 31, 1980, and those units for which the Decisions have been formally protested to the Arizona State Director.

The following units which were identified as Wilderness Study Area have been protested.

Arizona Strip District

AZ-010-106A	AZ-010-052
AZ-010-106B	AZ-010-091
AZ-010-106C	AZ-010-093
AZ-010-106D	AZ-010-096A
AZ-010-006A/19	AZ-010-096C
AZ-010-006B	AZ-010-096D
AZ-010-009	AZ-010-097
AZ-010-031	AZ-010-099
AZ-010-033A	AZ-010-104A
AZ-010-034	AZ-010-104B
AZ-010-041	AZ-010-111
AZ-010-050	AZ-010-132
AZ-010-051	AZ-010-136

Phoenix District

AZ-020-001A	AZ-020-125
AZ-020-007	AZ-020-126A
AZ-020-008	AZ-020-138
AZ-020-009	AZ-020-136
AZ-020-010	AZ-020-142/144
AZ-020-12/42	AZ-020-157
AZ-020-014	AZ-020-160
AZ-020-015	AZ-020-163
AZ-020-021	AZ-020-164
AZ-020-024	AZ-020-172
AZ-020-028/029	AZ-020-176
AZ-020-068	AZ-020-187
AZ-020-071	AZ-020-194
AZ-020-075	AZ-020-197
AZ-020-083	AZ-020-202
AZ-020-084A	AZ-020-203B
AZ-020-099	AZ-020-204
AZ-020-100	AZ-020-205
AZ-020-119	

Safford District

AZ-040-001A	AZ-040-048
AZ-040-008	AZ-040-060
AZ-040-014	AZ-040-065
AZ-040-016	AZ-040-076
AZ-040-22/23/24(A)	AZ-040-077
AZ-040-22/23/24(B)	

Yuma District

AZ-050-005B	AZ-050-017
AZ-050-007C/5-48/2-52	AZ-050-023A
AZ-050-012	AZ-050-023B
AZ-050-013	AZ-050-031
AZ-050-014A/B	AZ-050-033
AZ-050-015A	AZ-050-034

The Decision to release the following units was protested. Therefore, these units are still subject to the constraints of Section 603 of the Federal Land Policy and Management Act and the Interim Management Guidelines.

Arizona Strip District

AZ-010-131	AZ-010-133

Phoenix District

AZ-020-107	AZ-020-132/133
AZ-020-108	AZ-020-155A
AZ-020-126B	AZ-020-155B
AZ-020-127A	AZ-020-169
AZ-020-130	AZ-020-175
AZ-020-131	

Safford District

AZ-040-001B	AZ-040-017
AZ-040-013	AZ-040-083

Yuma District

AZ-050-009	AZ-050-039
AZ-050-036	AZ-050-040

The Final Decision is in effect on the following units:

Arizona Strip District

AZ-010-006/019	AZ-010-069
AZ-010-010	AZ-010-071
AZ-010-011	AZ-010-072
AZ-010-012	AZ-010-073A
AZ-010-014	AZ-010-073B
AZ-010-015	AZ-010-074
AZ-010-016	AZ-010-076
AZ-010-017	AZ-010-077
AZ-010-018	AZ-010-078
AZ-010-020	AZ-010-079
AZ-010-021	AZ-010-080
AZ-010-022	AZ-010-081
AZ-010-023	AZ-010-082
AZ-010-024	AZ-010-083
AZ-010-025	AZ-010-084
AZ-010-026	AZ-010-085
AZ-010-027	AZ-010-086
AZ-010-028	AZ-010-087
AZ-010-029	AZ-010-088
AZ-010-030	AZ-010-089
AZ-010-032	AZ-010-094
AZ-010-033B	AZ-010-095
AZ-010-038	AZ-010-096B
AZ-010-039	AZ-010-098
AZ-010-040	AZ-010-100
AZ-010-045	AZ-010-101
AZ-010-047	AZ-010-102
AZ-010-048	AZ-010-103
AZ-010-049	AZ-010-104
AZ-010-053	AZ-010-110
AZ-010-055	AZ-010-116
AZ-010-056	AZ-010-117
AZ-010-057	AZ-010-118
AZ-010-058	AZ-010-125
AZ-010-059	AZ-010-137
AZ-010-062	AZ-010-138
AZ-010-063	AZ-010-139
AZ-010-064	AZ-010-140
AZ-010-065	AZ-010-141
AZ-010-066	AZ-010-143
AZ-010-067	AZ-010-145
AZ-010-068	AZ-010-146

Phoenix District

AZ-020-001B	AZ-020-039
AZ-020-002	AZ-020-072
AZ-020-003	AZ-020-084B
AZ-020-004/005	AZ-020-086
AZ-020-006	AZ-020-090
AZ-020-017	AZ-020-091
AZ-020-023	AZ-020-092

AZ-020-103	AZ-020-177
AZ-020-118	AZ-020-186
AZ-020-120	AZ-020-188
AZ-020-124	AZ-020-190
AZ-020-037	AZ-020-196
AZ-020-140	AZ-020-199
AZ-020-143	AZ-020-200
AZ-020-148	AZ-020-203A
AZ-020-155	

Safford District

AZ-040-001	AZ-040-055
AZ-040-001C	AZ-040-059
AZ-040-004	AZ-040-074
AZ-040-009	AZ-040-075
AZ-040-010/011	AZ-040-078
AZ-040-020	AZ-040-082
AZ-040-030	

Yuma District

AZ-050-005A	AZ-050-020B
AZ-050-005C	AZ-050-021
AZ-050-007A	AZ-050-028
AZ-050-007F	AZ-050-030
AZ-050-007D	AZ-050-037
AZ-050-011	AZ-050-038
AZ-050-015B	AZ-050-042
AZ-050-020	AZ-050-047/2-73
AZ-050-020A	AZ-050-049

The protests to the Final Intensive Inventory will be evaluated and a Decision rendered directly to those people protesting. A Federal Register announcement will inform all other interested individuals of the results on the units protested.

Clair M. Whitlock,

State Director.

January 23, 1981.

[FR Doc. 81-3528 Filed 1-29-81; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare a Vegetative Allocation Environmental Impact Statement for Big Dry Resource Area, Montana

1. Purpose of the Action

The Bureau of Land Management, Miles City District Office, will be preparing a Vegetation Allocation Environmental Impact Statement (EIS) within the Big Dry Resource area in central eastern Montana to analyze the environmental consequences of allocating vegetation to each competing use on approximately 1,750,000 acres of public lands. Implementation of an allocation process may consist of fencing, water developments, and may include plowing, seeding, burning, brush control and erosion control.

Potential alternatives being considered for analysis include: (1) No Action—This is defined as freezing the existing range program as it is today. No new range improvements would be constructed. Changes in levels of livestock use would not be allowed, regardless of need. (2) No Grazing—This is the exclusion of all domestic livestock grazing within the Resource Area. (3) Enhanced Watershed Value and Wildlife Habitat—The major emphasis would be placed on watershed, wildlife, and to a limited degree, recreation. (4) Enhanced Livestock Forage—This would emphasize forage production for domestic livestock through the development of range improvements wherever they are feasible. (5) Enhanced Combined Vegetation Uses—This alternative would allow the Bureau to analyze the consequences of a middle course between alternatives 3 and 4 by analyzing a "mix" of vegetation allocations and accelerated range management activities. (6) Continuation of Present Management—This would examine what would happen to the environment with continued use of the existing range and management program.

A preferred action will be chosen by the Miles City District Manager after the final EIS has displayed the environmental consequences of the six alternatives and after the public has had an opportunity to comment.

2. Scoping Process

The following steps will be utilized to accomplish the scoping process:

(a) Open House planning and scoping meetings will be conducted during the month of March, 1981. Exact dates, times and locations will be announced later.

(b) Letters of invitation to participate in the EIS scoping process will be mailed to all affected federal, state and local agencies, public interest groups, and other interested persons concerning the issues of the Environmental Impact Statement.

A news release regarding the start of the EIS process will be issued from the Miles City District office following publication of this notice. Written comments on scoping will be accepted until April 1, 1981. Correspondence should be addressed to: Ray Brubaker, District Manager, P.O. Box 940, Miles City, Montana, 59301.

Robert A. Teegarden,

Acting District Manager.

[FR Doc. 81-3500 Filed 1-29-81; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before January 23, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by February 17, 1981.

Carol Shull,

Acting Chief, Registration Branch.

CALIFORNIA

Santa Barbara County

Santa Barbara vicinity, *Point Conception Light Station*, U.S. Coast Guard Light Station.

FLORIDA

Gulf County

Port St. Joe vicinity, *Cape San Blas Light and Keeper's Quarters*, S of Port St. Joe off U.S. 98.

KENTUCKY

Jefferson County

Louisville, *Olmstead Park System*, Algonquin, Cherokee, Eastern, Southern, North and South Western Pkwys.

MINNESOTA

LeSueur County

LeSueur County Multiple Resource Area. (Partial Inventory). This area includes: Elysian, *Elysian Public School*, 4th and Frank Sts.; *Elysian Water Tower*, Frank St.; Kasota, *Kasota Town Hall*, Hill and Rice Sts.; *Kasota Village Hall*, Cherry and Webster Sts.; Kasota vicinity, *Bridge No. 4846(1)*, N of Kasota on MN 22; Le Center, *LeSueur County Courthouse and Jail*, 88 S. Park Ave. and 130 S. Park Ave.

MONTANA

Lewis and Clark County

Helena, *Montana State Capitol Building*, Capitol Complex.

NEBRASKA

Willa Cather Thematic Resources.
Reference—see individual listings under Webster County.

Webster County

Bladen vicinity, *Pavelka Farmstead (Willa Cather Thematic Resources)*, SE of Bladen.
Red Cloud, *Farmer's and Merchant's Bank Building (Willa Cather Thematic Resources)*, 338 N. Webster St.
Red Cloud, *First Baptist Church (Willa Cather Thematic Resources)*, 442 N. Seward St.
Red Cloud, *Grace Protestant Episcopal Church (Willa Cather Thematic Resources)*, 546 N. Cedar St.
Red Cloud, *Magee-Cather House (Willa Cather Thematic Resources)*, 245 Cedar St.
Red Cloud, *St. Juliana Falconieri Catholic Church (Willa Cather Thematic Resources)*, 425 W. 3rd St.

Red Cloud, *Webster County Courthouse (Willa Cather Thematic Resources)*, 225 W. 6th St.

Webster County

Red Cloud vicinity, *Cather, Willa, Memorial Prairie (Willa Cather Thematic Resources)* S of Red Cloud off U.S. 281.

Red Cloud vicinity, *Crossroads Grave Site (Willa Cather Thematic Resources)* NW of Red Cloud.

SOUTH DAKOTA

Grant County

Milbank, *Hollands Grist Mill*, U.S. 12.

[FR Doc. 81-3562 Filed 1-29-81; 8:45 am]

BILLING CODE 4310-01-M

National Park Service

Availability of Draft Environmental Impact Statement; Dominguez-Escalante National Historic Trail Study

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of Interior has prepared a draft environmental statement for the Dominguez-Escalanate National Historic Trail Study.

The Dominguez-Escalante National Historic Trail Study recommends designating the entire route as a national historic trail, making the route along highways and possible development of high-potential foot and horse trail segments. Any specific development would not be determined until completion of a comprehensive trail management plan and would be based on existing and future needs. Any recommendations would be phased over a period of time and would be dependent on the availability of funds. The Secretary of Interior would be assigned responsibility for administration and overall coordination of the Dominguez-Escalante National Historic Trail. The route originates in Santa Fe, New Mexico, proceeds northwest along the San Juan, Dolores, and Gunnison rivers in Colorado; thence westerly to Utah Lake in Utah; thence southward to Arizona and then returning to Santa Fe.

Inclusion of the route in the National Trail System will have an overall effect of preserving many of the outstanding scenic, geologic, recreation, wildlife, historic and cultural values associated with the trail. The 13 high-potential segments recommended for development as nonmotorized foot and horse trails total 770 miles and vary in length from 15 to 190 miles. Approximately 265 miles of the 13 high-potential segments cross Native American lands. Development on these lands will be entirely at the discretion of tribal councils and/or individuals.

Trailheads will be developed at intervals of approximately 25 miles with primitive campsites at approximately 10-mile intervals. Minor soil, vegetation and wildlife disturbance will occur as a result of this proposal.

In addition to the proposed action, other alternatives considered were (1) no action, (2) designate entire route as a national historic trail, and (3) designate entire route as a national historic trail but mark route only along highways.

The National Park system advisory Board to the Secretary of the Interior considered the proposal to designate the Dominguez-Escalante Trail as a national historic trail at its October 1980 meeting. After evaluating the information available, the Board recommended against designation as a national historic trail because it felt the trail does not meet the criteria. The recommendation was based on the fact that the route was a circuitous one and did not become a trade or migration route even though short segments appear to have been followed by later travelers in the area.

Comments on the draft environmental statement are invited and will be accepted for a period of forty-five (45) days after the date of this notice. Comments should be submitted to the Regional Director of the Rocky Mountain Region or the Southwest Region at the addresses listed below.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office; National Park Service; 655 Parfet Street, P.O. Box 25287; Denver, Colorado 80225

Southwest Regional Office; National Park Service; P.O. Box 728; Santa Fe, New Mexico 87501.

Dated: January 19, 1981.

Robert L. Herbst,

Assistant Secretary of the Interior.

[FR Doc. 81-3526 Filed 1-29-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation and address of principal office: All Minerals Corporation, P.O. Box 7680, 5510 South 300 West, Murray, Utah 84107.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices:

a. Commodity Transport, Inc., 5510 South 300 West, Murray, Utah 84107.

b. Industrial Commodities Corporation, 5510 South 300 West, Murray, Utah 84107.

1. Parent Corporation: Anheuser-Busch Companies, Inc., 721 Pestalozzi Street, St. Louis, Missouri 63118.

2. Wholly-owned Subsidiaries and State of Incorporation:

(a) Anheuser-Busch, Inc., Missouri.

(b) August A. Busch & Co. Of Massachusetts, Inc., Massachusetts.

(c) August A. Busch & Co. Of Florida, Inc., Florida.

(d) Busch Properties, Inc., Delaware.

(e) Consolidated Farms, Inc., Delaware.

(f) Metal Container Corporation, Delaware.

(g) Kingsmill Realty, Inc., Virginia.

(h) Busch International Sales Corporation, Delaware.

(i) St. Louis Refrigerator Car Company, Common Law Massachusetts Business Trust (Unincorporated)

(j) Manufacturers Railway Co., Missouri.

(k) Manufacturers Cartage Co., Missouri.

(l) M.R.S. Redevelopment Corporation, Missouri.

(m) M.R.S. Transport Company, Texas.

(n) Columbus Cartage, Inc., Ohio.

(o) Williamsburg Transport, Inc., Virginia.

(p) Busch Entertainment Corp., Delaware.

(q) Fairfield Transport, Inc., California.

(r) Kingsmill Resorts, Inc., Delaware.

(s) Container Recovery Corp., Ohio.

(t) Metal Label Corporation, Tennessee.

(u) Best Brands, Inc., Minnesota.

(v) Busch Creative Services Corporation, Delaware.

(w) Busch Agricultural Resources, Inc., Delaware.

(x) Busch Industrial Products Corporation, Delaware.

(y) Anheuser-Busch International, Inc., Delaware.

(z) Golden Eagle Distributing Company, Delaware.

1. Parent corporation and address of principal office: Cascade Steel Rolling Mills, Inc., 3200 North Highway 99W, McMinnville, OR 97128.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) White Top Transport, Inc., 3200 North Highway 99W, McMinnville, OR 97128.

(b) Cascade International, Inc., 3200 North Highway 99W, McMinnville, OR 97128.

(c) K-Steel, Inc., 3200 North Highway 99W, McMinnville, OR 97128

1. Parent corporation and address of principal Office: Comfort Housing Corp., #10 Mansface Plaza, Green River, Wyoming 82935 (street address); P.O. Box 512, Green River, Wyoming 82935 (mailing address).

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation: Century Transportation Inc., 520 South Walnut, Casper, Wyoming 82602 (street address); P.O. Box 1171, Casper, Wyoming 82602 (mailing address). Incorporated in the State of Wyoming.

1. Parent corporation and address of principal office: Jack Eckerd Corporation, 8333 Bryan Diary Road, Largo, Florida 33540, or P.O. Box 4689, Clearwater, Florida 33518.

2. Direct and indirect subsidiaries which will participate in the operations are as follows: Note that all corporations listed below have the same address: 8333 Bryan Diary Road, Largo, Florida 33540, or P.O. Box 4689, Clearwater, Florida 33518.

Eckerd Drug Company
Eckerd Drugs of Florida, Inc.
Eckerd Drug Company of Florida, Inc.
Eckerd Tobacco Company, Inc.
Eckerd Drugs of Georgia, Inc.
Eckerd's Canton Road, Inc.
Eckerd Realty of Georgia, Inc.
Jack Eckerd Drug Company of North Carolina, Inc.
Eckerd Drugs of North Carolina, Inc.
Eckerds Apparel, Inc.
Bancroft Realty Company
Eckerd Drugs Eastern, Inc.
Eckerd Drugs of Delaware, Inc.
Eckerd Drugs of Louisiana, Inc.
Jack Eckerd Drug Company of Delaware, Inc.
Eckerd's College Station, Inc.
Eckerd Drug Company of Texas, Inc.
Eckerd Drugs of Texas, Inc.
Eckerd Drugs of Colorado, Inc.
Clorwood Distributors, Inc.
Eckerd Optical Centers of Louisiana, Inc.
Eckerd Optical Centers of Tennessee, Inc.
Eckerd Fleet, Inc.
Rac/Rite Service Merchandisers, Inc.
Rac/Rite Service Merchandisers of Texas, Inc.
J Byrons Enterprises, Inc.
j.b. Advertising, Inc.
Eckerd's Ward's Jefferson, Inc.
Mading Long Point, Inc.
Eckerd's Westbank, Inc.

I. *Parent corporation and address of principal office:* Enterprise Energy Company, 2727 North Loop West, Houston, TX 77002.

II. *Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:*

A. Enterprise Products Company, 2727 North Loop West, Houston, TX 77002.

B. Enterprise Aviation Co., 2727 North Loop West, Houston, TX 77002.

C. Enterprise Pipeline Co., 2727 North Loop West, Houston, TX 77002.

D. Enterprise Refining Co., 2727 North Loop West, Houston, TX 77002.

E. Enterprise Service Co., 2727 North Loop West, Houston, TX 77002.

F. Cango Corporation, 2727 North Loop West, Houston, TX 77002.

G. Holicer Gas Co. (Operating Division), 2727 North Loop West, Houston, TX 77002.

H. Gas Tec (Operating Division), 2727 North Loop West, Houston, TX 77002.

I. Wanda Petroleum Company, 400 West Belt South, Houston, TX 77045.

1. Parent corporation and address of principal office: Gulf & Western Industries, Inc., 1 Gulf & Western Plaza, New York, New York 10023.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Simmons U.S.A. Corporation, 6 Executive Park Drive, Atlanta, Georgia 30329.

(b) Simmons Manufacturing Co., 6 Executive Park Drive, Atlanta, Georgia 30329.

(c) Simmons Universal Corporation, 15 Columbus Circle, New York, New York 10023.

(d) Gulf & Western Casket Corporation, 372 Washington Street, Wellesley Hills, Mass. 02181.

(e) Greeff Fabrics, Inc., 150 Midland Avenue, Port Chester, New York 10573.

(f) Artisan House, Inc., 1755 Glendale Blvd., Los Angeles, California 90026.

(g) Bloomcraft, Inc., 295 Fifth Avenue, New York, New York 10016.

(h) Katzenbach & Warren, Inc., 950 Third Avenue, New York, New York 10022.

(i) Raymor/Moreddi, Inc., 734 Grand Avenue, Ridgefield, New Jersey 07657.

(j) Albert Van Luit & Co., 4000 Chevy Chase Drive, Los Angeles, California 90039.

(k) Birmingham Ornamental Iron Co., Inc., Highway 79 North, Pinson Valley Parkway, Birmingham, Ala. 35201.

(l) Debu/Flair, Inc., 20100 South Alameda, Compton, Cal. 90220.

(m) Ronkonkoma Wallpaper Corp., 934 Easton Street, Ronkonkoma, New York 11779.

(n) Old Stone Mill Corp., 1 Grove Street, Adams, Mass. 01220.

(o) Gulf & Western Healthcare, Inc., 927 Lake Road, Medina, Ohio 44526.

(p) Selig Manufacturing Co., 54 Green Street, Leominster, Mass. 01453.

(q) Simmons Juvenile Products, Co., Inc., 613 East Beacon Avenue, New London, Wisc. 54961.

(r) Thonet Industries, Inc., 491 Princess Street, York, Penn. 17405.

1. The parent corporation is: James River Corporation, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217.

2. The wholly-owned subsidiaries which will participate in the operations are as follows: James River Paper Company, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217; James River-Rochester, Inc., Adams Division, 115 Howland Avenue, Adams, Massachusetts 01220; *James River-Rochester, Inc., Rochester Division, 340 Mill Street, Rochester, Michigan 48663; *Riegel Products Corporation, Frenchtown Road, Milford, New Jersey 08848; *Curtis Paper Company, Paper Mill Road, Newark, Delaware 19711; Peninsular Paper Company, 100 North Huron Street, Ypsilanti, Michigan 48197; James River-Fitchburg, Inc., Old Princeton Road, Fitchburg, Massachusetts 01220; *James River-Massachusetts, Inc., 701 Westminster Street, Fitchburg, Massachusetts 01420; *James River-Graphics, Inc., 28 Gaylord Street, South Hadley, Massachusetts 01075; James River-Otis, Inc., P.O. Box 10, Jay, Maine 04239; *Brown Board and Carton Company, 243 East Paterson Street, Kalamazoo, MI 49007 (doing business under name of James River Corporation, Board and Carton Group); Brown Speciality Products Company, Island Avenue, Parchment, MI 49008, (doing business under name of James River Corporation, KVP Group); BBC, Inc., Berlin, New Hampshire, (doing business under name of James River Corporation, Berlin-Gorham Group).

In addition to a corporate truck fleet based in Richmond, Virginia the above subsidairies indicated by an asterick each have truck fleets of their own, therefore compensated intercorporate hauling operations will be performed by and between the subsidiaires of James River Corporation.

1. Parent corporation and address of principal office: Montgomery Ward & Co., Incorporated, One Montgomery Ward Plaza, Chicago, Illinois 60671.

2. Wholly-owned subsidiairies which will participate in the operations, and the address of their respective principal offices:

(a) American Delivery Service Company, 1990 North California Boulevard, Walnut Creek, California 94596.

(b) Jefferson Stores, Inc., 15800 Northwest 13th Avenue, Miami, Florida 33169.

(c) Jefferson Ward Stores, Inc., 15800 Northwest 13th Avenue, Miami, Florida 33169.

(d) Standard T Chemical Company, Inc., 130 North Franklin Street, Chicago, Illinois 60606.

1. Parent corporation and address of principal office: Phillips Petroleum Company, Bartlesville, OK 74004.

2. Wholly-owned subsidiary which will participate in the operations, and State(s) of incorporation: (i) Phillips Chemical Company, Incorporated in the State of Delaware.

1. Parent corporation and address of principal office: Rohm and Haas Company, Independence Mall West, Philadelphia, Pa. 19105.

2. Wholly-owned subsidiairies which will participate in the operations, and address of their respective principal offices: Rohm and Haas Delaware Valley, Inc., P.O. Box 302, Bristol, PA 19007; Rohm and Haas California, Inc., 2550 Whitesell Street, P.O. Box 2188, Hayward, CA 94540; Rohm and Haas Tennessee, Inc., P.O. Box 591, Knoxville, TN 37901; Rohm and Haas Kentucky, Inc., Camp Ground Road, P.O. Box 32260; Louisville, KY 40232; Rohm and Haas Texas, Incorporated, P.O. Box 672, Deer Park, TX 77536; Rohm and Haas Bayport, Inc., P.O. Box 1330, LaPorte, TX 77571.

1. Parent corporation and address of prinicipal office: Terra Chemicals International, Inc., P.O. Box 1828, (Fourth and Jackson Streets), Sioux City, Iowa 51102.

2. Wholly-owned subsidiaries which will participate in the operations, and states of corporation:

(i) Georgia Agricultural and Industrial Warehouse, Inc., a Georgia corporation;

(ii) Grand Forks Seed Co., a North Dakota corporation;

(iii) Hawkeye Fertilizer Corp., an Iowa corporation;

(iv) Riverside Chemical Company, a Delaware corporation;

(v) Terra Chemicals Company, a Delaware corporation;

(vi) Terra Nitrogen, Inc., a Delaware corporation; and

(vii) Terra Rain Corporation, a Delaware corporation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-347 Filed 1-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Sepcial Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g. unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before March 16, 1981 (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.

On or before March 31, 1981, an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-021

Decided: January 21, 1981.

By the Commission, Review Board No. 1, members Carleton, Joyce, and Jones.

MC 63101 (Sub-10F), filed December 19, 1980. Applicant: KEENE'S TRANSFER, INC., 1019 East Ave., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. 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. OP4-214

Decided: January 22, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 55847 (Sub-12F), filed December 29, 1980. Applicant: TRP, INC., 3320 S. Third St., Philadelphia, PA 19148. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. 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 115917 (Sub-38F), filed January 8, 1981. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Crossnore, NC 28616. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. 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 115917 (Sub-39F), filed January 8, 1981. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247,

Crossnore, NC 28616. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 145516 (Sub-25), filed January 13, 1981. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., P.O. Box 1286, 8100 East Independence Blvd., Mathews, NC 28105. Representative: T. Gene Stegall, Jr. (same address as applicant). 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 153567, filed January 13, 1981. Applicant: WILLIAM H. MASSON, INC., 207 E. Redwood St., Baltimore, MD 21202. Representative: Albert C. Haeger (same address as applicant). As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3475 Filed 1-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Correction

In FR Doc. 80-35749, published at page 75778, on Monday, November 17, 1980, on page 75780, in the first column, in the first full paragraph, in the last line, under applicant "Terminal Warehouse Company", "ME" should be corrected to read "NE".

BILLING CODE 1505-01-M

[Volume No. OP2-088]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-35882, published at page 76260, on Tuesday, November 18, 1980, on page 76263, in the third column, in the second paragraph, in the seventh line, under applicant "Ellsworth Freight Lines, Inc.", "*food of kindered*" should be corrected to read "*food or kindered*".

BILLING CODE 1505-01-M

Motor Carrier; Permanent Authority Decisions

Correction

In FR Doc. 80-36867, published at page 78818, on Wednesday, November 26, 1980, on page 78825, in the first column, in the first paragraph, in the twelfth line under applicant "Illinois-California Express, Inc." "(except AL" should be corrected to read "(except AK".

BILLING CODE 1505-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-38279 appearing at page 81276 in the issue of December 10, 1980, make the following correction:

On page 81281 in the second column, in the paragraph "MC 107012", application of North American Van Lines, Inc., in the ninth line, "New Hope, MN" should have read "New Hope, NM."

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-36060 appearing at page 76538 in the issue of Wednesday, November 19, 1980, make the following correction:

On page 76550, in the third column, in the paragraph "MC 133194", application of Woodline Motor Freight, Inc., at the end of the paragraph, add the following: "Supporting shipper, Garon, Inc., P.O. Box 100, Starkville, MS 39759.

Note.—Applicant intends to tack with existing authority and interline at Little Rock, Fort Smith, AR and Memphis, TN."

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-37276, published at page 79595, on Monday, December 1, 1980, on page 79598, in the third column, in the third full paragraph, in the ninth line, under "Bonney Motor Express, Inc." "KY, LA, NI," should be corrected to read "KY, LA, MI,", and in the tenth line "NJ, NM," should be corrected to read "NJ, MN,".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81-147 appearing at page 1801 in the issue for Wednesday, January 7, 1981, make the following corrections:

(a) On page 1803, in the third column, in the paragraph "MC 3328 (Sub-1-1TA)", application of A. D. McMullen, Inc., in the eighth line, "LA, AL, IN" sould have read "LA, AL, TN".

(b) On page 1805, in the third column, in the paragraph "MC 152947 (Sub-1-1TA)", application of Ideal Transportation Co., Inc., in the thirteenth line, "NH" should have read "NJ".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Orders To Enjoin Discharge of Air Pollutants

In accordance with Department Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that proposed consent orders in *United States* v. *Ohio Edison*, Civil Action Nos. C2-78-786 and C2-81-52 have been lodged with the District Court for the Southern District of Ohio. The proposed consent orders contain a comprehensive plan to bring all of Ohio Edison's plants into compliance with the Clean Air Act Implementation Plan for Ohio, and include a civil penalty of $1.5 million for past violations. The consent orders also require immediate steps to reduce particulate matter air pollution levels caused by plants while new pollution control equipment is being installed.

The Department of Justice will receive written comments relating to the proposed consent orders for 30 days from the date of publication of this notice. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *"United States* v. *Ohio Edison,"* D.J. Ref. No. 90-5-2-3-876.

The proposed consent orders may be examined at the Office of the United States Attorney, United States Courthouse, Columbus, Ohio, at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254,

Washington, D.C. 20530. A copy of the proposed consent orders may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In order to cover the reproduction costs, all requests for copies should be accompanied by a check or a money order made out for $17.00 to the Treasurer of the United States.

Anthony C. Liotta,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-3529 Filed 1-29-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secreatry of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 23rd day of January 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending January 24, 1981

Name of applicant and location of enterprise	Principal product or activity.
Cypress Communications Corporation, Alexandria, Louisiana.	Television studio.
Analysis & Technology, Inc., North Stonington, Connecticut.	Perform studies—Engineering analysis and Naval warfare analysis.
Gloucester Dry Dock & Marine Repair, Inc., Gloucester, Massachusetts.	Provisions of full service ship repair and maintenance (annual hauling) facilities for fishing and other commercial vessels.
Durango Ski Corporation, La Plata County, Colorado.	Skiing and ski related services.

[FR Doc. 81-3350 Filed 1-29-81; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[ORPS Application No. P-1559]

Employee Benefit Plans; Proposed Alternative Method of Compliance for the Builders, Contractors and Employees Retirement Trust and Plan Sponsored by National Western Life Insurance Company

AGENCY: Department of Labor.

ACTION: Notice of proposed alternative method of compliance.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed alternative method of compliance with the annual reporting requirements of the Employee Retirement Income Security Act of 1974 (ERISA) for the Builders, Contractors and Emloyees Retirement Trust and Plan Sponsored by National Western Life Insurance Company (the Master Plan) as adopted by participating employers. The proposed alternative method of compliance, if granted, would affect participating employees, beneficiaries, participating employers, and the plan administrator of the Master Plan.

DATE: Written comments must be received by the Department on or before March 31, 1981.

EFFECTIVE DATE: If granted, the proposed alternative method would be effective 30 days after publication of a final notice in the **Federal Register.**

ADDRESSES: All written comments (three copies) should be submitted to: Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Builders Master Plan Alternative. The petition for an alternative method of compliance and all comments received will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. John Christensen, of the Department, 202-523-8684. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed alternative method of compliance with certain annual reporting requirements of ERISA for the Master Plan as adopted by participating employers. The proposed alternative method of compliance was

requested in a petition filed by National Western Life Insurance Company.

Summary of Facts and Representations

The petitions contain facts and representations with regard to the proposed alternative method of compliance which are summarized below. Interested persons are referred to the petition on file with the Department for the complete representations of the petitioners.

1. National Western Life Insurance Company (the Insurer) is the administrator of the Master Plan, which is designed for employers to utilize in making fringe benefit contributions pursuant to public contracts covered by the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a, hereinafter referred to as "the Act") or state prevailing wage law. These laws set wage standards for construction workers. As part of any public contract regulated by the Act or state prevailing wage law, there is a percentage or dollar amount per hour that is designated contributions to benefits. The definition of wages includes an amount irrevocably contribute by a contractor or subcontractor to a trustee or third person to a fund, plan, or program, for medical or hospital care, pensions on retirement or death, or other related fringe benefits. The Act permits the obligation of the contractor or the subcontractor to make payments, in accordance with prevailing wage determinations of the Secretary of Labor (the Secretary), to be discharged by making such payments in cash, or by making contributions to a fringe benefit trust, fund, or plan, noted above, or any combination of cash and fringe benefit contributions, as long as the aggregate of such payments, contributions and costs are not less than the rate of pay set forth by the Secretary as the prevailing wage for that public contract in the locality in which the contractor or subcontractor is working (29 CFR 5.32(c)(1) and 5.5(a)(3)(i)). Most state prevailing wage laws follow the terms of the Act in determining the prevailing wage for state public contracts. It is the option of the contractor or subcontractor working on these public projects to determine what portion of his total prevailing wage to allocate to fringe benefits.

2. The Master Plan covers employees whose wages are subject to the provisions of the Act or a state prevailing wage law and whose employer has elected to participate in the Master Plan (Part I, § 2.1(3) and Part II, § 2.1 of the Master Plan). Any such employee may continue as a participant even though employed by a different employer electing to participate in the Master Plan as long as such participating employee is performing service under a contract subject to the Act or a state prevailing wage law (Part I, § 2.1(1) and § 10.4). Initially an employer elects to participate in the Master Plan by completing an application (or adoption agreement) providing no variables other than the effective date of participation (Part II, § 14.7). Each participating employer contributes the amount allocated for pensions under the Act or a state prevailing wage law, whichever applies under the contract under which covered services are performed (Part II, § 6.1). The contributions are allocated, under the terms of the public contract subject to the regulations or orders issued under the terms of the Act or state prevailing wage law, to each participating employee's account maintained by the plan administrator and are fully vested immediately. Employer contributions are usually based on a designated amount for each hour worked under such contract. (See Part II, §§ 6.2, 6.3, and 8.1). Each participating employee's account is adjusted yearly to reflect its pro-rata share of changes in the fair market value of the trust which constitutes part of the Master Plan (Part II, section 6.4 and Part I, section I–1 and Article 1). A participating employee's accrued benefit under the Master Plan equals the balance of his or her allocated account under the Master Plan (Part II, § 4.1). Master Plan benefits are funded by group annuities purchased by the trustee, and all plan assets are required to be invested in group annuity contracts held by the trust (Part II, § 7.1 and Part I, § 4.2).

3. The Insurer is the plan administrator and named fiduciary under the Master Plan; and the Insurer's Vice President-Actuarial Services, Vice President-Finance, Treasurer, and Director of the Pension Department are the trustees of the Master Plan (Part I, §§ 2.1(12), 2.1(13), 2.1(14), 3.1 and Part II, § 14.12). Among the trustees' powers is the right to compute and determine the interest of participants in the trust fund (Part I, § 3.3(1)). The employer keeps no records relating to participating employees' accounts under the Master Plan.

4. The Internal Revenue Service (the Service) has issued opinion letters dated April 19, 1979, to the effect that (1) the form of the Master Plan is acceptable as a master plan under section 401 of the Internal Revenue Code of 1954 (the Code) for use by employers for the benefit of their employees, (2) this opinion does not constitute a determination of the qualification under section 401 of the Code of the Master Plan as adopted by a participating employer, and (3) the trust which is a part of the Master Plan qualifies under section 401 and is exempt from Federal income tax under section 501(a) of the Code.

5. Petitioner contends that requiring the plan administrator to file a Master Plan annual report and a full annual report for each employer who has employees participating in the Master Plan is duplicative and unnecessary. To require the plan administrator to duplicate information and, in some cases, obtain additional information from the employer, would increase substantially the cost of the plan.

6. For these reasons, the petitioner proposes the following alternative method of compliance with the annual reporting requirements set forth in section 103 of ERISA and in 29 CFR 2520.103–1 through 103–11 of Title I of ERISA.[1]

1. A master Form 5500 (including required schedules) will be filed by the plan administrator for the entire Master Plan with the Service for the fiscal year ending December 31 of each year.

2. Each participating employer files an abbreviated Form 5500 (completing only items 1, 2, 3, 4(e), 5, 6, 9, and 17) or Form 5500–C (completing only items 1, 2, 3, 4(e), 5, 6, 9, and 26).

7. In summary, the petitioner believes that (a) by allowing this alternate method of annual reporting, additional cost to the employer for duplicate filings will be eliminated without any reduction in the disclosure requirements to each participant and that (b) the Department and the Service will receive adequate and full reporting and disclosure as required by ERISA.

Notice to Interested Persons

Not later than Mach 2, 1981, the plan administrator of the Master Plan will furnish to each participating employee and participating employer a notice that a petition has been filed for an alternative method of compliance with the annual reporting requirements of ERISA. Such notice shall contain a copy of the proposed alternative method of compliance as published in the **Federal**

[1] Petitioner's original proposal contianed, in addition, the requirement that the plan administrator comply in full with ERISA and Department regulations regarding the preparation and distribution of summary annual reports, summary plan descriptions, and summaries of material modifications. Since these requirements are applicable whether or not the alternative method of compliance is granted, the Department has deleted those references from petitioner's proposal.

Register and shall include the following statement:

Any interested person, including any participating employee and any participating employer in the Builders, Contractors and Employees Retirement Trust and Plan Sponsored by National Western Life Insurance Company, may present his or views on or before March 31, 1981, on the proposed alternative method of compliance with the annual reporting requirements of the Employee Retirement Income Security Act of 1974 for the above-named master plan as adopted by participating employers, by writing to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Builders Master Plan Alternative.

General Information

Before an alternative method of compliance with the annual reporting requirements may be prescribed under section 110 of ERISA, the Department must determine that the use of such alternative method is consistent with the purposes of Title I of ERISA, and that it provides adequate disclosure to the participants in the plan and adequate reporting to the Department, that the application of the reporting requirements of ERISA would increase the costs to the plan or impose unreasonable administrative burdens with respect to the operation of the plan, having regard to the particular characteristics of the plan or the type of plan involved, and that the application of the reporting requirements of ERISA would be adverse to the interests of plan participants in the aggregate.

Alternative Method of Compliance

Based upon the facts and representations set forth in the petition, the Department is considering granting the requested alternative method of compliance under the authority of section 110 of ERISA. If an alternative method of compliance is granted, a full annual report for the Master Plan as adopted by each participating employer need not be filed for any plan year in which (1) the plan administrator files a master Form 5500 for the entire Master Plan for its fiscal year ending with or within such employer's plan year (including required schedules); (2) each participating employer files an abbreviated Form 5500 (completing only items 1, 2, 3, 4(e), 5, 6, 9, and 17) or Form 5500-C (completing only items 1, 2, 3, 4(e), 5, 6, 9, and 26).

Signed at Washington, D.C., this 21st day of January, 1981.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 81-3174 Filed 1-29-81; 8:45 am]

BILLING CODE 4510-29-M

Wage and Hour Division, Employment Standards Administration

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No.6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Elder Mfg. Co., Webb City, MO; 10-31-80 to 10-30-81. (Men's and boys' slacks)

Flushing Shirt Mfg. Co., Inc., Frostburg, MD; 9-24-80 to 9-23-81; 10 learners. (Men's shirts)

Franklin Ferguson Co., Inc., Florala, AL; 12-19-80 to 12-18-81. (Men's and boys' shirts)

McCreary Mfg. Co., Stearns, KY; 12-8-80 to 12-7-81. (Men's shirts)

Monticello Mfg. Co., Inc., Monticello, KY; 12-8-80 to 12-7-81. (Men's and boys' shirts)

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65, as amended.)

Junior Form Lingerie Inc., Boswell, PA; 10-11-80 to 10-10-81; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' underwear and pajamas)

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 as amended).

Burnham-Edina Mfg. Co., Edina, MO; 11-8-80 to 11-7-81; 5 learners for normal labor turnover purposes. (Work gloves)

The following learner certificate was issued in Puerto Rico. The effective and expiration dates, learner rates, occupations, learning periods and number of learners authorized to be employed are indicated.

Glamourette Fashion Mills, Inc., Quebradillas, PR; 9-29-80 to 9-28-81; 50 learners for normal labor turnover purposes in the occupations of: (1) knitting, for a learning period of 480 hours at the rate of $3.02 an hour for the first 240 hours and $3.19 an hour for the remaining 240; (2) machine stitchers, for a learning period of 320 hours at the rate of $3.02 an hour for the first 160 hours and $3.19 an hour for the remaining 160 hours; (3) pressers, for a learning period of 320 hours at the rate of $3.02 an hour for the first 160 hours and $3.19 an hour for the remaining 160 hours; and (4) kettle handlers and dyers for a learning period of 240 hours at the rate of $3.02 an hour. (Sweaters and related products)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before March 2, 1981.

Signed at Washington, D.C. this 23rd day of January 1981.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 81-3524 Filed 1-29-81; 8:45 am]

BILLING CODE 4510-27-M

Office of the Secretary

[TA-W-8100 and TA-W-8100B-L, TA-W-8304, TA-W-8627]

Garland Corp., et al.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Adjustment Assistance on August 26, 1980, applicable to all workers covered under the following petitions: TA-W-8100, 8100B-L, 8304, 8592, 8592A-LL, and 8627. The Notice of Certification was published in the **Federal Register** on January 9, 1981, (45 FR 2435).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the case file and the certification. The additional information revealed that substantial layoffs occurred several weeks prior to the impact dates for the three facilities cited above. These layoffs were not covered by the original impact dates set in the certification for workers at Garland Corporation, Brockton, Massachusetts (including company showrooms); Bristol Knitting Mills, Incorporated, Fall River, Massachusetts; and Garland Knitting Mills of Georgia, Warrenton, Georgia. Workers at the Garland Corporation facilities at Brockton, Massachusetts (including various showrooms) had an impact date of December 1, 1979. The Bristol Knitting Mills plant at Fall River, Massachusetts had an impact date of January 1, 1980, and the Garland Knitting Mills of Georgia plant in Warrenton, Georgia, had an impact date of May 1, 1980. Under the circumstances, the original impact date of December 1, 1979, of the Garland Corporation, Brockton, Massachusetts (including various company showrooms) has been changed to May 6, 1979. The original impact date of January 1, 1980, for the Bristol Knitting Mills plant in Fall River, Massachusetts has been changed to May 16, 1979, and the original impact date of May 1, 1980, for the Garland Knitting Mills of Georgia, Warrenton Georgia, has been changed to May 16, 1979.

The intent of the certification is to cover all workers of the Garland Corporation facilities who were affected by the decline in sales or production of women's apparel produced in the facilities indicated above.

The certification is hereby amended as follows:

"All workers of the Garland Corporation, Brockton, Massachusetts (including various company showrooms) TA-W-8100 and 8100B-L, who became totally or partially separated from employment on or after May 6, 1979; all workers of Bristol Knitting Mills, Incorporated, Fall River, Massachusetts (TA-W-8304) who became totally or partially separated from employment on or after May 16, 1979; and all workers of Garland Knitting Mills of Georgia, Incorporated, Warrenton, Georgia (TA-W-8627) who became totally or partially separated from employment on or after May 16, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974."

Signed at Washington, D.C., this 19th day of December 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-380 Filed 1-29-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9875-9878; 9880; 9913; 11,568]

General Motors Corp.; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

Investigations were initiated on August 4 and October 31, 1980 in response to petitions which were filed on behalf of workers at the support facilities of General Motors Corporation listed in the appendix.

Since workers at these facilities did not produce an article within the meaning of Section 222(3) of the Trade Act, they may be certified only if their separation was importantly caused by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for their services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

The Department has determined that increased imports contributed importantly to the decline in sales or production and to total or partial separations of workers at 20 of General Motors Corporation's car and truck assembly plants (TA-W-6783, 6917, 6999-7000, 7009, 7015-16, 7059, 7071, 7073-76, 7078-82, 8613 and 9570). Workers at these plants are engaged in production of one or more of the following car or truck lines; mid-size, standard and luxury/specialty cars, pick-up trucks, vans, and general utility vehicles. The Department also certified workers at 70 GM component parts plants as eligible for trade adjustment assistance (TA-W-6705, 6877, 7001-04, 7004A, 7005, 7007-08, 7010-14, 7018-19, 7021-24, 7026-33, 7035-41, 7044-46, 7048-50, 7052-53, 7055-57, 7065-68, 7070, 7305, 7603, 7782, 8017, 8105-07, 8572, 8609-11, 8614, 9249, 9252, 9562-63, 9566 and 9569).

During the course of the investigation, it was established that the facilities listed in the appendix perform activities which primarily support the sales and production of GM vehicles which have been subject to import injury. Therefore, each of these facilities is substantially integrated into the production of import-impacted GM car and truck lines.

Because U.S. auto manufacturers redesigned most of their automobiles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features of each market class of vehicles has changed substantially. As a result, the continuation of the recent impact of import competition that existed in MY 1979 and MY 1980 may not continue in MY 1981.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with mid-size, standard and luxury/specialty automobiles, vans, utility vehicles and pick-up trucks produced at final assembly plants of General Motors Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers at the support facilities listed in the appendix. In accordance with the provisions of the Act, I make the following certification:

All workers of the support facilities of General Motors Corporation listed in the appendix who became totally or partially

separated from employment on or after the impact date listed in the appendix and before November 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of January 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

Appendix

TA-W- and facility	Location	Impact date
Delco Air Conditioning Division		
9875 Divisional Administrative Office	Dayton, OH	Dec. 1, 1979.
Delco-Remy Division		
9876 Divisional Administrative Office	Anderson, IN	Nov. 1, 1979.
Guide Division		
9877 Divisional Administrative Office	Anderson, IN	Aug. 1, 1979.
Harrison Radiator Division		
9878 Divisional Administrative Office	Lockport, NY	Aug. 1, 1979.
Inland Division		
9880 Divisional Administrative Office	Dayton, OH	Aug. 1, 1979.
Packard Electric Division		
9913 Divisional Administrative Office	Warren, OH	May 1, 1980.
Central Office		
11,568 GM Air Transport Service	Willow Run, MI	July 1, 1980.

[FR Doc. 81-3519 Filed 1-29-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9788-9874; 9879; 9881-9909; 9914-9941; 10,849]

General Motors Corp.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Investigations were initiated on August 4, 1980 and September 15, 1980 in response to petitions which were filed on behalf of workers at the support facilities of General Motors Corporation listed in the appendix.

The investigation revealed that criterion (1) has not been met.

Evidence developed during the course of the investigation revealed that significant total or partial separations did not occur at the 146 facilities listed in the appendix.

One hundred-forty three of these support facilities are part of the Buick Motor Division, the Cadillac Motor Car Division, the GMC Truck & Coach Division, the Oldsmobile Division and the Pontiac Motor Division. Many of these locations did not experience layoffs in MY 1979 or MY 1980 and no layoffs are scheduled to occur at these facilities in the foreseeable future.

Layoffs experienced by the remaining facilities were insignificant compared to total division employment. The level of employment in each of these divisions did not change significantly in the first ten months of MY 1980 compared to the same period in MY 1979.

Employment at the divisional administrative office of the Hydra-Matic Division, Ypsilanti, Michigan (TA-W-9879) increased in MY 1979 compared to MY 1978 and in the first ten months of MY 1980 compared to the same period in MY 1979. Compared to the same quarter of the previous year, employment increased in each quarter of MY 1979 and in the first three quarters of MY 1980.

Employment at the administrative office of the Rochester Products Division (TA-W-9881) was higher in each quarter of MY 1979 than during the same quarter of MY 1978, and increased during each of the first 3 quarters of MY 1980 compared with the same MY 1979 quarters. Employment either remained stable or increased in each of the first 3 quarters of MY 1980, compared with the preceding quarter.

Layoffs which occurred at the administrative office of the Central Foundry Division, Saginaw, Michigan (TA-W-10,849) were insignificant compared to the level of total employment at the facility in MY 1980. No layoffs occurred at this facility in MY 1979.

Conclusion

After careful review, I determine that all workers of the support facilities of General Motors Corporation listed in the appendix are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of January 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

Appendix

TA-W-	Facility	Location
	Buick Motor Division	
9788	Division Administrative Office	Flint, MI.
9789	San Francisco Zone Sales Office.	Fremont, CA.
9790	Zone Sales Office	Denver CO.
9791,	Zone Sales Office	Jacksonville, FL
9792	Zone Sales Office	Atlanta, GA.
9793	Chicago Zone Sales Office	Oak Brook, IL.
9794	Kansas City Zone Sales Office	Shawnee Mission, KS.
9795	Boston Zone Sales Office	North Quincy, MA.
9796	Detroit Zone Sales Office	Farmington Hills, MI.
9797	Minneapolis Zone Sales Office	Edina, MN.
9798	Zone Sales Office	St. Louis, MO.
9799	Newark Zone Sales Office	Clifton, NJ.
9800	New York Zone Sales Office	White Plains, NY.
9801	Buffalo Zone Sales Office	Williamsville, NY.
9802	Zone Sales Office	Charlotte, NC.
9803	Cleveland Zone Sales Office	Rocky River, OH.

Appendix—Continued

TA-W-	Facility	Location
9804	Zone Sales Office	Cincinnati, OH.
9805	Portland Zone Sales Office	Beaverton, OR.
9806	Zone Sales Office	Pittsburgh, PA.
9807	Philadelphia Zone Sales Office	King of Prussia, PA.
9808	Zone Sales Office	Memphis, TN
9809	Dallas Zone Sales Office	Irving, TX.
9810	Zone Sales Office	Houston, TX.
9811	Washington, D.C. Zone Sales Office.	McLean, VA.
9812	Milwaukee Zone Sales Office	Wauwatosa, WI.
9813	Zone Sales Office	Oklahoma City, OK.
9814	Los Angeles Zone Sales Office.	Westlake Village, CA.
9815	Pacific Regional Sales Office	Westlake Village, CA.
9816	Southeast Regional Sales Office.	Atlanta, GA.
9817	Midwest Regional Sales Office	Oak Brook, IL.
9818	Central Regional Sales Office	Troy, MI.
9819	Eastern Regional Sales Office	White Plains, NY.
9820	Southwest Regional Sales Office.	Irving, TX.
	Cadillac Motor Car Division	
9821	Divisional Administrative Office	Detroit, MI.
9822	Los Angles Zone Sales Office	Westlake Village, CA.
9823	San Francisco Zone Sales Office.	Fremont, CA.
9824	Zone Sales Office	Denver, CO.
9825	Zone Sales Office	Jacksonville, FL.
9826	Zone Sales Office	Atlanta, GA.
9827	Chicago Zone Sales Office	Oak Brook, IL.
9828	Kansas City Zone Sales Office	Overland Park, KS.
9829	Washington, D.C. Zone Sales Office.	Rockville, MD.
9830	Boston Zone Sales Office	Wellesley, MA.
9831	Detroit Zone Sales Office	Southfield, MI.
9832	Minneapolis Zone Sales Office	Edina, MN.
9833	New York Zone Sales Office	Paramus, NJ.
9834	Philadelphia Zone Sales Office	Cherry Hill, NJ.
9835	Cleveland Zone Sales Office	Beachwood, OH.
9836	Zone Sales Office	Cincinnati, OH.
9837	Zone Sales Office	Portland, OR.
9838	Zone Sales Office	Memphis, TN.
9839	Dallas Zone Sales Office	Irving, TX
	GMC Truck and Coach Division	
9840	Divisional Administrative Office	Pontiac, MI.
9841	Truck Center	Los Angeles, CA.
9842	Los Angeles Zone Sales Office.	Panorama City, CA.
9843	Oakland Zone Sales Office	Fremont, CA.
9844	Truck Center	Oakland, CA.
9845	Zone Sales Office	Denver, CO.
9846	Truck Center	Miami, FL.
9847	Zone Sales Office	Atlanta, GA.
9848	Chicago Zone Sales Office	Oak Brook, IL.
9849	Truck Center	Chicago, IL.
9850	Washinton, D.C. Zone Sales Office.	Rockville, MD.
9851	Truck Center	Baltimore, MD.
9852	Truck Center	Boston, MA.
9853	Boston Zone Sales Office	Wellesley, MA.
9854	Truck Center	Pontiac, MI.
9855	Detroit Zone Sales Office	Pontiac, MI.
9856	Detroit Truck Center	Dearborn, MI.
9857	Truck Center & Zone Sales Office.	Minneapolis, MN.
9858	Truck Center	St. Louis, MO.
9859	St. Louis Zone Sales Office	Crestwood, MO.
9860	Zone Sales Office	Kansas City, MO.
9861	New York Zone Sales Office	Piscataway, NJ.

Appendix—Continued

TA-W-	Facility	Location
9862	Truck Center	New York, NY.
9863	Truck Center	Winston-Salen, NC.
9864	Truck Center	Charlotte, NC.
9865	Zone Sales Office	Charlotte, NC.
9866	Truck Center	Cleveland, OH.
9867	Zone Sales Office	Cincinnati, OH
9868	Portland Zone Sales Office	Beaverton, OR.
9869	Pittsburgh Truck Center	Glenshaw, PA.
9870	Zone Sales Office	Pittsburgh, PA.
9871	Zone Sales Office	Memphis, TN.
9872	Dallas Zone Sales Office	Irving, TX.
9873	Truck Center	Dallas, TX.
9874	Truck Center	Dayton, OH.
	Hydra-Matic Division	
9879	Divisional Adminstrative Office	Ypsilanti, MI.
	Rochester Porudcts Division	
9881	Divisional Adminstrative Office	Rochester, NY.
	Oldsmobile Division	
9882	Divisional Adminstrative Office	Lansing, MI.
9883	Pacific Regional & Los Angeles Zone Sales Offices.	Woodland Hills, CA.
9884	San Francisco Zone Sales Office.	Fremont, CA.
9885	Denver Zone Sales Office	Aurora, CO.
9886	Zone Sales Office	Jacksonville, FL.
9887	Southeast Regional & Zone Sales Office.	Atlanta, GA.
9888	Midwest Regional and Chicago Zone Sales Offices.	Oak Brook, IL.
9889	Zone Sales Office	Indianapolis, IN.
9890	Kansas City Zone Sales Office	Overland Park, KS.
9991	Washinton, D.C. Zone Sales Office.	Rockville, MD.
9892	Boston Zone Sales Office	Wellesley, MA.
9893	Central Regional and Detroit Zone Sales Offices.	Southfield, MI.
9894	Zone Sales Office	Minneapolis MN.
9895	St. Louis Zone Sales Office	Chesterfield, MO.
9896	Zone Sales Office	Omaha, NE.
9897	Philadelphia Zone Sales Offices.	Moorestown, NJ.
9898	Atlantic Regional and Zone Sales Offices.	Tarrytown, NY.
9899	Buffalo Zone Sales Office	Williamsville, NY.
9900	Zone Sales Office	Charlotte, NC.
9901	Cleveland Zone Sales Office	Westlake, OH.
9902	Zone Sales Office	Cincinnati, OH.
9903	Zone Sales Office	Oklahoma City, OK.
9904	Portland Zone Sales Office	Beaverton, OR.
9905	Zone Sales Office	Pittsburgh, PA.
9906	Zone Sales Office	Memphis, TN.
9907	Southwest Regional and Dallas Zone Sales Office.	Irving, TX.
9908	Zone Sales Office	Houston, TX.
9909	Zone Sales Office	Milwaukee, WI.
	Pontiac Motor Division	
9914	Divisional Administrative Office	Pontiac, MI.
9915	Pacific Regional and Los Angeles Zone Sales Offices.	Westlake Village, CA.
9916	San Francisco Zone Sales Office.	Fremont, CA.
9917	Denver Zone Sales Office	Englewood, CO.
9918	Zone Sales Office	Jacksonville, FL.
9919	Zone Sales Office	Atlanta, GA.
9920	Chicago Zone Sales Office	Oak Brook, IL.
9921	Midwest Zone Sales Office	Mission, KS.
9922	Washington, D.C. Zone Sales Office.	Rockville, MD.
9923	Boston Zone Sales Office	Wellesley, MA

Appendix—Continued

TA-W-	Facility	Location
9924	Detroit Zone Sales Office	Southfield, MI.
9925	Zone Sales Office	Minneapolis, MN.
9926	Zone Sales Office	St. Louis, MO.
9927	Zone Sales Office	Omaha, NE.
9928	Newark Zone Sales Office	Saddle Brooke, NJ.
9929	Philadelphia Zone Sales Office	Cherry Hill, NJ
9930	New York Zone Sales Office	Tarrytown, NJ.
9931	Buffalo Zone Sales Office	Williamsville, NY.
9932	Zone Sales Office	Charlott, NC.
9933	Zone Sales Office	Cleveland, OH.
9934	Zone Sales Office	Cincinnati, OH.
9935	Zone Sales Office	Oklahoma City, OK.
9936	Northwest Zone Sales Office	Portland, OR.
9937	Zone Sales Office	Pittsburgh, PA.
9938	Zone Sales Office	Memphis, TN.
9939	Dallas Zone Sales Office	Irving, TX.
9940	Zone Sales Office	Houston, TX.
9941	Milwaukee Zone Sales Office	Brookfield, WI.
	Central Foundary Division	
10,849	Divisional Administrative Office	Saginaw, MI.

[FR Doc. 81-3518 Filed 1-29-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7936]

General Motors Corp., Delco-Remy Division; Negative Determination Regarding Application for Reconsideration

By letter of November 7, 1980, (copy attached), after being granted a filing extension, counsel for the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of General Motors Delco-Remy Division's plant at New Brunswick, New Jersey. The determination was published in the **Federal Register** on October 3, 1980, (45 FR 65704).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the dtermination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel for the union claims that although the production of batteries increased at New Brunswick, such production decreased for the entire division of Delco-Remy and, therefore,

claims that the Department should have chosen the Delco-Remy division as the appropriate subdivision instead of the New Brunswick, New Jersey plant of Delco-Remy.

The Department's review showed that the petition for workers at General Motors Delco-Remy Division's plant in New Brunswick, New Jersey did not meet the "contributed importantly" test of the Trade Act. Production of automobile batteries at the subject plant increased in MY 1979 compared to MY 1979 and in the first six months of MY 1980 compared to the same period in MY 1979. Sales and production at the subject plant are equal. Production declines which occurred were the result of normal seasonal declines.

The Department chose the plant-by-plant approach in determining the appropriate subdivision because, had it not, it could have resulted in payments to workers who were unemployed for a variety of reasons not related to import competition. Using the plant-by-plant approach, the Department is better able to make a reasonably precise judgment on the role of import competition in production and employment declines at the plant level. See *UAW* v. *Marshall*, 627 F.2d 559, 561 at n. 3 (1980). The Department's investigation revealed that worker separations at New Brunswick were due to seasonal and technological factors and thus not related to import competition.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied. Signed at Washington, D.C. this 14th day of January 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

Before the U.S. Department of Labor, Bureau of International Labor Affairs

In the Matter of: General Motors Corporation, News Brunswick, New Jersey and International Union of Electrical, Radio and Machine Workers, AFL–CIO–CLC and its Local 416; TA–W–7936.

Request for Reconsideration

International Union of Electrical, Radio and Machine Workers Local 416 respectfully requests that the Department of Labor reconsider its decision to deny eligibility to apply for worker adjustment assistance to the employees of General Motors Corporation, Delco-Remy Division, New Brunswick, New Jersey.

The denial of eligibility was premised on the sole fact that production of batteries at the New Brunswick plant was higher during the first six months of MY 1980 than it was during comparable periods in model year (MY) 1978 and MY 1979. This fact led the Department of Labor to conclude that the eligibility requirement of Section 222(3) of the Trade Act of 1974 (19 USC 2272(3)) was not satisfied. In addition, the certifying officer incorrectly found that production declines which did occur "were the result of normal seasonal declines."

Section 222(3) requires, as an essential element of eligibility:

[T]hat increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

While it is true that the number of batteries produced at the New Brunswick plant did not decrease absolutely from MY 1979 to MY 1980, the the circumstances and technology at the plant had changed so drastically from one year to the next as to to render such a comparison meaningless and irrelevant for purposes of the Act.

A thorough investigation of the history of the New Brunswick plant will show that new machinery and production processes were introduced at the plant in 1979 in connection with a change in the type of batteries produced. Such a change had earlier been made at the four other battery plants within GMC.[1] However, as the impact of import competition deepened at General Motors, the demand for Batteries dropped so sharply that even the consolidated operations at New Brunswick were subjected to cutbacks and layoffs. These layoffs occurred and extended into months other than those associated with seasonal layoffs, which normally occur at the New Brunswick plant from approximately November until April.

In light of these circumstances, the New Brunswick plant was not "an appropriate subdivision" for purposes of Section 222 because to consider it as such would exclude large numbers of employees from eligibility who were clearly among the class of employed workers that Congress intended to reach in the 1974 amendments. Rather, the appropriate subdivision in this case should have been all battery plants in the Delco-Remy Division of GMC.

If this larger appropriate subdivision were employed, an investigation would show that the production of batteries had indeed decreased absolutely and substantially from the first six months of MY 1978 and 1979 to comparable time in MY 1980. This overall decrease in production of batteries, itself a result of the increase of automobile imports, was the direct cause of the layoffs. Accordingly, the workers at the New Brunswick plant, like the workers at the Anaheim and Muncie plants, should be found eligible to apply for worker adjustment assistance.

Dated Washington, D.C., November 7, 1980.

Respectfully submitted,

Winn Newman,

Barbara C. Somson,

Attorneys for the Union, International Union of Electrical, Radio and Machine Workers, AFL–CIO–CLC, 1126 Sixteenth Street N.W., Washington, D.C. 20036 (202) 296–1206.

[FR Doc. 81-3520 Filed 1-29-81; 8:45 am]

BILLING CODE 4510-28-M

[1] The other four battery plants are located at Anaheim, California; Muncie, Indiana; Olathe, Kansas; and Fitzgerald, Georgia.

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period January 19–23, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–9951; Cargotainer, Adrian, MI

Investigation revealed that criterion (3) has not been met. The workers' firm does not produce an article as required for certification under Section 223 of the Trade Act of 1974.

TA–W–8780; Modern Textile, Inc., St. Louis, MO

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,394; Tompkins and Co., Oklahoma City, OK

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-10,387 & 10,391; Buckhorn Mining Co., Oklahoma City, OK and Miracle Coal Co., Oklahoma City, OK

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of coal and coke did not increase as required for certification.

TA-W-8698; Fay Sportswear, Burlington, NJ

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9317; Blankship Shake Co., Forks, WA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,200; Weyerhaeuser Co., Raymond, WA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of softwood lumber did not increase as required for certification.

TA-W-10,923; Schad Boiler Setting Co., Detroit, MI

Investigation revealed that criterion (3) has not been met. The workers' firm does not produce an article as required for certification under Section 223 of the Trade Act of 1974.

TA-W-9730 & 9731; Tulsa Oil Co. Service Stations, Port Huron, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of gasoline did not increase as required for certification.

TA-W-7970; Bethlehem Steel Corp., Bethlehem, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9581 & 9582; Flax Plastics, Inc., Plant #1 and Plant #2, Midvale, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8719; Buchanan Metal Form Products, Inc., Buchanan, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9000; Fab-Tec, Inc., Warren, MI

Investigation revealed that criterion (2) has not been met.

TA-W-10,277; ITT Higbie Manufacturing Co., Rochester, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9031; National Molded Products Co., St. Marys, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8385; L&L Pattern, Inc., Muskegon Heights, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8384; Anderson Industries, Inc., Anderson Pattern Div., (formerly known as Anderson Pattern, Inc.) Muskegon Heights, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8386; Monarch Pattern Corp., Fruitport, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8271; Corduroy Rubber Co., Grand Rapids, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9135; The Catamore Co., East Providence, RI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9668; Indiana Hide Corp., Tupelo, MS

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8587; Spun Steel, Inc., Corinth, MS

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8387; Muskegon Pattern and Manufacturing, Inc., Muskegon Heights, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

In hereby certify that the aformentioned determinations were issued during the period January 19–23, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: January 26, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3517 Filed 1-29-81; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the puposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on February 5–7, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on December 22, 1980.

The agenda for the subject meeting will be as follows:

Thursday, Febraury 5, 1981

8:30 A.M.–8:45 A.M.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 .A.M.–12:30 P.M.: NRC Safety Research Program (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the proposed ACRS annual report to the U.S. Congress regarding the NRC Safety Research Program.

Portions of this session will be closed as necessary to discuss information the premature release of which would be likely to significantly frustrate implementation of proposed agency action.

1:30 P.M.–3:30 P.M.: NRC Long-Range Safety Research Program Plan (Open)—The Committee will hear and discuss a report from the ACRS Safety Research Subcommittee, ACRS consultants who may be present, and representatives of the NRC Staff regarding the proposed NRC Long-Range Safety Research Program Plan.

3:30 P.M.–6:30 P.M.: San Onofre Nuclear Generating Station Units 2 and 3 (Open)—The Committee will hear the report of the ACRS Subcommittee and consultants who may be present regarding the request for operation of the San Onofre Nuclear Generating Station, Units 2 and 3. The Committee will also hear and discuss reports from the NRC Staff and representatives of the applicant regarding this matter. Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

Friday, February 6, 1981

8:30 A.M.–11:00 A.M.: Fission Product Source Term (Open)—The Committee will hear and discuss reports from a special ACRS ad hoc Subcommittee, ACRS Consultants who may be present, representatives of the NRC Staff and representatives of the nuclear industry who may be present regarding proposed NRC reevaluation of the fission product source term used in the siting and design of nuclear facilities.

11:00 A.M.–11:30 A.M.: ACRS Discussion (Open)—The Committee will briefly discuss items scheduled for discussion with the NRC Chairman and other Commissioners who may have an interest.

Topics to be considered include the status of ACRS activities regarding evaluation of control system failures which could initiate or exacerbate reactor accidents, consequences of ATWS, and review of the NRC Long-Range Safety Research Program Plan.

11:30 A.M.–12:30 P.M.: Meeting with NRC Chairman and Commissioners (Open)—The Committee will meet with the NRC Chairman and other Commissioners who may have an interest to discuss items noted above.

1:30 P.M.–3:00 P.M. Fission Product Source Term (Open)—The Committee will continue discussion of the Fission Product source term as noted above.

3:00 P.M.–6:00 P.M.: Near-Term Construction Permits (Open)—The Committee will hear and discuss the report of its Subcommittee, members of the NRC Staff, and representatives of the nuclear industry regarding proposed additional requirements for Construction Permits which are being considered by NRC.

Portions of this session will be closed as necessary to discuss Proprietary Information and information the premature release of which would be likely to significantly frustrate implementation of proposed agency action.

6:00 P.M.–6:30 P.M. NRC Regulatory Guides (Open)—The Committee will hear and discuss the report of its Subcommittee regarding proposed changes in NRC Regulatory Guides and a proposed Regulatory Guide regarding lightning protection for nuclear power plants.

Saturday, February 7, 1981

8:30 A.M.–12:00 Noon: Preparation of ACRS Reports (Open)—The Committee will discuss its proposed reports to the Congress and the Nuclear Regulatory Commission regarding matters discussed during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information and information the premature release of which would be likely to significantly frustrate implementation of proposed agency action.

1:00 P.M.–4:00 P.M.: ACRS Discussion (Open)—The Committee members will discuss items related to anticipated ACRS activities including the future schedule for full Committee and Subcommittee meetings, the FY–1982 ACRS budget, and activities of individual members. The Committee will also hear and discuss comments from the Chairman of the ACRS Subcommittee on Waste Management and other members regarding cross-statements filed by the Utilities Nuclear Waste Management Group in connection with the on-going NRC waste confidence proceedings; a report of the ACRS Subcommittee on Fluid Dynamics regarding a prelicensing review of the passive containment system; and a Committee member's report regarding improved decay heat removal systems for the North Anna Nuclear Power Station Units 3 and 4.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)) and information the premature release of which would be likely to significantly frustrate implementation of proposed agency policy (5 U.S.C. 552b(c)(9)(B)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EST.

Dated: January 26, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-3468 Filed 1-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50–488; 50–489; 50–490]

Duke Power Co. (Perkins Nuclear Station, Units 1, 2 and 3), Rescheduling of Oral Argument

January 23, 1981.

Notice is hereby given that, in accordance with the Appeal Board's order of January 22, 1981, the oral argument on the appeal of intervenors Mary Apperson Davis and the Yadkin River Committee from the February 22, 1980 partial initial decision of the Licensing Board in this construction permit proceeding earlier scheduled for February 18, 1981, has been rescheduled for 10:00 a.m., on Wednesday, April 1, 1981 in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the appeal board.

Dated: January 23, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-3469 Filed 1-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–289 (Restart)]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1)

January 26, 1981.

Memorandum and Order

Today I received the attached memorandum from Chairman Ahearne to Chief Administrative Judge B. Paul Cotter, Chairman of the Atomic Safety and Licensing Board Panel. I reported to Chief Judge Cotter that, in my view, 10 CFR § 2.780 (ex parte communications), requires that any answer from me

directly or indirectly to the Commissioners should be on the record of this proceeding. I also advised Chief Judge Cotter that to assure completeness, any such communication should be written and served in the proceeding, orally made in a public on-the-record session or both. I also stated that I would prefer to have any such report submitted by the entire board after an opportunity for the parties to comment.

Chairman Ahearne has accepted my recommendations.

Therefore there will be a special session in this proceeding to receive recommendations and comments on the subject matter of Chairman Ahearne's memorandum at the NRC Hearing Room, 25 Court Street, Harrisburg, Pennsylvania, beginning at 10:00 a.m., February 3, 1981.

Ordered:

All parties are directed to attend. There is a possibility that issues affecting all parties will be discussed and it is essential that parties be present to assert their interest and views on Chairman Ahearne's request.

For the Atomic Safety and Licensing Board.

Bethesda, Maryland, January 26, 1981.

Ivan W. Smith,

Chairman, Administrative Judge.

United States Nuclear Regulatory Commission

Washington, D.C.

January 22, 1981.

Memorandum for: Chairman, ASLBP.
From: John Ahearne.
Subject: TMI-1 Hearing.

Several Commissioners are interested in whether the TMI-1 hearing can be expedited. (As you know, the current pace is far slower than the Commissioners had originally hoped.) Therefore, please ask the Chairman of the TMI-1 Board whether there are any actions the Commission could take which would expedite the hearing. These could include:

—Commission deciding open issues.
—Commission clarifying policies.
—Commission modifying existing orders.
—Commission directing staff to take some action.

Please understand that I am not requesting any information from the Board Chairman the furnishing of which would be inconsistent with his duties as presiding officer. I would appreciate a response by COB January 31.

By copy of this memorandum I am requesting the Docketing and Services Branch, Office of the Secretary, to serve copies of the memorandum on the Board and the parties in the subject proceeding.

cc: Commissioner Gilinsky
Commissioner Hendrie
Commissioner Bradford, Secy.

[FR Doc. 81-3470 Filed 1-29-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11543; (812-4746)]

Finance for Industry Limited and FFI (UK Finance) Limited; Filing of an Application

Correction

In FR Doc. 81-1512, appearing at page 3705, in the issue of Thursday, January 15, 1981, make the following changes:

(1) On page 3705, third column, ninth line, "which" should read "with".

(2) On page 3705, third column, fourteenth line, "$400,000,000" should read "— 400,000,000".

BILLING CODE 1505-01-M

[File No. 1-7088]

American Business Products, Inc.; Application To Withdraw From Listing and Registration

January 23, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of American Business Products, Inc. (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on November 28, 1980, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE, and believes that dual listing would fragment the market for its common stock.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before February 13, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-3453 Filed 1-29-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-10891]

Beneficial Corp.; Application and Opportunity for Hearing

Notice is hereby given that Benefical Corporation ("Beneficial") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1934 (the "Act") for a finding by the Commission that the trusteeships of The Chase Manhattan Bank (National Association) ("Chase") under the four existing indentures of Beneficial described below (collectively, the "Beneficial Indentures"), each of which was heretofore qualified under the Act, and the trusteeship by Chase under an existing indenture described below of West Beneficial Finance, Inc., a Delaware corporation formely known as Beneficial Finance Co. of Ohio ("West Beneficial") and successor by merger to Capital Financial Services Inc., an Ohio corporation ("Capital"), which was heretofore qualified under the Act and in respect of the notes issued under which Beneficial proposes to becomes a guarantor, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as Trustee under the Beneficial Indentures or under the West Beneficial Indenture.

Beneficial alleges that:

(1) It has outstanding $75,000,000 principal amount of its debentures due February 1, 2000, issued under the 1972 Beneficial Indenture executed by Beneficial and Chase, as Trustee. The debentures issued pursuant to the 1972 Beneficial Indenture were registered under the 1933 Act (File No. 2-42706) and the 1972 Beneficial Indenture was qualified under the Act.

(2) It has outstanding $150,000,000 principal amount of its debentures due June 1, 2003, issued under the 1977 Beneficial Indenture executed by Benefical and Chase, as Trustee. The

debentures were registered under the 1933 Act (File No. 2–59031) and the 1977 Beneficial Indenture was qualified under the Act.

(3) It has outstanding $150,000,000 principal amount of its debentures maturing at holder's option annually on December 15 commencing in 1986 and due May 15, 2008, issued under the 1978 Beneficial Indenture executed by Beneficial and Chase, as Trustee.The debentures were registered under the 1933 Act (File No. 2–61539) and the 1977 Beneficial Indenture was qualified under the Act.

(4) It has outstanding $250,000,000 principal amount of its debentures due June 15, 2005, and maturing at option of holder on January 15, 1984, issued under the 1979 Beneficial Indenture executed by Beneficial and Chase, as Trustee.The debentures were registered under the 1933 Act (File No. 2–66189) and the 1979 Beneficial Indenture was qualified under the Act.

(5) On October 10, 1980, Capital was liquidated by merger into its parent, West Beneficial, pursuant to a Plan of Liquidation, adopted as of June 18, 1980 and approved by West Beneficial as sole shareholder as of that same date, and an Agreement of Merger between Capital and West Beneficial dated as of October 10, 1980. At the time of the merger the separate existence of Capital ceased. All of the issued and outstanding capital stock of West Beneficial is owned by Beneficial Mortgage Co. of Ohio, a Delaware corporation which is an indirect, wholly-owned subsidiary of Beneficial.

(6) West Beneficial has outstanding $25,000,000 principal amount of its senior notes due April 15, 1983, issued under the West Beneficial Indenture executed by Capital and Chase, as Trustee. The West Beneficial Notes were registered under the 1933 Act (File No. 2–55640) and the West Beneficial Indenture was qualified under the Act.

(7) The Capital obligations with respect to the West Beneficial Notes have been assumed by West Beneficial, as successor by merger to Capital.

(8) On October 31, 1980, the Finance Committee of the Board of Directors of Beneficial authorized the guarantee by Beneficial of the payment of the principal of, and premium, if any, and interest on, the West Beneficial Notes issued pursuant to the West Beneficial Indenture when and as the same shall become due and payable according to the terms of such Notes and Indenture.

(9) Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. The Beneficial Indentures provide, with certain exceptions stated therein, that Chase shall be deemed to have a conflicting interest if it is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the same issuer are outstanding.

Assuming that the Beneficial Guarantee will make Beneficial an "obligor" on the West Beneficial Notes, Beneficial's application seeks a Commission finding that no material conflicts of interest with the Beneficial Indentures are likely.

(10) The Beneficial Guarantee is included in the Second Supplemental Indenture, dated as of December 22, 1980, which supplements the West Beneficial Indenture and was executed by Beneficial in support of West Beneficial's and its request for the No Action Letter. Both the Beneficial Guarantee and the Second Supplemental Indenture will become effective upon receipt by Chase, as Trustee, of a certificate from Beneficial and West Beneficial to the effect that the No Action Letter has been received and Beneficial has therefore waived the condition stated in the Second Supplemental Indenture of an order under Section 12(h) of the 1934 Act. Beneficial and West Beneficial agree to deliver such certificate promptly after receipt of the No Action Letter.

(11) The Beneficial Indentures and the West Beneficial Indenture are wholly unsecured, and the obligations of Beneficial under them will rank pari passu inter se. The only material differences between the Beneficial Indentures and the West Beneficial Indenture and the rights of the holders of the debentures and notes issued thereunder relate to aggregate principal amounts, dates of issue, maturity and interest payment dates, interest rates and redemption prices and procedures.

(12) It is not in default under any of the Beneficial Indentures.

(13) West Beneficial is not in default under the West Beneficial Indenture.

(14) Neither the differences indicated above nor any other provisions of the aforementioned indentures are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of any of the holders of the debentures issued under the Beneficial Indentures or of the West Beneficial Notes to disqualify Chase from acting as Trustee under any of the aforementioned indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after February 17, 1981, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than February 17, 1981 at 5:30 P.M., Eastern Standard Time, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, pursuant to delegated authority, by the Division of Corporation Finance.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–3454 Filed 1–29–81; 8:45 am]

BILLING CODE 8010–01–M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

January 23, 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:

Cominco Ltd.
Common Stock, No Par Value (File No. 7–5848)
International Flavors & Fragrances, Inc.
Common Stock, $.12½ Par Value (File No. 7–5847)

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 February 13, 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. 81-3456 Filed 1-29-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0146]

James River Capital Associates; Application for License To Operate as a Limited Partnership Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.4 of the Regulations governing SBIC's (13 CFR 107.4 (1980)) under the name of James River Capital Associates, 909 East Main Street, Richmond, Virginia 23219, for a license to operate in the Commonwealth of Virginia as a Limited Partnership SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 *et seq.*).

The partnership will begin operations with private capital of $1,075,000.

The Corporate General Partner of the Partnership is James River Advisors, Inc., and is controlled by The Southern Group, Inc. which is owned by Mr. James B. Farinholt, Jr. (80%) and Mr. A. Hugh Ewing III (20%).

The principal officers and directors of the Corporate General Partner are:

A. Hugh Ewing III, 1811 Monument Avenue, Richmond, Virginia 23220—President, Treasurer Director
James B. Farinholt, Jr., 6117 St. Andrews Lane, Richmond, Virginia 23226—Vice President, Director
Helen E. Powell, 3 Iris Lane, Richmond, Virginia 23226—Vice President, Secretary Director

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed General Partner and the reasonable prospects for a successful operation of the SBIC under its management including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may on or before February 9, 1981, submit written comments on the application to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Richmond, Virginia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 22, 1981.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 81-3492 Filed 1-29-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 09/09-5273]

Vanson Investment Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), has been filed by Vanson Investment Corporation (Applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

Tin Koon Lam, 1090 Landers Avenue, Milpitas, California 95035; Chairman of the Board, President, Chief Financial Officer, 100 percent Stockholder
Martin J. Joe, 1473 Murphy Avenue, San Jose, California 95131; Loan Officer, Director
Simon S. Sit, 3405 Barber Lane, Milpitas, California 95035; Secretary, Director

The Applicant, a California corporation, with its principal place of business at 448-A Reynolds Circle, San Jose, California 95112, will begin operations with $500,000 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities primarily in Santa Clara County and the Greater San Jose area within the State of California.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Jose, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 22, 1981.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 81-3493 Filed 1-29-81; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR § 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR § 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business

Investment Act, added by section 524 of Pub. L. 96–221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective February, 1981, and until further notice, the FFB rate to be used for purposes of computing the maxium cost of money pursuant to 13 CFR § 107.301(c) is 12.765% per annum.

Dated: January 22, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-3491 Filed 1-29-81: 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 739]

Fishery Conservation and Management Act of 1976; Applications for Permits To Fish off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (P.L. 94–265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the **Federal Register**.

Individual vessel applications for fishing in 1981 have been received from the Federal Republic of Germany, the Governments of Italy, Japan, Korea, The Netherlands, Spain, the Polish People's Republic, and Taiwan, and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634–7432).

Dated: January 22, 1981.

Larry L. Snead,

Acting Director, Office of Fisheries Affairs.

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean).	Western Pacific
SNA	Snails (Bering Sea)	North Pacific
WOC	Washington, Oregon, California Trawl.	Pacific
PBS	Pacific Billfish and Sharks.	Western Pacific

Activity codes specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Listing of Vessel Applications—1981

Permit No. and vessel name	Vessel type	Fisheries and activities				
Federal Republic of Germany						
CE-810010 *Friedrich Busse*	Large stern trawler	BSA 1				
Italy						
IT-81-0001 *Assunta Tonitni Madre*	Large stern trawler	NWA 1				
IT-81-0003 *Tontini Pesca Quarto*	Large stern trawler	NWA 1				
IT-81-0004 *De Giosa T*	Medium stern trawler	NWA 1				
IT-81-0005 *Amoruso Settimo*	Medium stern trawler	NWA 1				
IT-81-0006 *Mascaretti Primo*	Medium stern trawler	NWA 1				
IT-81-0007 *Sagitta*	Medium stern trawler	NWA 1				
IT-81-0008 *Airone*	Medium stern trawler	NWA 1				
IT-81-0009 *Amoruso Sesto*	Medium stern trawler	NWA 1				
IT-81-0010 *Garbilla C*	Medium stern trawler	NWA 1				
IT-81-0011 *Tortorelli F*	Medium stern trawler	NWA 1				
IT-81-0012 *Corrado Secondo*	Large stern trawler	NWA 1				
IT-81-0013 *Antonietta Madre*	Medium stern trawler	NWA 1				
IT-81-0015 *Carlo di Fazio*	Medium stern trawler	NWA 1				
IT-81-0016 *De Giosa Giuseppe*	Medium stern trawler	NWA 1				
IT-81-0019 *Stanislava*	Large stern trawler	NWA 1				
IT-81-0021 *Maria C*	Medium stern trawler	NWA 1				
IT-81-0022 *Giovanni Cefalu*	Medium stern trawler	NWA 1				
IT-81-0023 *De Giosa I*	Medium stern trawler	NWA 1				
IT-81-0024 *Maria Michela*	Medium stern trawler	NWA 1				
Japan						
JA-81-0001 *Kashima Maru*	Factory ship	BSA 2	GOA 2	NWA	SNA 2	
JA-81-0002 *Marine Ace*	Cargo/transport Vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0003 *Marine Fellow*	Cargo/transport Vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0010 *Otoha Maru*	Pair trawler	BSA 1				
JA-81-0011 *Kuriha Maru*	Pair trawler	BSA 1				
JA-81-0012 *Honkai Maru*	Pair trawler	BSA 1				
JA-81-0013 *Hanurii Maru*	Pair trawler	BSA 1				
JA-81-0014 *Honushin Maru*	Pair trawler	BSA 1				
JA-81-0015 *Hokuto Maru*	Pair trawler	BSA 1				
JA-81-0030 *Shikishima Maru*	Factory ship	BSA 2				
JA-81-0042 *Eisu Maru No. 11*	Danish seiner	BSA 1				
JA-81-0043 *Seiho Maru No. 15*	Danish seiner	BSA 1				
JA-81-0050 *Hokko Maru No. 17*	Danish seiner	BSA 1				
JA-81-0060 *Mizuho Maru*	Pair trawler	BSA 1				
JA-81-0061 *Akiho Maru*	Pair trawler	BSA 1				

Permit No. and vessel name	Vessel type	Fisheries and activities
Japan—Continued		
JA-81-0062 *Syunyo Maru*	Pair trawler	BSA 1
JA-81-0063 *Rakuyo Maru*	Pair trawler	BSA 1
JA-81-0064 *Wayo Maru*	Pair trawler	BSA 1
JA-81-0065 *Junyo Maru*	Pair trawler	BSA 1
JA-81-0066 *Koyo Maru*	Pair trawler	BSA 1
JA-81-0067 *Ryuyo Maru*	Pair trawler	BSA 1
JA-81-0070 *Yashima Maru*	Pair trawler	BSA 1
JA-81-0071 *Tsushima Maru*	Pair trawler	BSA 1
JA-81-0080 *Minoshima Maru*	Factory ship	BSA 2
JA-81-0090 *Kaiko Maru No. 8*	Danish seiner	BSA 1
JA-81-0091 *Ebisu Maru No. 21*	Danish seiner	BSA 1
JA-81-0092 *Kaiun Maru No. 78*	Danish seiner	BSA 1
JA-81-0095 *Mitsu Maru No. 50*	Danish seiner	BSA 1
JA-81-0100 *Hokko Maru No. 77*	Medium stern trawler	BSA 1
JA-81-0110 *Shuyo Maru*	Pair trawler	BSA 1
JA-81-0111 *Fiyo Maru*	Pair trawler	BSA 1
JA-81-0112 *Koyo Maru*	Pair trawler	BSA 1
JA-81-0113 *Fukuyo Maru*	Pair trawler	BSA 1
JA-81-0114 *Katori Maru*	Pair trawler	BSA 1
JA-81-0115 *Katsuki Maru*	Pair trawler	BSA 1
JA-81-0116 *Aoba Maru*	Pair trawler	BSA 1
JA-81-0117 *Wakaba Maru*	Pair trawler	BSA 1
JA-81-0120 *Oyo Maru*	Pair trawler	BSA 1
JA-81-0121 *Eiyo Maru*	Pair trawler	BSA 1
JA-81-0122 *Washima Maru*	Pair trawler	BSA 1
JA-81-0123 *Toyoshima Maru*	Pair trawler	BSA 1
JA-81-0140 *Nisshin Maru No. 2*	Factory ship	BSA 2
JA-81-0160 *Akashi Maru No. 16*	Pair trawler	BSA 1
JA-81-0161 *Akashi Maru No. 17*	Pair trawler	BSA 1
JA-81-0162 *Akashi Maru No. 51*	Pair trawler	BSA 1
JA-81-0163 *Akashi Maru No. 52*	Pair trawler	BSA 1
JA-81-0164 *Akashi Maru No. 58*	Pair trawler	BSA 1
JA-81-0165 *Akashi Maru No. 59*	Pair trawler	BSA 1
JA-81-0166 *Akashi Maru No. 63*	Pair trawler	BSA 1
JA-81-0167 *Akashi Maru No. 65*	Pair trawler	BSA 1
JA-81-0168 *Akashi Maru No. 66*	Pair trawler	BSA 1
JA-81-0169 *Akashi Maru No. 67*	Pair trawler	BSA 1
JA-81-0170 *Akashi Maru No. 68*	Pair trawler	BSA 1
JA-81-0171 *Akashi Maru No. 69*	Pair trawler	BSA 1
JA-81-0172 *Akashi Maru No. 71*	Pair trawler	BSA 1
JA-81-0173 *Akashi Maru No. 72*	Pair trawler	BSA 1
JA-81-0174 *Akashi Maru No. 73*	Pair trawler	BSA 1
JA-81-0175 *Akashi Maru No. 75*	Pair trawler	BSA 1
JA-81-0176 *Akashi Maru No. 76*	Pair trawler	BSA 1
JA-81-0177 *Akashi Maru No. 77*	Pair trawler	BSA 1
JA-81-0178 *Akashi Maru No. 18*	Pair trawler	BSA 1
JA-81-0190 *Hoyo Maru*	Factory Ship	BSA 2
JA-81-0200 *Tenyu Maru No. 21*	Danish seiner	BSA 1
JA-81-0201 *Yunyo Maru No. 35*	Danish seiner	BSA 1
JA-81-0202 *Tenyu Maru No. 18*	Danish seiner	BSA 1
JA-81-0204 *Soho Maru No. 68*	Danish seiner	BSA 1
JA-81-0210 *Kakuyo Maru No. 1*	Pair trawler	BSA 1
JA-81-0211 *Kakuyo Maru No. 2*	Pair trawler	BSA 1
JA-81-0212 *Kakuyo Maru No. 3*	Pair trawler	BSA 1
JA-81-0213 *Kakuyo Maru No. 5*	Pair trawler	BSA 1
JA-81-0214 *Kakuyo Maru No. 7*	Pair trawler	BSA 1
JA-81-0215 *Kakuyo Maru No. 8*	Pair trawler	BSA 1
JA-81-0218 *Nitto Maru No. 31*	Pair trawler	BSA 1
JA-81-0219 *Nitto Maru No. 32*	Pair trawler	BSA 1
JA-81-0220 *Nitto Maru No. 35*	Pair trawler	BSA 1
JA-81-0221 *Nitto Maru No. 36*	Pair trawler	BSA 1
JA-81-0240 *Soyo Maru*	Factory ship	BSA 2
JA-81-0250 *Taisei Maru No. 51*	Medium stern trawler	BSA 1
JA-81-0251 *Mutsu Maru No. 52*	Medium stern trawler	BSA 1
JA-81-0252 *Tora Maru No. 18*	Medium stern trawler	BSA 1
JA-81-0253 *Zenho Maru No. 21*	Medium stern trawler	BSA 1
JA-81-0254 *Kakuda Maru No. 25*	Medium stern trawler	BSA 1
JA-81-0255 *Fuji Maru No. 1*	Medium stern trawler	BSA 1
JA-81-0258 *Kaiko Maru No. 3*	Medium stern trawler	BSA 1
JA-81-0280 *Ryuyo Maru*	Large stern trawler	BSA 1, GOA 1
JA-81-0282 *Tomi Maru No. 85*	Medium stern trawler	BSA 1, GOA 1
JA-81-0283 *Anyo Maru No. 8*	Medium stern trawler	BSA 1
JA-81-0285 *Daishin Maru No. 12*	Large stern trawler	BSA 1, GOA 1
JA-81-0286 *Daishin Maru No. 22*	Large stern trawler	BSA 1, GOA 1
JA-81-0287 *Daishin Maru No. 23*	Large stern trawler	BSA 1, GOA 1
JA-81-0288 *Aso Maru*	Large stern trawler	BSA 1, GOA 1
JA-81-0289 *Nittaka Maru*	Large stern trawler	BSA 1, GOA 1
JA-81-0291 *Takachiho Maru*	Large stern trawler	BSA 1, GOA 1
JA-81-0292 *Koyo Maru No. 21*	Medium stern trawler	BSA 1, GOA 1
JA-81-0297 *Koyo Maru No. 2*	Large stern trawler	BSA 1, GOA 1
JA-81-0299 *Eikyu Maru No. 2*	Medium stern trawler	BSA 1
JA-81-0300 *Eikyu Maru No. 11*	Medium stern trawler	BSA 1
JA-81-0302 *Eikyu Maru No. 86*	Medium stern trawler	BSA 1
JA-81-0303 *Koshin Maru No. 11*	Medium stern trawler	BSA 1, GOA 1
JA-81-0304 *Fukuyoshi Maru No. 38*	Medium stern trawler	BSA 1, GOA 1
JA-81-0305 *Kyowa Maru No. 15*	Medium stern trawler	BSA 1
JA-81-0307 *Akebono Maru No. 32*	Medium stern trawler	BSA 1, GOA 1
JA-81-0308 *Akebono Maru No. 27*	Medium stern trawler	BSA 1, GOA 1
JA-81-0309 *Akebono Maru No. 28*	Medium stern trawler	BSA 1, GOA 1

Permit No. and vessel name	Vessel type	Fisheries and activities				
Japan—Continued						
JA-81-0310 *Akebono Maru No. 11*	Medium stern trawler	BSA 1	GOA 1			
JA-81-0312 *Akebono Maru No. 15*	Medium stern trawler	BSA 1				
JA-81-0313 *Akebono Maru No. 16*	Medium stern trawler	BSA 1	GOA 1			
JA-81-0314 *Akebono Maru No. 17*	Medium stern trawler	BSA 1				
JA-81-0315 *Akebono Maru No. 18*	Medium stern trawler	BSA 1				
JA-81-0316 *Akebono Maru No. 21*	Medium stern trawler	BSA 1				
JA-81-0317 *Akebono Maru No. 22*	Medium stern trawler	BSA 1	GOA 1			
JA-81-0318 *Shizuoka Maru*	Medium stern trawler	BSA 1	GOA 1			
JA-81-0321 *Kitakami Maru*	Medium stern trawler	BSA 1	GOA 1			
JA-81-0331 *Zuiyo Maru No. 3*	Large stern trawler	BSA 1	GOA 1			
JA-81-0332 *Tenyo Maru No. 2*	Large stern trawler	BSA 1	GOA 1			
JA-81-0333 *Tenyo Maru No. 3*	Large stern trawler	BSA 1	GOA 1			
JA-81-0334 *Tenyo Maru No. 5*	Large stern trawler	BSA 1	GOA 1			
JA-81-0335 *Zuiyo Maru*	Large stern trawler	BSA 1	GOA 1			
JA-81-0336 *Chikubu Maru*	Large stern trawler	BSA 1	GOA 1			
JA-81-0337 *Tsuda Maru*	Large stern trawler	BSA 1	GOA 1			
JA-81-0338 *Akebono Maru No. 72*	Large stern trawler	BSA 1	GOA 1			
JA-81-0339 *Yamato Maru*	Large stern trawler	BSA 1	GOA 1			
JA-81-0340 *Rikuzen Maru*	Large stern trawler	BSA 1	GOA 1			
JA-81-0341 *Kongo Maru*	Large stern trawler	BSA 1	GOA 1			
JA-81-0342 *Ohtori Maru*	Large stern trawler	BSA 1	GOA 1			
JA-81-0343 *Koyo Maru No. 3*	Large stern trawler	BSA 1	GOA 1			
JA-81-0350 *Haruna Maru*	Large stern trawler	BSA 1	GOA 1			
JA-81-0351 *Zuiyo Maru No. 2*	Large stern trawler	BSA 1	GOA 1			
JA-81-0352 *Tenyo Maru*	Large stern trawler	BSA 1	GOA 1			
JA-81-0360 *Tokachi Maru*	Large stern trawler	NWA 1				
JA-81-0361 *Zeo Maru*	Large stern trawler	NWA 1				
JA-81-0362 *Shirane Maru*	Large stern trawler	NWA 1				
JA-81-0363 *Suzuka Maru*	Large stern trawler	NWA 1				
JA-81-0365 *Koyo Maru*	Large stern trawler	NWA 1				
JA-81-0368 *Mikami Maru*	Large stern trawler	NWA 1				
JA-81-0369 *Nihonkai Maru*	Medium stern trawler	NWA 1				
JA-81-0373 *Banshu Maru No. 6*	Large stern trawler	NWA 1				
JA-81-0374 *Banshu Maru No. 7*	Large stern trawler	NWA 1				
JA-81-0376 *Daishin Maru No. 16*	Large stern trawler	NWA 1				
JA-81-0377 *Daishin Maru No. 18*	Medium stern trawler	NWA 1				
JA-81-0378 *Daishun Maru*	Medium stern trawler	NWA 1				
JA-81-0380 *Taiyo Maru No. 83*	Medium stern trawler	NWA 1				
JA-81-0382 *Kaiko Maru No. 1*	Medium stern trawler	NWA 1				
JA-81-0402 *Jukyu Maru No. 18*	Medium stern trawler	BSA 1				
JA-81-0403 *Hatsue Maru No. 62*	Medium stern trawler	BSA 1				
JA-81-0404 *Kaiko Maru No. 5*	Medium stern trawler	BSA 1				
JA-81-0405 *Hokuyu Maru No. 32*	Medium stern trawler	BSA 1				
JA-81-0406 *Nitto Maru No. 75*	Medium stern trawler	BSA 1				
JA-81-0407 *Hokko Maru No. 57*	Medium stern trawler	BSA 1				
JA-81-0409 *Yamasan Maru No. 81*	Medium stern trawler	BSA 1				
JA-81-0410 *Yamasan Maru No. 85*	Medium stern trawler	BSA 1				
JA-81-0411 *Fikyu Maru No. 12*	Medium stern trawler	BSA 1				
JA-81-0413 *Daito Maru No. 38*	Medium stern trawler	BSA 1				
JA-81-0414 *Daito Maru No. 55*	Medium stern trawler	BSA 1				
JA-81-0415 *Tomi Maru No. 52*	Medium stern trawler	BSA 1				
JA-81-0418 *Chuyo Maru No. 21*	Medium stern trawler	BSA 1				
JA-81-0419 *Chuyo Maru No. 22*	Medium stern trawler	BSA 1				
JA-81-0420 *Eikyu Maru No. 16*	Medium stern trawler	BSA 1				
JA-81-0421 *Koryo Maru No. 108*	Medium stern trawler	BSA 1				
JA-81-0422 *Tora Maru No. 31*	Medium stern trawler	BSA 1				
JA-81-0423 *Ebisu Maru No. 38*	Medium stern trawler	BSA 1				
JA-81-0424 *Kyoyo Maru No. 2*	Medium stern trawler	BSA 1				
JA-81-0425 *Hoken Maru No. 8*	Medium stern trawler	BSA 1				
JA-81-0426 *Ryoan Maru No. 28*	Medium stern trawler	BSA 1				
JA-81-0428 *Taisei Maru No. 68*	Medium stern trawler	BSA 1				
JA-81-0431 *Kaiyo Maru No. 7*	Medium stern trawler	BSA 1				
JA-81-0432 *Kaiyo Maru No. 8*	Medium stern trawler	BSA 1				
JA-81-0433 *Tomi Maru No. 53*	Medium stern trawler	BSA 1				
JA-81-0434 *Tomi Maru No. 82*	Medium stern trawler	BSA 1				
JA-81-0435 *No. 8 Mitomaru*	Medium stern trawler	BSA 1				
JA-81-0437 *Tomi Maru No. 55*	Medium stern trawler	BSA 1				
JA-81-0438 *Shotoku Maru No. 35*	Medium stern trawler	BSA 1				
JA-81-0440 *Yahata Maru No. 53*	Medium stern trawler	BSA 1				
JA-81-0441 *Yahata Maru No. 56*	Medium stern trawler	BSA 1				
JA-81-0442 *Kohoku Maru No. 16*	Medium stern trawler	BSA 1				
JA-81-0443 *Kohoku Maru No. 17*	Medium stern trawler	BSA 1				
JA-81-0445 *Manryo Maru No. 31*	Medium stern trawler	BSA 1				
JA-81-0446 *Manryo Maru No. 32*	Medium stern trawler	BSA 1				
JA-81-0447 *Seitoku Maru No. 105*	Medium stern trawler	BSA 1				
JA-81-0449 *Taisei Maru No. 3*	Medium stern trawler	BSA 1				
JA-81-0450 *Taisei Maru No. 16*	Medium stern trawler	BSA 1				
JA-81-0451 *Taisei Maru No. 11*	Medium stern trawler	BSA 1				
JA-81-0452 *Yashio Maru No. 11*	Medium stern trawler	BSA 1				
JA-81-0453 *Shoshin Maru No. 21*	Medium stern trawler	BSA 1				
JA-81-0454 *Shoshin Maru No. 18*	Medium stern trawler	BSA 1				
JA-81-0456 *Narita Maru No. 35*	Medium stern trawler	BSA 1				
JA-81-0457 *Hokuo Maru No. 25*	Medium stern trawler	BSA 1				
JA-81-0459 *Ryoan Maru No. 31*	Medium stern trawler	BSA 1				
JA-81-0461 *Hamazen Maru No. 35*	Medium stern trawler	BSA 1				
JA-81-0463 *Yuryo Maru No. 8*	Medium stern trawler	BSA 1				
JA-81-0464 *Kaiyo Maru No. 53*	Medium stern trawler	BSA 1				
JA-81-0465 *Seiju Maru No. 28*	Medium stern trawler	BSA 1				
JA-81-0466 *Sohomaru No. 52*	Medium stern trawler	BSA 1				

Permit No. and vessel name	Vessel type	Fisheries and activities				
Japan—Continued						
JA-81-0467 *Yahata Maru No. 35*	Medium stern trawler	BSA 1				
JA-81-0472 *Fukuyoshi Maru No. 28*	Medium stern trawler	BSA 1				
JA-81-0475 *Ryoan Maru No. 25*	Medium stern trawler	BSA 1				
JA-81-0477 *Sachi Maru No. 22*	Medium stern trawler	BSA 1				
JA-81-0479 *Ryuho Maru No. 51*	Medium stern trawler	BSA 1				
JA-81-0480 *Ryuho Maru No. 37*	Medium stern trawler	BSA 1				
JA-81-0483 *Daikichi Maru No. 37*	Medium stern trawler	BSA 1				
JA-81-0484 *Daikichi Maru No. 51*	Medium stern trawler	BSA 1				
JA-81-0486 *Ryujin Maru No. 8*	Medium stern trawler	28BSA 1				
JA-81-0487 *Shinei Maru No. 53*	Medium stern trawler	BSA 1				
JA-81-0488 *Koei Maru No. 51*	Medium stern trawler	BSA 1				
JA-81-0489 *Koei Maru No. 35*	Medium stern trawler	BSA 1				
JA-81-0491 *Yakushi Maru No. 21*	Medium stern trawler	BSA 1				
JA-81-0494 *Daikichi Maru No. 35*	Medium stern trawler	BSA 1				
JA-81-0495 *Fukucho Maru No. 23*	Medium stern trawler	BSA 1				
JA-81-0496 *Yakushi Maru No. 31*	Medium stern trawler	BSA 1				
JA-81-0497 *Tenyu Maru No. 3*	Medium stern trawler	BSA 1				
JA-81-0499 *Ryujin Maru No. 11*	Medium stern trawler	BSA 1				
JA-81-0500 *Anyo Maru No. 12*	Medium stern trawler	BSA 1				
JA-81-0502 *Kotobuki Maru No. 25*	Medium stern trawler	BSA 1				
JA-81-0504 *Anyo Maru No. 15*	Medium stern trawler	BSA 1				
JA-81-0505 *Hakuryu Maru No. 51*	Medium stern trawler	BSA 1				
JA-81-0506 *Ryuho Maru No. 31*	Medium stern trawler	BSA 1				
JA-81-0508 *Kashima Maru No. 23*	Medium stern trawler	BSA 1				
JA-81-0511 *Eikyu Maru No. 35*	Medium stern trawler	BSA 1				
JA-81-0514 *Dainighi Maru No. 31*	Medium stern trawler	BSA 1				
JA-81-0516 *Daitoku Maru No. 31*	Medium stern trawler	BSA 1				
JA-81-0517 *Ryoei Maru No. 38*	Medium stern trawler	BSA 1				
JA-81-0519 *Choun Maru No. 21*	Medium stern trawler	BSA 1				
JA-81-0522 *Meisho Maru No. 35*	Medium stern trawler	BSA 1				
JA-81-0524 *Dairin Maru No. 28*	Medium stern trawler	BSA 1				
JA-81-0525 *Koshin Maru No. 21*	Medium stern trawler	BSA 1				
JA-81-0526 *Fukuho Maru No. 18*	Medium stern trawler	BSA 1				
JA-81-0531 *Fukushin Maru No. 5*	Medium stern trawler	BSA 1				
JA-81-0533 *Kalun Maru No. 38*	Medium stern trawler	BSA 1				
JA-81-0534 *Kumano Maru No. 15*	Medium stern trawler	BSA 1				
JA-81-0535 *Teisho Maru No. 18*	Medium stern trawler	BSA 1				
JA-81-0537 *Shinei Maru No. 21*	Medium stern trawler	BSA 1				
JA-81-0539 *Shoei Maru No. 2*	Medium stern trawler	BSA 1				
JA-81-0541 *Anyo Maru No. 11*	Medium stern trawler	BSA 1	GOA 1			
JA-81-0542 *Fukui Maru No. 8*	Medium stern trawler	BSA 1				
JA-81-0543 *Fukui Maru No. 10*	Medium stern trawler	BSA 1				
JA-81-0544 *Daiti Maru No. 2*	Medium stern trawler	BSA 1				
JA-81-0548 *Ryujin Maru No. 52*	Medium stern trawler	BSA 1				
JA-81-0550 *Meisho Maru No. 81*	Medium stern trawler	BSA 1				
JA-81-0551 *Orient Maru No. 3*	Medium stern trawler	BSA 1				
JA-81-0553 *Dalan Maru No. 188*	Medium stern trawler	BSA 1				
JA-81-0554 *Daikichi Maru No. 32*	Medium stern trawler	BSA 1				
JA-81-0555 *Yoshi Maru No. 81*	Medium stern trawler	BSA 1				
JA-81-0556 *Shosei Maru No. 30*	Danish seiner	BSA 1				
JA-81-0562 *Hatsue Maru No. 68*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0563 *Shinnichi Maru No. 38*	Medium stern trawler	BSA 1				
JA-81-0564 *Shunyoo Maru No. 116*	Medium stern trawler	BSA 1				
JA-81-0565 *Zuihoo Maru No. 28*	Medium stern trawler	BSA 1				
JA-81-0566 *Kyowa Maru No. 11*	Medium stern trawler	BSA 1	GOA 1			
JA-81-0601 *Tsune Maru No. 31*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0602 *Kiyo Maru No. 55*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0603 *Fukuyoshi Maru No. 85*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0605 *Hatsue Maru No. 38*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0607 *Fikyu Maru No. 62*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0608 *Sumiyoshi Maru No. 53*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0609 *Matsuei Maru No. 88*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0610 *Ebisu Maru No. 88*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0611 *Mito Maru No. 62*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0612 *Tomi Maru No. 88*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0613 *Shintoko Maru No. 25*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0614 *Shinko Maru No. 3*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0615 *Choyo Maru No. 81*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0616 *Tenyo Maru No. 37*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0618 *Tenyo Maru No. 25*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0619 *Ryusho Maru No. 15*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0620 *Ryusho Maru No. 18*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0621 *Anyo Maru No. 21*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0622 *Anyo Maru No. 22*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0624 *Fukuyoshi Maru No. 6*	Longliner/gillnet	BSA 1	GOA 1			
JA-81-0625 *Bihoro Maru*	Longline fishing vessel	NWA 1				
JA-81-0720 *Koyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0724 *Kaiyo Maru No. 12*	Medium stern trawler	BSA 1				
JA-81-0813 *Hoko Maru No. 36*	Pot fishing vessel	SNA 1				
JA-81-0829 *Eiwa Maru No. 28*	Pot fishing vessel	SNA 1				
JA-81-0833 *Katsuyama Maru*	Pair trawler	BSA 1				
JA-81-0835 *Tateyama Maru*	Pair trawler	BSA 1				
JA-81-0836 *Nishiyama Maru*	Pair trawler	BSA 1				
JA-81-0838 *Chosei Maru No. 78*	Pot fishing vessel	SNA 1				
JA-81-0839 *Kohoku Maru No. 18*	Pot fishing vessel	SNA 1				
JA-81-0840 *Hoyo Maru No. 68*	Pot fishing vessel	SNA 1				
JA-81-0842 *Nittoh Maru No. 77*	Longline fishing vessel	SNA 1				

Permit No. and vessel name	Vessel type	Fisheries and activities				
Japan—Continued						
JA-81-0851 *Taisan Maru No. 1*	Pot fishing vessel	SNA 1				
JA-81-0856 *Takashiro Maru No. 31*	Pot fishing vessel	SNA 1				
JA-81-0860 *Marunaka Maru No. 68*	Pot fishing vessel	SNA 1				
JA-81-0862 *Hoyo Maru No. 63*	Pot fishing vessel	SNA 1				
JA-81-0871 *Azuma Maru No. 11*	Pot fishing vessel	SNA 1				
JA-81-0877 *Ryoun Maru No. 2*	Pot fishing vessel	SNA 1				
JA-81-0878 *Ryusho Maru No. 1*	Pot fishing vessel	SNA 1				
JA-81-0879 *Takimaru No. 2*	Pot fishing vessel	SNA 1				
JA-81-0880 *Hakko Arrow*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0881 *Hakko Boomerang*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0882 *Hakko Cardioid*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0883 *Hamanasu Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0884 *Kashiwahana Maru No. 1*	Cargo/transport vessel	BSA 3	GOA 3			
JA-81-0885 *Kyokuyo Maru*	Tanker fuel/water	BSA 3	GOA 3	SNA 3		
JA-81-0888 *Rich Seagull*	Tanker fuel/water	BSA 3	GOA 3	SNA 3		
JA-81-0889 *Shikishima Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0890 *Shinsei Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0891 *Sun Happiness*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0892 *Sunny Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0893 *Suoh*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0894 *Tenkai Maru*	Tanker fuel/water	BSA 3	GOA 3	SNA 3		
JA-81-0895 *Tenkanf Maru*	Tanker fuel/water	BSA 3	GOA 3			
JA-81-0896 *Tensei Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0897 *Tomi Maru No. 51*	Medium stern trawler	BSA 1				
JA-81-0898 *Eniwa Maru*	Large stern trawler	NWA 1				
JA-81-0899 *Kunisaki*	Cargo/transport vessel	ABS 3	BSA 3	GOA 3	NWA 3	
JA-81-0901 *Kyowa Maru No. 8*	Pot fishing vessel	SNA 1				
JA-81-0903 *Visayan*	Tanker fuel/water	BSA 3	GOA 3	SNA 3		
JA-81-0904 *Shinwa Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0905 *Shinryu Maru No. 38*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0906 *Shinryu Maru No. 18*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0907 *Sky Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0908 *Fuji Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0909 *Sakura Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0910 *Ariake Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0911 *Akebono Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0913 *Daiei Maru No. 52*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0914 *Nissei Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0915 *Sanuki Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0917 *Phoenix*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0918 *Falcon*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0919 *Miyashima Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0920 *Matsushima Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0921 *Takashima Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0922 *Hokkai Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-84-0923 *Seiyo Maru No. 7*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0924 *Sanyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0925 *Fuyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0926 *Kithan Maru No. 7*	Cargo/transport vessel	BSA 3	GOA 3			
JA-81-0927 *Nikka Maru*	Cargo/transport vessel	BSA 3	GOA 3			
JA-81-0928 *Saishu Maru No. 2*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-0929 *Kisaragi Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-0930 *Shoken Maru*	Cargo/transport vessel	ABS 3	BSA 3	GOA 3	NWA 3	
JA-81-1000 *Daiho Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-1001 *Sakura Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-1002 *Daiyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-1004 *Satsuki Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-1010 *Seta Maru*	Cargo/transport vessel	ABS 3	BSA 3	GOA 3	NWA 3	
JA-81-1011 *Karasaki Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1012 *Shiga Maru*	Cargo/transport vessel	ABS 3	BSA 3	GOA 3	NWA 3	
JA-81-1015 *Kaisei Maru No. 5*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1017 *Hakodate Maru No. 2*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1018 *Yoho Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1019 *Keiko Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1021 *Kentoku Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1022 *Chiyoda Maru No. 2*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1023 *Mishima Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1024 *Ryoyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1025 *Fukuyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1026 *Kiyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1027 *Hakubasan Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1028 *Shuyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1029 *Hoyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1030 *Tamagawa Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1031 *Kakogawa Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1032 *Arugawa Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1034 *Kyoho Maru*	Cargo/transport vessel	BSA 3	GOA 3			
JA-81-1035 *Kotoku Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-1037 *Haysteuki Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1038 *Isokaze Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1039 *Ethei Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1040 *Soyokaze Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1042 *Toko Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1043 *Seiko Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1045 *Matsukazf Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1049 *Harukaze Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1050 *Fukuju Maru No. 57*	Cargo/transport vessel	BSA 3	GOA 3	SNA 3		
JA-81-1052 *Taisei Maru No. 16*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-1053 *Taisei Maru No. 87*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	

Permit No. and vessel name	Vessel type	Fisheries and activities					
Japan—Continued							
JA-81-1054 *Taisei Maru No. 98*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1055 *Taisei Maru No. 52*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1056 *Taisei Maru No. 41*	Cargo/transport vessel	BSA 3	GOA 3	SNA 3			
JA-81-1057 *Sachikaze Maru*	Cargo/transport vessel	BSA 3	GOA 3				
JA-81-1058 *Suzukaze Maru*	Cargo/transport vessel	BSA 3	GOA 3				
JA-81-1060 *Awashima Maru*	Cargo/transport vessel	BSA 3	GOA 3				
JA-81-1061 *Nagisa Maru*	Cargo/transport vessel	BSA 3	GOA 3				
JA-81-1062 *Fiho Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1063 *Eio Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1067 *Reiyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1068 *Juyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1069 *Miho Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1071 *Tosa Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1072 *Itoham Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1074 *Daien Maru No. 16*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1075 *Santo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1077 *Nikko Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1079 *Yachiyo Maru No. 26*	Cargo/transport vessel	BSA 3	GOA 3	SNA 3			
JA-81-1081 *Shinprima Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1082 *Nipponham Maru No. 1*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1083 *Hoko Maru No. 31*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1085 *Tsuru Maru*	Cargo/transport vessel	BSA 3	GOA 3				
JA-81-1089 *Asakaze Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1092 *Daitoku Maru No. 31*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1096 *Nojima Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1098 *Okitsu Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1101 *Miyajima Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1102 *Hayashikane Maru No. 1*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1103 *Hayashikane Maru No. 2*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1104 *Tenryu Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1106 *Taihaku Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1109 *Seiryu Maru*	Cargo/transport vessel	BSA 3	GOA 3	SNA 3			
JA-81-1121 *Wakashio Maru No. 32*	Cargo/transport vessel	BSA 3	GOA 3	SNA 3			
JA-81-1123 *Yachiyo Maru No. 15*	Cargo/transport vessel	BSA 3	GOA 3	SNA 3			
JA-81-1128 *Kurushima Maru*	Cargo/transport vessel	BSA 3	GOA 3				
JA-81-1129 *Akatsuki Maru No. 1*	Danish seiner (stern chu)	BSA 1					
JA-81-1132 *Jinyo-Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1133 *Meiyo-Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1135 *Tokyo Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1136 *Akashi Maru No. 19*	Pair trawler	BSA 3					
JA-81-1137 *Kaiyo Maru No. 8*	Pot fishing vessel	SNA 1					
JA-81-1142 *Jin Fo Maru No. 65*	Cargo/transport vessel	ABS 3	BSA 3	GOA 3	NWA 3	PBS 3	SNA 3.
JA-81-1144 *Taisei Maru No. 101*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1145 *Fumizuki Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1146 *Hirotsuki Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1147 *Daigen Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1150 *Wakatsuki Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3			
JA-81-1151 *Takashiro Maru No. 51*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 0		
JA-81-1152 *Suzuran Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1153 *Akebono Maru No. 1*	Medium stern trawler	BSA 1	GOA 1				
JA-81-1154 *Akebono Maru No. 2*	Medium stern trawler	BSA 1	GOA 1				
JA-81-1155 *Kizan*	Cargo/transport vessel	BSA 3	GOA 3				
JA-81-1156 *Akashia Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1157 *Matsuyama Maru*	Pair trawler	BSA 1					
JA-81-1159 *Bering Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1160 *Shoken Maru No. 6*	Danish seiner	BSA 1					
JA-81-1161 *Kyokushin Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1164 *Hoken Maru No. 38*	Medium stern trawler	BSA 1					
JA-81-1166 *UNO Maru No. 7*	Longline fishing vessel	BSA 3	GOA 3				
JA-81-1167 *Nichiyo Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3		
JA-81-1168 *Kasuga Maru*	Large stern trawler	NWA 1					
JA-81-1169 *Taishio Maru*	Large stern trawler	NWA 1					
JA-81-1201 *Zenko Maru No. 38*	Longline fishing vessel	ABS 1					
JA-81-1209 *Otoshiro Maru No. 15*	Longline fishing vessel	ABS 1					
JA-81-1210 *Otori Maru No. 38*	Longline fishing vessel	ABS 1					
JA-81-1211 *Kokei Maru No. 8*	Longline fishing vessel	ABS 1					
JA-81-1213 *Shinyo Maru No. 11*	Longline fishing vessel	ABS 1					
JA-81-1215 *Matsuei Maru No. 38*	Longline fishing vessel	ABS 1					
JA-81-1216 *Masa Maru No. 28*	Longline fishing vessel	ABS 1					
JA-81-1218 *Koshin Maru No. 8*	Longline fishing vessel	ABS 1					
JA-81-1220 *Dai Maru No. 37*	Longline fishing vessel	ABS 1					
JA-81-1222 *Fuku Maru No. 5*	Longline fishing vessel	ABS 1					
JA-81-1223 *Wakashio Maru No. 58*	Longline fishing vessel	ABS 1					
JA-81-1225 *Nankai Maru No. 116*	Longline fishing vessel	ABS 1					
JA-81-1227 *Daito Maru No. 18*	Longline fishing vessel	ABS 1					
JA-81-1228 *Daito Maru No. 8*	Longline fishing vessel	ABS 1					
JA-81-1229 *Daito Maru No. 5*	Longline fishing vessel	ABS 1					
JA-81-1234 *Koryo Maru No. 5*	Longline fishing vessel	ABS 1					
JA-81-1235 *Koryo Maru No. 51*	Longline fishing vessel	ABS 1					
JA-81-1238 *Sumiyoshi Maru No. 73*	Longline fishing vessel	ABS 1	PBS 1				
JA-81-1241 *Koryo Maru No. 6*	Longline fishing vessel	ABS 1					
JA-81-1242 *Sumiyoshi Maru No. 71*	Longline fishing vessel	ABS 1					
JA-81-1243 *Sumiyoshi Maru No. 75*	Longline fishing vessel	ABS 1					
JA-81-1244 *Sumiyoshi Maru No. 16*	Longline fishing vessel	ABS 1					
JA-81-1245 *Sumiyoshi Maru No. 81*	Longline fishing vessel	ABS 1					
JA-81-1246 *Sumiyoshi Maru No. 65*	Longline fishing vessel	PBS 1					
JA-81-1248 *Sumiyoshi Maru No. 3*	Longline fishing vessel	ABS 1					
JA-81-1249 *Sumiyoshi Maru No. 58*	Longline fishing vessel	ABS 1					
JA-81-1250 *Koyo Maru No. 65*	Longline fishing vessel	ABS 1					

Permit No. and vessel name	Vessel type	Fisheries and activities				
Japan—Continued						
JA-81-1251 *Koyo Maru No. 6*	Longline fishing vessel	ABS 1				
JA-81-1255 *Koryo Maru No. 11*	Longline fishing vessel	ABS 1				
JA-81-1256 *Koyo Maru No. 15*	Longline fishing vessel	ABS 0				
JA-81-1262 *Taiko Maru No. 8*	Longline fishing vessel	ABS 1				
JA-81-1263 *Taiko Maru No. 68*	Longline fishing vessel	ABS 1				
JA-81-1265 *Zensei Maru No. 11*	Longline fishing vessel	ABS 1	PBS 1			
JA-81-1269 *Kaisei Maru No. 18*	Longline fishing vessel	ABS 1				
JA-81-1276 *Kyoei Maru No. 3*	Longline fishing vessel	ABS 1				
JA-81-1277 *Yasu Maru No. 26*	Longline fishing vessel	ABS 1				
JA-81-1278 *Take Maru No. 31*	Longline fishing vessel	ABS 1				
JA-81-1279 *Masa Maru No. 21*	Longline fishing vessel	ABS 1				
JA-81-1281 *Seisyu Maru No. 17*	Longline fishing vessel	ABS 1				
JA-81-1283 *Daito Maru No. 28*	Longline fishing vessel	ABS 1				
JA-81-1291 *Azuma Maru No. 18*	Longline fishing vessel	ABS 1	PBS 1			
JA-81-1292 *Azuma Maru No. 28*	Longline fishing vessel	ABS 1	PBS 1			
JA-81-1295 *Kotoshiro Maru No. 28*	Longline fishing vessel	ABS 1				
JA-81-1305 *Koyo Maru No. 31*	Longline fishing vessel	PBS 1				
JA-81-1308 *Shoshin Maru No. 82*	Longline fishing vessel	ABS 1				
JA-81-1311 *Toei Maru No. 6*	Longline fishing vessel	ABS 1	PBS 1			
JA-81-1312 *Toei Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-1318 *Koyo Maru No. 11*	Longline fishing vessel	ABS 1				
JA-81-1321 *Fuku Maru No. 38*	Longline fishing vessel	ABS 1				
JA-81-1324 *Koryo Maru No. 36*	Longline fishing vessel	ABS 1				
JA-81-1328 *Shoshin Maru No. 83*	Longline fishing vessel	ABS 1				
JA-81-1329 *Sumi Maru No. 15*	Longline fishing vessel	ABS 1				
JA-81-1330 *Taiko Maru No. 38*	Longline fishing vessel	ABS 1				
JA-81-1331 *Takatoyo Maru No. 18*	Longline fishing vessel	ABS 1				
JA-81-1339 *Kotoshiro Maru No. 11*	Longline fishing vessel	ABS 1				
JA-81-1340 *Meisho Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-1351 *Taiko Maru No. 17*	Longline fishing vessel	ABS 1				
JA-81-1359 *Choiyu Maru No. 1*	Longline fishing vessel	ABS 1				
JA-81-1360 *Shofuku Maru No. 78*	Longline fishing vessel	ABS 1				
JA-81-1363 *Zensei Maru No. 23*	Longline fishing vessel	ABS 1				
JA-81-1365 *Zenko Maru No. 68*	Longline fishing vessel	ABS 1				
JA-81-1370 *Oju Maru No. 2*	Longline fishing vessel	ABS 1				
JA-81-1371 *Dai Maru No. 31*	Longline fishing vessel	ABS 1				
JA-81-1372 *Matsuei Maru No. 88*	Longline fishing vessel	ABS 1				
JA-81-1373 *Ryuo Maru No. 28*	Longline fishing vessel	ABS 1				
JA-81-1374 *Tensho Maru*	Longline fishing vessel	ABS 1				
JA-81-1375 *Hime Maru No. 28*	Longline fishing vessel	ABS 1				
JA-81-1376 *Goei Maru No. 18*	Longline fishing vessel	ABS 1				
JA-81-1378 *Hanei Maru No. 28*	Longline fishing vessel	ABS 1				
JA-81-1379 *Taisei Maru No. 18*	Longline fishing vessel	ABS 1				
JA-81-1382 *Shinei Maru No. 58*	Longline fishing vessel	ABS 1				
JA-81-1386 *Zuiryo Maru No. 8*	Longline fishing vessel	ABS 1				
JA-81-1388 *Takashima Maru No. 8*	Longline fishing vessel	ABS 1				
JA-81-1389 *Otori Maru No. 28*	Longline fishing vessel	ABS 1				
JA-81-1390 *Koei Maru No. 11*	Longline fishing vessel	ABS 1				
JA-81-1391 *Daito Maru No. 38*	Longline fishing vessel	ABS 1				
JA-81-1392 *Ryoei Maru No. 38*	Longline fishing vessel	ABS 1				
JA-81-1394 *Shoyo Maru*	Longline fishing vessel	BSA 1				
JA-81-1396 *Koei Maru No. 15*	Medium stern trawler	BSA 1				
JA-81-1398 *Shofuku Maru No. 28*	Longline fishing vessel	ABS 1				
JA-81-1399 *Goyo Maru*	Longline fishing vessel	PBS 1				
JA-81-1402 *Shinei Maru No. 28*	Longline fishing vessel	ABS 1				
JA-81-1403 *Kuroshio Maru No. 6*	Longline fishing vessel	ABS 1				
JA-81-1404 *Manyo Maru No. 8*	Longline fishing vessel	ABS 1				
JA-81-1405 *Homare Maru No. 22*	Longline fishing vessel	ABS 1				
JA-81-1406 *Azuma Maru No. 36*	Longline fishing vessel	ABS 1	PBS 1			
JA-81-1407 *Azuma Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-1412 *Azuma Maru No. 58*	Longline fishing vessel	ABS 1	PBS 1			
JA-81-1413 *Kyowa Maru No. 32*	Longline fishing vessel	PBS 1				
JA-81-1414 *Seiko Maru No. 86*	Longline fishing vessel	PBS 1				
JA-81-1415 *Ryoei Maru No. 58*	Longline fishing vessel	ABS 1	PBS 1			
JA-81-1416 *Kensho Maru No. 7*	Longline fishing vessel	PBS 1				
JA-81-1417 *Kensho Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-1418 *Kensho Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-1419 *Komine Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-1420 *Komine Maru No. 28*	Longline fishing vessel	PBS 1				
JA-81-1421 *Komine Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-1422 *Komine Maru No. 58*	Longline fishing vessel	PBS 1				
JA-81-1423 *Tenyu Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-1424 *Tenyu Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-1425 *Tenyu Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-1426 *Tenyu Maru No. 58*	Longline fishing vessel	PBS 1				
JA-81-1427 *Fukutoku Maru No. 1*	Longline fishing vessel	PBS 1				
JA-81-1428 *Fukutoku Maru No. 36*	Longline fishing vessel	PBS 1				
JA-81-1429 *Fukutoki Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-1430 *Fukutoku Maru No. 58*	Longline fishing vessel	PBS 1				
JA-81-1431 *Fukutoku Maru No. 68*	Longline fishing vessel	PBS 1				
JA-81-1432 *Fukutoku Maru No. 88*	Longline fishing vessel	PBS 1				
JA-81-1433 *Shoei Maru No. 28*	Longline fishing vessel	PBS 1				
JA-81-1434 *Shoei Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-1435 *Shoei Maru No. 51*	Longline fishing vessel	PBS 1				
JA-81-1436 *Shoei Maru No. 58*	Longline fishing vessel	PBS 1				
JA-81-1438 *Koyo Maru No. 12*	Longline fishing vessel	ABS 1				
JA-81-1441 *Kinsho Maru No. 8*	Longline fishing vessel	ABS 1				

Permit No. and vessel name	Vessel type	Fisheries and activities				
Japan—Continued						
JA-81-1443 *Taga Maru No. 21*	Longline fishing vessel	ABS 1				
JA-81-1444 *Shinei Maru No. 8*	Longline fishing vessel	ABS 1				
JA-81-1445 *Chofuku Maru No. 8*	Longline fishing vessel	ABS 1				
JA-81-1447 *Fumi Maru No. 21*	Longline fishing vessel	ABS 1				
JA-81-1450 *Seshin Maru No. 25*	Longline fishing vessel	ABS 1				
JA-81-1451 *Sachi Maru No. 38*	Longline fishing vessel	ABS 1				
JA-81-1452 *Kasho Maru No. 31*	Longline fishing vessel	ABS 1				
JA-81-1453 *Hoko Maru No. 29*	Longline fishing vessel	ABS 1				
JA-81-1456 *Hiro Maru No. 38*	Longline fishing vessel	ABS 1				
JA-81-1458 *Shinei Maru No. 88*	Longline fishing vessel	ABS 1				
JA-81-1459 *Shinei Maru No. 38*	Longline fishing vessel	ABS 1				
JA-81-1460 *Kenkyu Maru No. 15*	Longline fishing vessel	ABS 1				
JA-81-1461 *Goei Maru No. 36*	Longline fishing vessel	ABS 1				
JA-81-1462 *Ryoei Maru No. 18*	Longline fishing vessel	ABS 1				
JA-81-1463 *Kyowa Maru No. 15*	Longline fishing vessel	ABS 1				
JA-81-1464 *Kaio Maru No. 51*	Longline fishing vessel	ABS 1				
JA-81-1466 *Yuko Maru No. 68*	Longline fishing vessel	ABS 1				
JA-81-1467 *Yuko Maru No. 52*	Longline fishing vessel	ABS 1				
JA-81-1468 *Meisei Maru No. 1*	Longline fishing vessel	ABS 1				
JA-81-1469 *Koryo Maru No. 15*	Longline fishing vessel	ABS 1				
JA-81-1472 *Ebisu Maru No. 75*	Longline fishing vessel	ABS 1				
JA-81-1474 *Shofuku Maru No. 58*	Longline fishing vessel	ABS 1				
JA-81-1475 *Shoshin Maru No. 85*	Longline fishing vessel	ABS 1				
JA-81-1476 *Tomi Maru No. 21*	Longline fishing vessel	ABS 1				
JA-81-1477 *Hoyo Maru No. 8*	Longline fishing vessel	ABS 1				
JA-81-1478 *Mito Maru 3 GO*	Longline fishing vessel	ABS 1				
JA-81-1480 *Koyo Maru No. 12*	Longline fishing vessel	ABS 1				
JA-81-2001 *Uko Maru*	Tanker fuel/water	BSA 3	GOA 3	SNA 3		
JA-81-2002 *Chigusa Maru*	Tanker fuel/water	BSA 3	GOA 3	SNA 3		
JA-81-2007 *Soho Maru No. 32*	Danish seiner	BSA 1				
JA-81-2008 *Kakuyo Maru No. 11*	Pair trawler	BSA 1				
JA-81-2009 *Kakuyo Maru No. 12*	Pair trawler	BSA 1				
JA-81-2010 *Kailun Maru No. 65*	Medium stern trawler	BSA 1				
JA-81-2011 *Osaka Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-2013 *Nissho Maru*	Cargo/transport vessel	BSA 3	GOA 3			
JA-81-2019 *Yamato Reefer*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-2021 *Komeshima Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-2022 *Takatsuki Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-2023 *Azizuki Maru*	Cargo/transport vessel	BSA 3	GOA 3	NWA 3		
JA-81-2024 *Tenryo Maru*	Tanker fuel/water	BSA 3	GOA 3			
JA-81-2025 *Hiyo Maru*	Large stern trawler	BSA 3	GOA 3	NWA 3	SNA 3	
JA-81-3001 *Koshin Maru No. 58*	Longline fishing vessel	PBS 1				
JA-81-3002 *Koshin Maru No. 68*	Longline fishing vessel	PBS 1				
JA-81-3004 *Nitto Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-3007 *Noboribetsu Maru No. 2*	Longline fishing vessel	PBS 1				
JA-81-3011 *Shotoku Maru No. 5*	Longline fishing vessel	PBS 1				
JA-81-3012 *Choyo Maru No. 85*	Longline fishing vessel	PBS 1				
JA-81-3013 *Choto Maru No. 75*	Longline fishing vessel	PBS 1				
JA-81-3014 *Tomi Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3016 *Nitto Maru No. 25*	Longline fishing vessel	PBS 1				
JA-81-3017 *Yamasan Maru No. 11*	Longline fishing vessel	PBS 1				
JA-81-3018 *Yamasan Maru No. 7*	Longline fishing vessel	PBS 1				
JA-81-3019 *Fukujin Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3020 *Fukujin Maru No. 7*	Longline fishing vessel	PBS 1				
JA-81-3023 *Tomi Maru No. 31*	Longline fishing vessel	PBS 1				
JA-81-3032 *Kinsei Maru No. 83*	Longline fishing vessel	PBS 1				
JA-81-3033 *Zuiho Maru No. 15*	Longline fishing vessel	PBS 1				
JA-81-3035 *Shoshin Maru No. 20*	Longline fishing vessel	PBS 1				
JA-81-3036 *Shoshin Maru No. 1*	Longline fishing vessel	PBS 1				
JA-81-3037 *Kiku Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-3038 *Kiku Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-3040 *Ryokai Maru No. 25*	Longline fishing vessel	PBS 1				
JA-81-3041 *Ryokai Maru No. 35*	Longline fishing vessel	PBS 1				
JA-81-3042 *Seiun Maru No. 28*	Longline fishing vessel	PBS 1				
JA-81-3043 *Sakae Maru No. 33*	Longline fishing vessel	PBS 1				
JA-81-3044 *Kaiko Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3046 *Minato Maru No. 80*	Longline fishing vessel	PBS 1				
JA-81-3047 *Minato Maru No. 102*	Longline fishing vessel	PBS 1				
JA-81-3048 *Minato Maru No. 103*	Longline fishing vessel	PBS 1				
JA-81-3049 *Chonyu Maru No. 21*	Longline fishing vessel	PBS 1				
JA-81-3050 *Zuio Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3051 *Kinsho Maru No. 21*	Longline fishing vessel	PBS 1				
JA-81-3052 *Minato Maru No. 25*	Longline fishing vessel	PBS 1				
JA-81-3053 *Kaiyo Maru No. 1*	Longline fishing vessel	PBS 1				
JA-81-3055 *Houtoku Maru No. 35*	Longline fishing vessel	PBS 1				
JA-81-3056 *Konpira Maru No. 1*	Longline fishing vessel	PBS 1				
JA-81-3057 *Konpira Maru No. 37*	Longline fishing vessel	PBS 1				
JA-81-3058 *Konpira Maru No. 35*	Longline fishing vessel	PBS 1				
JA-81-3060 *Kotobuki Maru No. 28*	Longline fishing vessel	PBS 1				
JA-81-3065 *Tatu Maru No. 31*	Longline fishing vessel	PBS 1				
JA-81-3068 *Ebisu Maru No. 25*	Longline fishing vessel	PBS 1				
JA-81-3069 *Kuryu Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3070 *Kinsei Maru No. 32*	Longline fishing vessel	PBS 1				
JA-81-3071 *Kinsei Maru No. 63*	Longline fishing vessel	PBS 1				
JA-81-3073 *Kuromori Maru No. 25*	Longline fishing vessel	PBS 1				
JA-81-3074 *Kuromori Maru No. 31*	Longline fishing vessel	PBS 1				
JA-81-3075 *Kuromori Maru No. 32*	Longline fishing vessel	PBS 1				
JA-81-3076 *Matu Maru No. 35*	Longline fishing vessel	PBS 1				
JA-81-3077 *Kineimaru No. 118*	Longline fishing vessel	PBS 1				
JA-81-3078 *Kinei Maru No. 88*	Longline fishing vessel	PBS 1				

Permit No. and vessel name	Vessel type	Fisheries and activities				
Japan—Continued						
JA-81-3079 *Kinei Maru No. 3*	Longline fishing vessel	PBS 1				
JA-81-3081 *Kinei Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3082 *Kinei Maru No. 85*	Longline fishing vessel	PBS 1				
JA-81-3083 *Kinei Maru No. 128*	Longline fishing vessel	PBS 1				
JA-81-3084 *Kinei Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-3089 *Gifo Maru No. 31*	Longline fishing vessel	PBS 1				
JA-81-3090 *Shofuku Maru No. 88*	Longline fishing vessel	PBS 1				
JA-81-3093 *Jui Man No. 3*	Longline fishing vessel	PBS 1				
JA-81-3096 *Ryoyoshi Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-3102 *Chidori Maru No. 82*	Longline fishing vessel	PBS 1				
JA-81-3103 *Chidori Maru No. 7*	Longline fishing vessel	PBS 1				
JA-81-3104 *Chidori Maru No. 86*	Longline fishing vessel	PBS 1				
JA-81-3106 *Koei Maru No. 51*	Longline fishing vessel	PBS 1				
JA-81-3107 *Koei Maru No. 68*	Longline fishing vessel	PBS 1				
JA-81-3108 *Koei Maru No. 78*	Longline fishing vessel	PBS 1				
JA-81-3109 *Ebisu Maru No. 78*	Longline fishing vessel	PBS 1				
JA-81-3110 *Myojin Maru No. 10*	Longline fishing vessel	PBS 1				
JA-81-3111 *Ume Maru No. 25*	Longline fishing vessel	PBS 1				
JA-81-3112 *Tenyu Maru No. 81*	Longline fishing vessel	PBS 1				
JA-81-3113 *Hakko Maru No. 28*	Longline fishing vessel	PBS 1				
JA-81-3116 *Eifuku Maru No. 21*	Longline fishing vessel	PBS 1				
JA-81-3117 *Myojin Maru No. 3*	Longline fishing vessel	PBS 1				
JA-81-3118 *Myojin Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-3120 *Daikichi Maru No. 28*	Longline fishing vessel	PBS 1				
JA-81-3121 *Daikichi Maru No. 27*	Longline fishing vessel	PBS 1				
JA-81-3123 *Eikyu Maru No. 36*	Longline fishing vessel	PBS 1				
JA-81-3124 *Taihei Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-3126 *Daitoku Maru No. 51*	Longline fishing vessel	ABS 1	PBS 1			
JA-81-3127 *Shinei Maru No. 85*	Longline fishing vessel	PBS 1				
JA-81-3128 *Kyowa Maru No. 11*	Longline fishing vessel	PBS 1				
JA-81-3129 *Ryoei Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3130 *Meisho Maru No. 28*	Longline fishing vessel	PBS 1				
JA-81-3131 *Toka Maru No. 2*	Longline fishing vessel	PBS 1				
JA-81-3132 *Kashima Maru No. 29*	Longline fishing vessel	PBS 1				
JA-81-3133 *Sachi Maru No. 81*	Longline fishing vessel	PBS 1				
JA-81-3135 *Fukuyoshi Maru No. 53*	Longline fishing vessel	PBS 1				
JA-81-3136 *Fukuyoshi Maru No. 35*	Longline fishing vessel	PBS 1				
JA-81-3138 *Kashima Maru No. 25*	Longline fishing vessel	PBS 1				
JA-81-3139 *Koshin Maru No. 27*	Longline fishing vessel	PBS 1				
JA-81-3140 *Koshin Maru No. 28*	Longline fishing vessel	PBS 1				
JA-81-3141 *Ryuho Maru No. 11*	Longline fishing vessel	PBS 1				
JA-81-3142 *Ryuho Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3143 *Ryuho Maru No. 15*	Longline fishing vessel	PBS 1				
JA-81-3144 *Ryuho Maru No. 81*	Longline fishing vessel	PBS 1				
JA-81-3146 *Choju Maru No. 20*	Longline fishing vessel	PBS 1				
JA-81-3147 *Yuryo Maru No. 50*	Longline fishing vessel	PBS 1				
JA-81-3148 *Narita Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-3149 *Teriyo Maru No. 21*	Longline fishing vessel	PBS 1				
JA-81-3150 *Meisho Maru No. 51*	Longline fishing vessel	PBS 1				
JA-81-3152 *Koyo Maru No. 85*	Longline fishing vessel	PBS 1				
JA-81-3182 *Fukumaru Maru No. 5*	Longline fishing vessel	PBS 1				
JA-81-3263 *Seiryo Maru No. 3*	Longline fishing vessel	PBS 1				
JA-81-3264 *Daikoku Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3265 *Koryo Maru No. 35*	Longline fishing vessel	PBS 1				
JA-81-3268 *Genryo Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-3270 *Ryusei Maru No. 11*	Longline fishing vessel	PBS 1				
JA-81-3271 *Katsuei Maru No. 38*	Longline fishing vessel	PBS 1				
JA-81-3272 *Katsuei Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-3276 *Asashio Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-3277 *Asashio Maru No. 11*	Longline fishing vessel	PBS 1				
JA-81-3278 *Asashio Maru No. 22*	Longline fishing vessel	PBS 1				
JA-81-3289 *Fukuryo Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3290 *Fukuryo Maru No. 21*	Longline fishing vessel	PBS 1				
JA-81-3292 *Gyokuryu Maru No. 2*	Longline fishing vessel	PBS 1				
JA-81-3293 *Matsufuku Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3294 *Matsufuku Maru No. 21*	Longline fishing vessel	PBS 1				
JA-81-3296 *Kinsai Maru No. 15*	Longline fishing vessel	PBS 1				
JA-81-3300 *Koyo Maru No. 7*	Longline fishing vessel	PBS 1				
JA-81-3301 *Koyo Maru No. 6*	Longline fishing vessel	PBS 1				
JA-81-3302 *Koyo Maru No. 10*	Longline fishing vessel	PBS 1				
JA-81-3309 *Hokusen Maru No. 3*	Longline fishing vessel	PBS 1				
JA-81-3318 *Koryo Maru No. 8*	Longline fishing vessel	PBS 1				
JA-81-3319 *Eikyu Maru No. 21*	Longline fishing vessel	PBS 1				
JA-81-3320 *Eikyu Maru No. 22*	Longline fishing vessel	PBS 1				
JA-81-3321 *Eikyu Maru No. 23*	Longline fishing vessel	PBS 1				
JA-81-3328 *Akita Maru No. 51*	Longline fishing vessel	PBS 1				
JA-81-3329 *Kamo Maru No. 78*	Longline fishing vessel	PBS 1				
JA-81-3330 *Kamo Maru No. 28*	Longline fishing vessel	PBS 1				
JA-81-3333 *Tokachi Maru No. 18*	Longline fishing vessel	PBS 1				
JA-81-3336 *Nisho Maru No. 5*	Longline fishing vessel	PBS 1				
JA-81-3337 *Kaijin Maru No. 11*	Longline fishing vessel	PBS 1				
JA-81-3338 *Tokachi Maru No. 3*	Longline fishing vessel	PBS 1				
JA-81-3339 *Datan Maru No. 68*	Longline fishing vessel	PBS 1				
JA-81-3341 *Kaiou Maru No. 21*	Longline fishing vessel	PBS 1				
JA-81-3343 *Kaiko Maru No. 2*	Longline fishing vessel	PBS 1				
JA-81-3344 *Meiji Maru No. 3*	Longline fishing vessel	PBS 1				
JA-81-3345 *Ebisu Maru No. 22*	Longline fishing vessel	PBS 1				
JA-81-3346 *Chokyu Maru No. 8*	Longline fishing vessel	PBS 1				

Permit No. and vessel name	Vessel type	Fisheries and activities
Japan—Continued		
JA-81-3347 *Koryo Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3348 *Koryo Maru No. 2*	Longline fishing vessel	PBS 1
JA-81-3349 *Daian Maru No. 65*	Longline fishing vessel	PBS 1
JA-81-3350 *Kaiko Maru No. 26*	Longline fishing vessel	PBS 1
JA-81-3351 *Kakura Maru No. 35*	Longline fishing vessel	PBS 1
JA-81-3353 *Nissho Maru No. 12*	Longline fishing vessel	PBS 1
JA-81-3354 *Myosei Maru No. 21*	Longline fishing vessel	PBS 1
JA-81-3355 *Inari Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3356 *Chiyo Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3357 *Chiyo Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3358 *Hotoku Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3359 *Myofuku Maru No. 15*	Longline fishing vessel	PBS 1
JA-81-3360 *Kuromori Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3361 *Shuzan Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3362 *Kaho Maru No. 12*	Longline fishing vessel	PBS 1
JA-81-3363 *Myojin Maru No. 11*	Longline fishing vessel	PBS 1
JA-81-3364 *Yusho Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3366 *Kinei Maru No. 32*	Longline fishing vessel	PBS 1
JA-81-3367 *Toyotomi Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3368 *Mitsuya Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3369 *Ebisu Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3370 *Chitose Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3371 *Toyotomi Maru No. 56*	Longline fishing vessel	PBS 1
JA-81-3374 *Choei Maru No. 83*	Longline fishing vessel	PBS 1
JA-81-3375 *Kaneryo Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3376 *Kaneryo Maru No. 26*	Longline fishing vessel	PBS 1
JA-81-3378 *Matsu Maru No. 38*	Longline fishing vessel	PBS 0
JA-81-3380 *Toyoake Maru No. 2*	Longline fishing vessel	PBS 1
JA-81-3381 *Jinmei Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3382 *Ejyo Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3383 *Eitsu Maru No. 26*	Longline fishing vessel	PBS 1
JA-81-3385 *Seisho Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3386 *Yushou Maru No. 25*	Longline fishing vessel	PBS 1
JA-81-3387 *Koushou Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3389 *Shuei Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3391 *Chidori Maru No. 68*	Longline fishing vessel	PBS 1
JA-81-3393 *Komine Maru No. 11*	Longline fishing vessel	PBS 1
JA-81-3394 *Komine Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3395 *Hakuyou Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3397 *Shoushin Maru No. 23*	Longline fishing vessel	PBS 1
JA-81-3398 *Daikoku Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3401 *Meishou Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3403 *Taiyo Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3404 *Yamato Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3405 *Tachibana Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3406 *Keishou Maru No. 20*	Longline fishing vessel	PBS 1
JA-81-3407 *Houryu Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3408 *Tachimi Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3409 *Shoushin Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3410 *Hakutaka Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3414 *Tenyuu Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3415 *Yamato Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3418 *Yamato Maru No. 36*	Longline fishing vessel	PBS 1
JA-81-3417 *Houyou Maru No. 60*	Longline fishing vessel	PBS 1
JA-81-3418 *Houyou Maru No. 62*	Longline fishing vessel	PBS 1
JA-81-3419 *Seifuku Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3422 *Kaiho Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3423 *Koushin Maru No. 37*	Longline fishing vessel	PBS 1
JA-81-3424 *Kinei Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3428 *Yamato Maru No. 78*	Longline fishing vessel	PBS 1
JA-81-3429 *Shuei Maru No. 58*	Longline fishing vessel	PBS 1
JA-81-3433 *Koushou Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3435 *Soukei Maru No. 5*	Longline fishing vessel	PBS 1
JA-81-3441 *Tenyu Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3443 *Eikyu Maru No. 51*	Longline fishing vessel	PBS 1
JA-81-3444 *Ryujin Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3446 *Kyosho Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3447 *Myojin Maru No. 23*	Longline fishing vessel	PBS 1
JA-81-3448 *Myojin Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3449 *Myojin Maru No. 51*	Longline fishing vessel	PBS 1
JA-81-3450 *Myojin Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3455 *Kamishiro Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3464 *Yusho Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3465 *Fukuyo Maru No. 58*	Longline fishing vessel	PBS 1
JA-81-3468 *Taiki Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3469 *Hakkai Maru No. 11*	Longline fishing vessel	PBS 1
JA-81-3470 *Toyama Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3474 *Mito Maru No. 35*	Longline fishing vessel	PBS 1
JA-81-3486 *Tokuei Maru No. 11*	Longline fishing vessel	PBS 1
JA-81-3487 *Yajima Maru No. 11*	Longline fishing vessel	PBS 1
JA-81-3488 *Yuko Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3489 *Tokuei Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3490 *Joei Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3491 *Joei Maru No. 23*	Longline fishing vessel	PBS 1
JA-81-3493 *Matsu Maru No. 55*	Longline fishing vessel	PBS 1
JA-81-3494 *Shoun Maru No. 20*	Longline fishing vessel	PBS 1
JA-81-3496 *Tatsu Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3497 *Kifuku Maru No. 35*	Longline fishing vessel	PBS 1
JA-81-3498 *Yahata Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3499 *Kintoku Maru No. 7*	Longline fishing vessel	PBS 1

Permit No. and vessel name	Vessel type	Fisheries and activities
	Japan—Continued	
JA-81-3500 *Kintoku Maru No. 12*	Longline fishing vessel	PBS 1
JA-81-3501 *Minato Maru No. 11*	Longline fishing vessel	PBS 1
JA-81-3502 *Minato Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3503 *Kinsei Maru No. 56*	Longline fishing vessel	PBS 1
JA-81-3529 *Takojima Maru No. 78*	Longline fishing vessel	PBS 1
JA-81-3530 *Takojima Maru No. 83*	Longline fishing vessel	PBS 1
JA-81-3535 *Asahi Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3536 *Asahi Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3537 *Asahi Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3538 *Nishou Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3539 *Kaiou Maru No. 35*	Longline fishing vessel	PBS 1
JA-81-3540 *Asahi Maru No. 5*	Longline fishing vessel	PBS 1
JA-81-3543 *Houei Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3545 *Shige Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3546 *Tokuhou Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3547 *Kasuga Maru No. 2*	Longline fishing vessel	PBS 1
JA-81-3548 *Kasuga Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3549 *Tenyu Maru No. 16*	Longline fishing vessel	PBS 1
JA-81-3551 *Shunpou Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3552 *Shunpou Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3553 *Houyou Maru No. 5*	Longline fishing vessel	PBS 1
JA-81-3558 *Kazu Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3560 *Fuji Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3562 *Daiju Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3563 *Daiju Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3566 *Taka Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3567 *Mitsu Maru No. 15*	Longline fishing vessel	PBS 1
JA-81-3568 *Mitsu Maru No. 5*	Longline fishing vessel	PBS 1
JA-81-3569 *Seishin Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3572 *Housei Maru*	Longline fishing vessel	PBS 1
JA-81-3573 *Taishou Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3576 *Masa Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3577 *Masa Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3578 *Houshin Maru No.1*	Longline fishing vessel	PBS 1
JA-81-3579 *Dai Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3580 *Shinsei Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3581 *Tsuru Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3582 *Taikou Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3584 *Yuki Maru*	Longline fishing vessel	PBS 1
JA-81-3585 *Ryuuji Maru No. 5*	Longline fishing vessel	PBS 1
JA-81-3586 *Shuuki Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3588 *Tetu Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3589 *Tenyu Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3590 *Houyou Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3592 *Housei Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3594 *Toyo Maru*	Longline fishing vessel	PBS 1
JA-81-3595 *Koushin Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3596 *Hide Maru No. 11*	Longline fishing vessel	PBS 1
JA-81-3597 *Hide Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3598 *Chidori Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3599 *Kihou Maru No. 5*	Longline fishing vessel	PBS 1
JA-81-3603 *Miyoshi Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3604 *Heian Maru No.18*	Longline fishing vessel	PBS 1
JA-81-3605 *Shima Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3606 *Katsuei Maru*	Longline fishing vessel	PBS 1
JA-81-3608 *Toshi Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3610 *Masaei Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3611 *Kouei Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3612 *Kiku Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3613 *Yasu Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3615 *Yasuei Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3618 *Kazusin Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3617 *Yasima Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3618 *Hisa Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3620 *Kenryo Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3621 *Takei Maru*	Longline fishing vessel	PBS 1
JA-81-3623 *Shuufi Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3624 *Daiju Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3627 *Konsei Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3628 *Asahi Maru No. 21*	Longline fishing vessel	PBS 1
JA-81-3629 *Nishou Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3630 *Toku Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3631 *Kuni Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3632 *Fuji Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3633 *Shouhuku Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3634 *Kansin Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3635 *Tokuho Maru No. 21*	Longline fishing vessel	PBS 1
JA-81-3636 *Kousin Maru No. 5*	Longline fishing vessel	PBS 1
JA-81-3637 *Taisin Maru No. 15*	Longline fishing vessel	PBS 1
JA-81-3638 *Fumi Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3640 *Yasu Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3642 *Heian Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3643 *Houshin Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3646 *Geizan Maru No. 58*	Longline fishing vessel	PBS 1
JA-81-3647 *Ryoun Maru No. 6*	Longline fishing vessel	PBS 1
JA-81-3650 *Sachi Maru No. 108*	Longline fishing vessel	PBS 1
JA-81-3651 *Ryuho Maru No. 85*	Longline fishing vessel	PBS 1
JA-81-3659 *Sumi Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3660 *Genryo Maru No. 55*	Longline fishing vessel	PBS 1
JA-81-3661 *Kamo Maru No. 68*	Longline fishing vessel	PBS 1

Permit No. and vessel name	Vessel type	Fisheries and activities
Japan—Continued		
JA-81-3663 *Takaya Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3665 *Shinzan Maru*	Longline fishing vessel	PBS 1
JA-81-3666 *Shinzan Maru No. 2*	Longline fishing vessel	ABS 1, PBS 1
JA-81-3667 *Shinzan Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3668 *Yuryo Maru No. 51*	Longline fishing vessel	PBS 1
JA-81-3671 *Daikichi Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3672 *Meisho Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3673 *Dairin Maru No. 35*	Longline fishing vessel	PBS 1
JA-81-3675 *Kinsyo Maru No. 5*	Longline fishing vessel	PBS 1
JA-81-3676 *Fukutoku Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3677 *Shinsei Maru No. 65*	Longline fishing vessel	PBS 1
JA-81-3678 *Masayoshi Maru No. 21*	Longline fishing vessel	PBS 1
JA-81-3685 *Chokyu Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3689 *Kosho Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3690 *Ito Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3691 *Yamato Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3693 *Shinei Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3694 *Shoun Maru No. 22*	Longline fishing vessel	PBS 1
JA-81-3695 *Gyoei Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3696 *Gyosho Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3697 *Gyoko Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3701 *Shinsei Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3702 *Fuku Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3747 *Shinei Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3748 *Eishin Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3751 *Gyotoku Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3770 *Yoshifuku Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3772 *Koushin Maru*	Longline fishing vessel	PBS 1
JA-81-3777 *Nippou Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3791 *Seiryo Maru*	Longline fishing vessel	PBS 1
JA-81-3809 *Chiuori Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3810 *Tokuju Maru No. 58*	Longline fishing vessel	PBS 1
JA-81-3811 *Chiyoda Maru No. 32*	Longline fishing vessel	PBS 1
JA-81-3812 *Erisu Maru No. 68*	Longline fishing vessel	PBS 1
JA-81-3813 *Erisu Maru No. 71*	Longline fishing vessel	PBS 1
JA-81-3814 *Shinsei Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3815 *Chiyo Maru No. 71*	Longline fishing vessel	PBS 1
JA-81-3816 *Kotobuki Maru No. 88*	Longline fishing vessel	PBS 1
JA-81-3817 *Tokachi Maru No. 25*	Longline fishing vessel	PBS 1
JA-81-3818 *Kinsei Maru No. 53*	Longline fishing vessel	PBS 1
JA-81-3819 *Taihei Maru No. 16*	Longline fishing vessel	PBS 1
JA-81-3820 *Kyosei Maru No. 58*	Longline fishing vessel	PBS 1
JA-81-3821 *Tokuju Maru No. 78*	Longline fishing vessel	PBS 1
JA-81-3822 *Fuku Maru No. 11*	Longline fishing vessel	PBS 1
JA-81-3823 *Eikyu Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3824 *Eikyu Maru No. 32*	Longline fishing vessel	PBS 1
JA-81-3825 *Sumiyoshi-Maru No. 32*	Longline fishing vessel	PBS 1
JA-81-3826 *Daiei Maru No. 32*	Longline fishing vessel	ABS 1, PBS 1
JA-81-3827 *Seiko Maru No. 16*	Longline fishing vessel	PBS 1
JA-81-3828 *Seiko-Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3829 *Sumiyoshi Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3830 *Narita Maru No. 81*	Longline fishing vessel	PBS 1
JA-81-3831 *Kashima Maru No. 31*	Longline fishing vessel	PBS 1
JA-81-3832 *Kashima Maru No. 26*	Longline fishing vessel	PBS 1
JA-81-3833 *Fukuyoshi Maru No. 55*	Longline fishing vessel	PBS 1
JA-81-3834 *Tokuju Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3835 *Kaigato Maru No. 21*	Longline fishing vessel	PBS 1
JA-81-3836 *Kiei Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3837 *Kiei Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3838 *Chidori Maru No. 81*	Longline fishing vessel	PBS 1
JA-81-3839 *Yashima Maru No 8*	Longline fishing vessel	PBS 1
JA-81-3840 *Yuko Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3841 *Taisei Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3842 *Kaio Maru No. 25*	Longline fishing vessel	PBS 1
JA-81-3843 *Kinei Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3844 *Toku Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3845 *Toku Maru No. 28*	Longline fishing vessel	PBS 1
JA-81-3846 *Yahata Maru No. 38*	Longline fishing vessel	PBS 1
JA-81-3847 *Toyotomi Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3848 *Kinei Maru No. 26*	Longline fishing vessel	PBS 1
JA-81-3849 *Keisho Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3850 *Keifuku Maru No.7*	Longline fishing vessel	PBS 1
JA-81-3851 *Eikyu Maru No. 30*	Longline fishing vessel	PBS 1
JA-81-3852 *Koyo Maru No. 21*	Longline fishing vessel	PBS 1
JA-81-3853 *Shinsei Maru No. 5*	Longline fishing vessel	PBS 1
JA-81-3854 *Seiko Maru*	Longline fishing vessel	PBS 1
JA-81-3855 *Choei Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3856 *Azuma Maru No. 71*	Longline fishing vessel	PBS 1
JA-81-3857 *Kosei Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3858 *Keihoki Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3859 *Katsuyu Maru No. 1*	Longline fishing vessel	PBS 1
JA-81-3860 *Yuri Maru*	Longline fishing vessel	PBS 1
JA-81-3861 *Shinko Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3862 *Eishin Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3863 *Ryusei Maru No. 3*	Longline fishing vessel	PBS 1
JA-81-3864 *Toshiei Maru No. 8*	Longline fishing vessel	PBS 1
JA-81-3865 *Seiryo Maru*	Longline fishing vessel	PBS 1
JA-81-3866 *Okuni No. 2*	Longline fishing vessel	PBS 1
JA-81-3867 *Shoho Maru No. 18*	Longline fishing vessel	PBS 1
JA-81-3868 *Kyoei Maru No. 51*	Longline fishing vessel	PBS 1

Permit No. and vessel name		Vessel type	Fisheries and activities				
Japan—Continued							
JA-81-3869	*Shuei Maru No. 7*	Longline fishing vessel	PBS 1				
JA-81-3870	*Keifuku Maru No. 29*	Longline fishing vessel	PBS 1				
JA-81-3871	*Fukuyo Maru No. 3*	Longline fishing vessel	PBS 1				
JA-81-3872	*Manei Maru No. 31*	Longline fishing vessel	PBS 1				
JA-81-3873	*Hoshin Maru No. 10*	Longline fishing vessel	PBS 1				
JA-81-3874	*Takaei Maru No. 15*	Longline fishing vessel	PBS 1				
JA-81-3875	*Shoun Maru No. 61*	Longline fishing vessel	PBS 1				
JA081-1437	*Shoei Maru No. 61*	Longline fishing vessel	PBS 1				
South Korea							
KS-81-0001	*Gae Yang Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0002	*Sto Yang Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0003	*Cheog Yang Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0033	*Namrug*	Large stern trawler	BSA 1	GOA 1			
KS-81-0034	*Crysta Dahlia*	Large stern srawler	BSA 1	GOA 1			
KS-81-0037	*Daejin No. 52*	Large stern trawler	BSA 1	GOA 1			
KS-81-0039	*Dongsan-Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0042	*Soo Gong No. 51*	Large stern trawler	BSA 1	GOA 1			
KS-81-0044	*Han Kil Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0045	*Han Jin Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0047	*Shin An Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0048	*No. 70 Oyang Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0051	*Dae Sung Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0074	*No. 3 Chil Bo San Ho*	Cargo/transport vessel	BSA 3	GOA 3			
KS-81-0075	*No. 5 Chil Bo San Ho*	Cargo/transport vessel	BSA 3	GOA 3			
KS-81-0076	*No. 6 Chil Bo San Ho*	Cargo/transport vessel	BSA 3	GOA 3			
KS-81-0079	*Book Neung*	Factory ship	BSA 3	GOA 3			
KS-81-0081	*Tae Yang No. 12*	Cargo/transport vessel	BSA 3	GOA 3			
KS-81-0085	*Kyung Yang Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0090	*Gae Cheog Ho No. 2*	Cargo/transport vessel	BSA 3	GOA 3			
KS-81-0091	*Ill Woo No. 58*	Cargo/transport vessel	BSA 0	GOA 0			
KS-81-0092	*Dae Rim*	Cargo/transport vessel	BSA 3	GOA 3			
KS-81-0094	*No. 105 O Dae Yang*	Cargo/transport vessel	BSA 3	GOA 3			
KS-81-0095	*No. 303 Dai Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0099	*106 O Dae Yang*	Cargo/transport vessel	BSA 3	GOA 3			
KS-81-0102	*M/T Min Woo No. 17*	Cargo/transport vessel	BSA 3	GOA 3			
KS-81-0103	*Sal Via*	Large stern trawler	BSA 1	GOA 1			
KS-81-0104	*Yuyang Ho*	Large stern trawler	BSA 1	GOA 1			
KS-81-0105	*No. 305 Jinam*	Medium stern trawler	BSA 1	GOA 1			
KS-81-0106	*No. 1 Han Sung*	Large stern trawler	BSA 1	GOA 1			
KS-81-0107	*Hanil Ho*	Medium stern trawler	BSA 1	GOA 1			
KS-81-0111	*Soo Kwang Ho*	Longline fishing vessel	BSA 1	GOA 1			
KS-81-3000	*No. 31 Han Yang*	Longline fishing vessel	PBS 1				
KS-81-3001	*No. 32 Han Yang*	Longline fishing vessel	PBS 1				
KS-81-3002	*No. 33 Han Yang*	Longline fishing vessel	PBS 1				
KS-81-3003	*Chung Yong No 8*	Longline fishing vessel	PBS 1				
KS-81-3004	*Chung Yong No. 7*	Longline fishing vessel	PBS 1				
KS-81-3005	*Nam Chang*	Longline fishing vessel	PBS 1				
KS-81-3006	*No. 8 Oryong*	Longline fishing vessel	PBS 1				
KS-81-3007	*No. 71 Oryong*	Longline fishing vessel	PBS 1				
KS-81-3008	*No. 72 Oryong*	Longline fishing vessel	PBS 1				
KS-81-3009	*No. 73 Oryong*	Longline fishing vessel	PBS 1				
KS-81-3011	*No. 81 Oryong*	Longline fishing vessel	PBS 1				
KS-81-3012	*No. 82 Oryong*	Longline fishing vessel	PBS 1				
KS-81-3023	*No. 72 Wha Yang*	Longline fishing vessel	PBS 1				
KS-81-3024	*No. 82 Wha Yang*	Longline fishing vessel	PBS 1				
KS-81-3025	*No. 78 Oryong*	Longline fishing vessel	PBS 1				
KS-81-3026	*Nam Pyung No. 1*	Longline fishing vessel	PBS 1				
KS-81-3027	*Nam Pyung No. 5*	Longline fishing vessel	PBS 1				
KS-81-3029	*Nam Pyung No. 31*	Longline fishing vessel	PBS 1				
KS-81-3030	*Nam Pyung No. 32*	Longline fishing vessel	PBS 1				
KS-81-3031	*Chung Yong No. 3*	Longline fishing vessel	PBS 1				
Netherlands							
NI-81-0003	*South Pole*	Cargo/transport vessel	BSA 3				
Poland							
PL-81-0002	I YRA	Large stern trawler	BSA 1	GOA 1			
PL-81-0004	*Perstus*	Large stern trawler	BSA 1	GOA 1			
PL-81-0006	*Pollux*	Large stern trawler	BSA 1	GOA 1			
PL-81-0007	*Grinwal*	Large stern trawler	BSA 1	GOA 1			
PL-81-0008	*Garnela*	Large stern trawler	BSA 1	GOA 1			
PL-81-0009	*Walon*	Large stern trawler	BSA 1	GOA 1			
PL-81-0010	*Wloczmik*	Large stern trawler	BSA 1	GOA 1			
PL-81-0011	*Otol*	Large stern trawler	BSA 1	GOA 1			
PL-81-0019	*Humrak*	Large stern trawler	BSA 1	GOA 1			
PL-81-0026	*Korwin*	Large stern trawler	NWA 1	GOA 1			
PL-81-0034	*Marlin*	Large stern trawler	BSA 1	GOA 1			
PL-81-0037	*Antares*	Large stern trawler	BSA 1	GOA 1			
PL-81-0038	*Arcturus*	Large stern trawler	BSA 1	GOA 1			
PL-81-0039	*Kalmar*	Large stern trawler	BSA 1	GOA 1			
PL-81-0046	*Amarel*	Large stern trawler	BSA 1	GOA 1			
PL-81-0048	*Gemini*	Large stern trawler	BSA 1	GOA 1			

Permit No. and vessel name	Vessel type	Fisheries and activities				
Poland—Continued						
PL-81-0050 *Kolias*	Large stern trawler	BSA 1	GOA 1			
PL-81-0055 *Vega*	Large stern trawler	BSA 1	GOA 1			
PL-81-0056 *Saturn*	Large stern trawler	BSA 1	GOA 1			
PL-81-0062 *Sirius*	Large stern trawler	BSA 1	GOA 1			
PL-81-0065 *Delfin*	Large stern trawler	BSA 1	GOA 1			
PL-81-0066 *Hajduk*	Large stern trawler	BSA 1	GOA 1			
PL-81-0075 *Denerola*	Large stern trawler	BSA 1	GOA 1			
PL-81-0077 *Orcyn*	Large stern trawler	BSA 1	GOA 1			
PL-81-0080 *Rekin*	Large stern trawler	BSA 1	GOA 1			
PL-81-0081 *Admiral Arciszewski*	Large stern trawler	NWA 1				
PL-81-0082 *Taurus*	Large stern trawler	BSA 1	GOA 1			
PL-81-0083 *Carina*	Large stern trawler	BSA 1	GOA 1			
PL-81-0084 *Parma*	Large stern trawler	BSA 1	GOA 1			
PL-81-0085 *Rogar*	Large stern trawler	BSA 1	GOA 1			
PL-81-0088 *Andromeda*	Large stern trawler	BSA 1	GOA 1			
Spain						
SP-81-0005 *Peixe Do Mar*	Side trawler	NWA 1				
SP-81-0012 *Aruska*	Side trawler	NWA 1				
SP-81-0013 *Area Cova*	Side trawler	NWA 1				
SP-81-0015 *Conbarcya II*	Medium stern trawler	NWA 1				
SP-81-0016 *Toralla*	Medium stern trawler	NWA 1				
SP-81-0019 *Pescapuerta Primero*	Side trawler	NWA 1				
SP-81-0020 *Pescapuerta Tercero*	Medium stern trawler	NWA 1				
SP-81-0021 *Playa De Mogor*	Medium stern trawler	NWA 1				
SP-81-0022 *Xeitosino*	Medium stern trawler	NWA 1				
SP-81-0023 *Puente Minor*	Medium stern trawler	NWA 1				
SP-81-0024 *Madroa*	Small stern trawler	NWA 1				
SP-81-0025 *Chicha Touza*	Medium stern trawler	NWA 1				
SP-81-0028 *Puxeiros*	Side trawler	NWA 1				
SP-81-0029 *Monie Furado*	Medium stern trawler	NWA 1				
SP-81-0030 *Canton De Cora*	Medium stern trawler	NWA 1				
SP-81-0031 *Corba*	Medium stern trawler	NWA 1				
SP-81-0035 *Laxe Dos Picos*	Medium stern trawler	NWA 1				
SP-81-0036 *Orballo*	Medium stern trawler	NWA 1				
SP-81-0038 *Tito Marquez*	Medium stern trawler	NWA 1				
SP-81-0039 *Vixiador*	Medium stern trawler	NWA 1				
SP-81-0040 *Moula*	Medium stern trawler	NWA 1				
SP-81-0042 *Al Tamar*	Side trawler	NWA 1				
SP-81-0043 *Nuska*	Medium stern trawler	NWA 1				
SP-81-0045 *Perca*	Medium stern trawler	NWA 1				
SP-81-0046 *Fragana*	Medium stern trawler	NWA 1				
SP-81-0047 *Conrarcya III*	Medium stern trawler	NWA 1				
SP-81-0051 *Villa De Marin*	Medium stern trawler	NWA 1				
SP-81-0052 *Puente Toralla*	Small stern trawler	NWA 1				
SP-81-0053 *Zamanes*	Side trawler	NWA 1				
SP-81-0056 *Kantxope*	Medium stern trawler	NWA 1				
SP-81-0057 *Ana Maria Gandon*	Medium stern trawler	NWA 1				
SP-81-0059 *Sulmar Uno*	Medium stern trawler	NWA 1				
SP-81-0061 *Glaciar*	Side trawler	NWA 1				
SP-81-0062 *Egunsentia*	Medium stern trawler	NWA 1				
SP-81-0064 *Itarra*	Medium stern trawler	NWA 1				
SP-81-0065 *Rio Verdugo*	Medium stern trawler	NWA 1				
SP-81-0066 *Pineiro Correa*	Medium stern trawler	NWA 1				
SP-81-0067 *Al Teamar Uno*	Medium stern trawler	NWA 1				
SP-81-0069 *Capitan Jorge Segundo*	Side trawler	NWA 1				
SP-81-0070 *Pegago Tercero*	Medium stern trawler	NWA 1				
SP-81-0072 *Maposa Quinto*	Medium stern trawler	NWA 1				
SP-81-0073 *Mayi Cuatro*	Medium stern trawler	NWA 1				
SP-81-0074 *Britania*	Side trawler	NWA 1				
SP-81-0077 *Puente De Gondomar*	Medium stern trawler	NWA 1				
SP-81-0078 *Vilachan*	Medium stern trawler	NWA 1				
SP-81-0079 *Penalba*	Side trawler	NWA 1				
SP-81-0080 *Flipper*	Medium stern trawler	NWA 1				
SP-81-0083 *Pevegasa Segundo*	Medium stern trawler	NWA 1				
SP-81-0085 *Maposa Sexto*	Side trawler	NWA 1				
SP-81-0089 *Juancho*	Side trawler	NWA 1				
SP-81-0090 *Ancora D'Ouro*	Medium stern trawler	NWA 1				
SP-81-0092 *Ciudad De Cristal*	Side trawler	NWA 1				
SP-81-0093 *Farpesca Cuarto*	Medium stern trawler	NWA 1				
SP-81-0094 *Jose Pufita Prado*	Side trawler	NWA 1				
SP-81-0098 *Pegago Segundo*	Side trawler	NWA 1				
SP-81-0103 *Vieirasa IV*	Side trawler	NWA 1				
SP-81-0106 *Freire Lopez*	Medium stern trawler	NWA 1				
SP-81-0107 *Manuel Nores*	Medium stern trawler	NWA 1				
SP-81-0108 *Peixino*	Medium stern trawler	NWA 1				
SP-81-0109 *Puente Lourido*	Medium stern trawler	NWA 1				
SP-81-0110 *Ur Ertza*	Medium stern trawler	NWA 1				
SP-81-0111 *Cudillero*	Medium stern trawler	NWA 1				
SP-81-0112 *Pescapuerta Segundo*	Medium stern trawler	NWA 1				
SP-81-0113 *Playa De Pesmar*	Medium stern trawler	NWA 1				
SP-81-0114 *Tasarte*	Medium stern trawler	NWA 1				
SP-81-0117 *Andfs*	Medium stern trawler	NWA 1				
SP-81-0118 *Angulacho*	Medium stern trawler	NWA 1				
SP-81-0123 *Capitan Emilio*	Side trawler	NWA 1				
SP-81-0124 *Cruna*	Medium stern trawler	NWA 1				

Permit No. and vessel name		Vessel type	Fisheries and activities				
Spain—Continued							
SP-81-0126	*Isla Alegranza*	Medium stern trawler	NWA 1				
SP-81-0127	*Isla Graciosa*	Medium stern trawler	NWA 1				
SP-81-0128	*Isla Montana Clara*	Medium stern trawler	NWA 1				
SP-81-0136	*Playa De Cadiz*	Medium stern trawler	NWA 1				
SP-81-0137	*Playa De Menduina*	Small stern trawler	NWA 1				
SP-81-0145	*Villa Ana*	Side trawler	NWA 1				
SP-81-0148	*Punta De Robaleira*	Small stern trawler	NWA 1				
SP-81-0149	*Maposa Primero*	Side trawler	NWA 1				
SP-81-0150	*Maposa Segundo*	Side trawler	NWA 1				
SP-81-0151	*Pegago Quarto*	Side trawler	NWA 1				
SP-81-0152	*Navijosa Quinto*	Side trawler	NWA 1				
SP-81-0153	*Navijosa Sexto*	Side trawler	NWA 1				
SP-81-0154	*Navijosa VII*	Side trawler	NWA 1				
SP-81-0155	*Iberia*	Side trawler	NWA 1				
SP-81-0159	*Costa Del Caro*	Side trawler	NWA 1				
SP-81-0160	*Navijosa Octavo*	Medium stern trawler	NWA 1				
SP-81-0161	*Maposa Quarto*	Medium stern trawler	NWA 1				
SP-81-0163	*Maposa Octavo*	Medium stern trawler	NWA 1				
SP-81-0164	*Maposa Septimo*	Medium stern trawler	NWA 1				
SP-81-0165	*Codeside*	Medium stern trawler	NWA 1				
SP-81-0166	*Maposa Tercero*	Medium stern trawler	NWA 1				
SP-81-0167	*Maria Teresa Rodriguez*	Medium stern trawler	NWA 1				
SP-81-0168	*Navijosa Novero*	Medium stern trawler	NWA 1				
Taiwan							
TW-81-0001	*Sea Light*	Medium stern trawler	BSA 1				
TW-81-0002	*Highly No. 301*	Medium stern trawler	BSA 1				
TW-81-0003	*Highly No. 302*	Medium stern trawler	BSA 1				
TW-81-0004	*Golden Dragon No. 1*	Large stern trawler	BSA 1				
TW-81-0013	*Tong Hong No. 3*	Longline fishing vessel	BSA 1				
TW-81-0014	*Tong Hong No. 2*	Longline fishing vessel	BSA 1				
TW-81-0020	*Tong Hong No. 6*	Longline fishing vessel	BSA 1				
TW-81-0054	*Highly No. 303*	Cargo/transport vessel	BSA 3				
TW-81-0060	*Sun Fuh*	Longline fishing vessel	PBS 1				
TW-81-3000	*No. 12 Tah Yuan*	Longline fishing vessel	PBS 1				
TW-81-3001	*Der An No. 1*	Longline fishing vessel	PBS 1				
TW-81-3002	*Sun Der No. 1*	Longline fishing vessel	PBS 1				
TW-81-3003	*Fu-Yuan No. 3*	Longline fishing vessel	PBS 1				
TW-81-3004	*Yu Kuo No. 11*	Longline fishing vessel	PBS 1				
TW-81-3005	*Yen Horng No. 1*	Longline fishing vessel	PBS 1				
TW-81-3006	*Chyau Tai No. 11*	Longline fishing vessel	PBS 1				
TW-81-3007	*Chiau Long No. 22*	Longline fishing vessel	PBS 1				
TW-81-3008	*Chiau Long No. 12*	Longline fishing vessel	PBS 1				
TW-81-3009	*Chyau Tai No. 10*	Longline fishing vessel	PBS 1				
TW-81-3010	*Chyao Ying No. 21*	Longline fishing vessel	PBS 1				
TW-81-3011	*Sheng Yu No. 7*	Longline fishing vessel	PBS 1				
TW-81-3012	*Ying Kuo Shiang No. 7*	Longline fishing vessel	PBS 1				
TW-81-3013	*Ying Ruey Shiang No. 3*	Longline fishing vessel	PBS 1				
TW-81-3014	*Ying Yih Shiang No. 22*	Longline fishing vessel	PBS 1				
TW-81-3015	*Ying Yih Shiang*	Longline fishing vessel	PBS 1				
TW-81-3016	*Ruei Fong No. 3*	Longline fishing vessel	PBS 1				
TW-81-3017	*Chiau Loong No. 11*	Longline fishing vessel	PBS 1				
TW-81-3018	*Ruey Tzeng No. 1*	Longline fishing vessel	PBS 1				
TW-81-3019	*Sur Ton No. 1*	Longline fishing vessel	PBS 1				
TW-81-3020	*Sur Ton No. 3*	Longline fishing vessel	PBS 1				
TW-81-3021	*Fong Ta No. 11*	Longline fishing vessel	PBS 1				
TW-81-3022	*Fong Kuo No. 203*	Longline fishing vessel	PBS 1				
TW-81-3023	*Fong Kuo No. 206*	Longline fishing vessel	PBS 1				
TW-81-3024	*Fwu Chuen No. 1*	Longline fishing vessel	PBS 1				
TW-81-3025	*Ta Chuen No. 11*	Longline fishing vessel	PBS 1				
TW-81-3026	*Shun Chufn No. 1*	Longline fishing vessel	PBS 1				
TW-81-3027	*Hai Hou*	Longline fishing vessel	PBS 1				
TW-81-3028	*Yih Lien No. 3*	Longline fishing vessel	PBS 1				
TW-81-3029	*Hsieh Chin Sheng No. 7*	Longline fishing vessel	PBS 1				
TW-81-3030	*Sheh Chin Hin*	Longline fishing vessel	PBS 1				
TW-81-3031	*Hsieh Chin Jung*	Longline fishing vessel	PBS 1				
TW-81-3033	*Chyan Chih Ching*	Longline fishing vessel	PBS 1				
TW-81-3034	*Chin Long Ching*	Longline fishing vessel	PBS 1				
TW-81-3035	*Li Shin No. 1*	Longline fishing vessel	PBS 1				
TW-81-3036	*No. 1 Hui Ching*	Longline fishing vessel	PBS 1				
TW-81-3037	*Swe Hoang No. 31*	Longline fishing vessel	PBS 1				
TW-81-3038	*Lien Ho No. 1*	Longline fishing vessel	PBS 1				
TW-81-3039	*Yih-Shin*	Longline fishing vessel	PBS 1				
TW-81-3040	*Sheh Ying No. 3*	Longline fishing vessel	PBS 1				
TW-81-3041	*Sheh Fu No. 3*	Longline fishing vessel	PBS 1				
TW-81-3042	*Ying Hsing*	Longline fishing vessel	PBS 1				
TW-81-3043	*Hui Fah*	Longline fishing vessel	PBS 1				
TW-81-3044	*Yih Hsing*	Longline fishing vessel	PBS 1				
TW-81-3045	*Hoping Hsing*	Longline fishing vessel	PBS 1				
TW-81-3046	*Yu Hsing*	Longline fishing vessel	PBS 1				
TW-81-3047	*Chin Shing No. 1*	Longline fishing vessel	PBS 1				
TW-81-3048	No. 3I Ta Cheng Longline fishing vessel.		PBS 1				
TW-81-3049	*Yung Lo*	Longline fishing vessel	PBS 1				
TW-81-3050	*Yung Ti*	Longline fishing vessel	PBS 1				
TW-81-3051	*Jiin Tah No. 16*	Longline fishing vessel	PBS 1				
TW-81-3052	*Hai I No. 1*	Longline fishing vessel	PBS 1				
TW-81-3053	*Chung Sha No. 1*	Longline fishing vessel	PBS 1				

Permit No. and vessel name	Vessel type	Fisheries and activities
Taiwan—Continued		
TW-81-3054 *Chin Gen Food No. 3*	Longline fishing vessel	PBS 1
TW-81-3055 *Ta Shen No. 1*	Longline fishing vessel	PBS 1
TW-81-3056 *Kuo Zong No. 1*	Longline fishing vessel	PBS 1
TW-81-3057 *Shin Yuan Seng No. 11*	Longline fishing vessel	PBS 1
TW-81-3058 *Kuo Zong No. 12*	Longline fishing vessel	PBS 1
TW-81-3059 *Kuo Zong No. 3*	Longline fishing vessel	PBS 1
TW-81-3060 *Kuo Yuon No. 72*	Longline fishing vessel	PBS 1
TW-81-3061 *Yung Chang Fu No. 31*	Longline fishing vessel	PBS 1
TW-81-3062 *Tong Sheng*	Longline fishing vessel	PBS 1
TW-81-3063 *Tong Sheng No. 11*	Longline fishing vessel	PBS 1
TW-81-3064 *Tong Chou No. 7*	Longline fishing vessel	PBS 1
TW-81-3065 *Tong Hui No. 32*	Longline fishing vessel	PBS 1
TW-81-3066 *Shin Yuan Sing No. 21*	Longline fishing vessel	PBS 1
TW-81-3067 *Shin Yuan Cheng No. 22*	Longline fishing vessel	PBS 1
TW-81-3068 Yung Chang Yu No. 11	Longline fishing vessel	PBS 1
TW-81-3069 *Ho Tai No. 11*	Longline fishing vessel	PBS 1
TW-81-3070 *Chin Woei No. 61*	Longline fishing vessel	PBS 1
TW-81-3071 *Min Hong No. 31*	Longline fishing vessel	PBS 1
TW-81-3072 *Chin Huey No. 22*	Longline fishing vessel	PBS 1
TW-81-3073 *Chin Huey No. 21*	Longline fishing vessel	PBS 1
TW-81-3074 *Chin Min Man*	Longline fishing vessel	PBS 1
TW-81-3075 *No. 3 Chien Chia*	Longline fishing vessel	PBS 1
TW-81-3076 *No. 11 Kuo Swang*	Longline fishing vessel	PBS 1
TW-81-3077 *No. 31 Fhg Hwa*	Longline fishing vessel	PBS 1
TW-81-3078 *No. 1 Yu Wang*	Longline fishing vessel	PBS 1
TW-81-3079 *No. 1 Man Seng*	Longline fishing vessel	PBS 1
TW-81-3080 *Lien Chi Tsai*	Longline fishing vessel	PBS 1
TW-81-3081 *No. 12 Chien Chung*	Longline fishing vessel	PBS 1
TW-81-3082 *No. 1 Ho Ying*	Longline fishing vessel	PBS 1
TW-81-3083 *No. 1 Ho Mei*	Longline fishing vessel	PBS 1
TW-81-3084 *No. 2 Ho Tai*	Longline fishing vessel	PBS 1
TW-81-3085 *No. 16 Chyau Shyang*	Longline fishing vessel	PBS 1
TW-81-3086 *No. 1 Ho Tai*	Longline fishing vessel	PBS 1
TW-81-3089 *Tong Mong No. 61*	Longline fishing vessel	PBS 1
TW-81-3090 *Chin Hwang No. 72*	Longline fishing vessel	PBS 1
TW-81-3091 *Fong Kuo No. 207*	Longline fishing vessel	PBS 1
TW-81-3092 *King Dah No. 32*	Longline fishing vessel	PBS 1
TW-81-3094 *Yung Chang Fu No. 1*	Longline fishing vessel	PBS 1
TW-81-3095 *Chin Min Man No. 11*	Longline fishing vessel	PBS 1
TW-81-3096 *No. 3 Mend Fun*	Longline fishing vessel	PBS 1
TW-81-3097 *No. 31 Tong Ann*	Longline fishing vessel	PBS 1
TW-81-3098 *No. 51 Feng Yuan*	Longline fishing vessel	PBS 1
TW-81-3099 *Peng Mao No. 6*	Longline fishing vessel	PBS 1
TW-81-3100 *Sheh Hong No. 3*	Longline fishing vessel	PBS 1
TW-81-3101 *Chin Woei No. 71*	Longline fishing vessel	PBS 1

[FR Doc. 81-3530 Filed 1-29-81; 8:45 am]

BILLING CODE 4710-09-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 20
Friday, January 30, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

[M–305 Amdt. 1, Jan. 23, 1981]

CIVIL AERONAUTICS BOARD.
Addition of Items

TIME AND DATE: 10:30 a.m., January 28, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

ADDITION: 4a. Docket 38996, *Lake Tahoe—Los Angeles/San Diego Subpart Q Proceeding.* Application of Golden West Airlines for certificate authority in the Lake Tahoe—Los Angeles/San Diego markets. (Memo No. 243, BDA)
ADDITION: 5a. Show Cause order proposing final subsidy rates for Alaska Airlines. (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–163–81 Filed 1–28–81; 9:00 am]
BILLING CODE 6320–01–M

2

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, February 4, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on Friday, January 30, 1981.)
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 462–3204.

Dated: January 27, 1981.
James McAfee,
Assistant Secretary of the Board.
[S–162–81 Filed 1–27–81; 4:32 pm]
BILLING CODE 6210–01–M

3

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, January 22, 1981.

CHANGES IN THE MEETING: Rescheduling/additional items. The following closed item scheduled on Tuesday, January 27, 1981, at 10:00 a.m., has been rescheduled for Thursday, January 29, 1981, following the 10:00 a.m. open meetng.

Regulatory matter regarding financial institutions.

The following additional items will be considered at a closed meeting scheduled for Thursday, January 29, 1981, following the 10:00 a.m. open meeting:

Settlement of administrative proceeding of an enforcement nature.
Consideration of *amicus* participation.
Litigation matter.

Chairman Williams and Commissioners Loomis and Evans determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

January 27, 1981.

[S–164–81 Filed 1–28–81; 12:43 pm]
BILLING CODE 8010–01–M

federal register

Friday
January 30, 1981

Part II

Department of Labor

Wage and Hour Division, Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions, Modifications and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

New Hampshire: NH81–3013

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Colorado:	
CO80–5126	Sept. 5, 1980.
Georgia:	
GA78–1066	Aug. 11, 1978.
Hawaii:	
HI80–5134	Oct. 3, 1980.
Iowa:	
IA80–4041	Aug. 1, 1980.
IA80–4042	Aug. 1, 1980.
IA80–4043	Aug. 8, 1980.
IA80–4044	Aug. 8, 1980.
IA80–4048	Aug. 29, 1980.
IA80–4052	Aug. 8, 1980.
Mississippi: MS80–1121	Dec. 12, 1980.
Montana:	
MT80–5141	Nov. 21, 1980.
MT80–5142	Nov. 21, 1980.
MT80–5143	Nov. 21, 1980.
New Hampshire: NH81–3009	Jan. 23, 1981.
Oklahoma: OK80–4066	July 25, 1980.
Rhode Island: RI80–2054	July 18, 1980.
South Carolina: SC80–1113	Oct. 17, 1980.
Texas:	
TX80–4076	Oct. 10, 1980.
TX80–4085	Nov. 7, 1980.
TX80–4086	Nov. 7, 1980.
TX81–4001	Jan. 6, 1981.
Utah: UT80–5148	Dec. 12, 1980.
Wisconsin: WI80–2038	May 16, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arizona: AZ80–5116 (AZ81–5101)	June 13, 1980.
Mississippi:	
MS80–1079 (MS81–1172)	June 27, 1980.
MS80–1079 (MS81–1173)	June 27, 1980.
MS80–1079 (MS81–1174)	June 27, 1980.
MS80–1079 (MS81–1175)	June 27, 1980.
MS80–1079 (MS81–1176)	June 27, 1980.
MS80–1079 (MS81–1177)	June 27, 1980.
MS80–1079 (MS81–1178)	June 27, 1980.
MS80–1079 (MS81–1179)	June 27, 1980.
Pennsylvania: PA79–3000 (PA80–3072)	Jan. 25, 1979.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 23rd day of January 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

NEW DECISION

STATE: NEW HAMPSHIRE COUNTY: MERRIMACK
DECISION NUMBER: NH81-3013 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS

MERRIMACK COUNTY BUILDING CONSTRUCITON	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS	10.19	1.01	.89		.01
CARPENTERS	10.13	.65	.85		.03
CEMENT MASONS	10.19	1.01	.89		.01
ELECTRICIANS:					
General constracts $400,000 & over	13.07	.80	3%+.50		.02
General contracts less than $400,000	8.05	.80	3%+.50		.02
ELEVATOR CONSTRUCTORS:					
Constructors	13.88	1.195	.95	a+b	.035
Helpers	9.72	1.195	.95	a+b	.035
GLAZIERS	9.47	.77	.69		.03
IRONWORKERS:					
Structural, Ornamental, and Reinforcing	12.45	1.15	1.55		.02
LABORERS	8.07	.75	1.10		.10
PAINTERS	6.85				
PLUMBERS & PIPEFITTERS	12.55	.88	.75		.02
ROOFERS	7.23				
SHEET METAL WORKERS	10.92	.85	.85		.02
TRUCK DRIVERS:					
2 axle	6.41	.80	.50	c	

DECISION NO. NH81-3013

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	11.10	.95	.75	a	.05
CLASS 2	10.85	.95	.75	a	.05
CLASS 3	10.65	.95	.75	a	.05
CLASS 4	9.83	.95	.75	a	.05
CLASS 5	9.81	.95	.75	a	.05
CLASS 6	8.99	.95	.75	a	.05
CLASS 7	9.19	.95	.75	a	.05
CLASS 8	12.10	.95	.75	a	.05
CLASS 9	11.60	.95	.75	a	.05

CLASS 1 - Shovel, Crane, Dragline, Derrick, Backhoe, Elevator with Chicago Boom, Gradall, Elevating Grader, Front End Loader 6 yds. and over, Cherry Picker, Pile Driving Rigs, Concrete Road Pavers, all three Drum Hoisting and Trenching Machines
CLASS 2 - Rotary Drill with Mounted Compressor, Compressor House (3-6 compressors), Rock and Earth Boring Machines excluding McCarthy and similar Drills, Graders, 4 yds. and over Front End Loader, Two Drum Hoists, High Fork Lifts with Capacity of 15' & over, Scrapers, Sonic Hammer, Vibratary Hammer
CLASS 3 - Bulldozers, Push Cats, Scrapers (tractor drawn), Asphalt Paver, Front End Loader 3/4 yds. to 4 yds., Well Driller, Mechanics, Pumpcrete Machines, Concrete Pumps and Similar Type Pumps, Engineer or Fireman on High Pressure Boiler (on job), Self Loading Batch Plant, Well Point Operators including installing, Engineer-in-charge of Power Grease Truck, all Automatic Elevators permanent or Temporary operated manually or by remote controls
CLASS 4 - Single Drum Hoist, Self powered Roller, Self Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, Front End Loaders under 3/4 yds., McCarthy and similar Drills, Batch Plant not Self Loading, Bulk Cement Plants Self-Propelled Material Spreaders, A-Frame Trucks, Fork Lifts up to 15'
CLASS 5 - Compressor 315 Cubic ft. and over, (one or two), Pumps (4 inches & over total discharge) when total discharge is over 12 inches, Classification 3 will be paid, Tractor (without blade or Bucket) Drawing Roller Compactors or other Machines
CLASS 6 - Compressors (up to 315 cubic feet) Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines (when 3 or more heaters or Welding Machines are used on one Job, classification 4 rate will be paid), Conveyor Oiler including Helpers on Grease Trucks and Grease Trucks with Hand Greasing Equipment
CLASS 7 - Oilers on Truck Cranes and Gradalls
CLASS 8 - Cranes with boom lengths of 200 feet or more
CLASS 9 - Crane with boom length of 150 feet or more

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; e-Thanksgiving Day; F-Christmas Day

FOOTNOTE: A. Holidays: A through F, Veterans Day, Washington's Birthday and Columbus Day.

Decision No. NH81-3013 (Cont'd)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas

FOOTNOTES

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay credit.
b. Holidays: A through F

c. Holidays: A through F, plus Washington's Birthday, Veteran's Day, and Columbus Day (provided the employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first assigned following the holiday)

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

Modification Page 1

DECISION NO. CO80-5126 - Mod. #1
(45 FR 59095-September 5, 1980)
Statewide, Colorado

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Apprr. Tr.
Line Construction:					
Cable Splicers	$15.58	.45	3%+.50		3/4%
Journeyman Lineman;					
Cableman	14.56	.45	3%+.50		3/4%
Journeyman Lineman	14.49	.45	3%+.50		3/4%
Line Equipment Maintenance Man	12.31	.45	3%+.50		3/4%
Line Equipment Operators, Class 1: Crawler Equipment, Wire equipment pullers, Tensioners, Cranes, over 8 tons, Heavy Pole Trucks (such as diesel, twin screws), All Bucket Trucks - 75 ft. reach and over and Backhoes	12.31	.45	3%+.50		3/4%
Line Equipment Operators, Class 2: Trenchers under 4 ft. depth, Hydro Cranes, under 8 tons, Bobcats, Trucks under 3 tons, C.T.M. classification	10.90	.45	3%+.50		3/4%
Groundman	10.12	.45	3%+.40		3/4%

DECISION #GA78-1066 - Mod. #3
(43 FR 35809 - August 11, 1978)
Appling, Bacon, Candler, Dodge, Emanuel, Jeff Davis, Johnson, Laurens, Montgomery, Tattnall, Telfair, Toombs, Treutlen, & Wheeler Counties, Georgia

CHANGE:

Truck drivers	$ 3.35				
Power Equipment Operators: Tractor	3.35				

DECISION #HI80-5134 Modification # 3
(45 FR 65879 October 3, 1980)

Hawaii, Statewide	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Elevator Constructors					
Helper	$10.94	1.195	.95	a	.035
Probationary Helper	7.815				
CHANGE:					
Boilermakers	13.00	.73	1.00	.50	.03
Asbestos Workers	13.23	.85	2.90		.06
Glaziers	11.00	1.20	1.37	.97	.15
Power Equipment Operators					
Group 1	10.25	1.35	2.80	.90	.05
Group 2	10.36	1.35	2.80	.90	.05
Group 3	10.53	1.35	2.80	.90	.05
Group 4	10.80	1.35	2.80	.90	.05
Group 5	11.11	1.35	2.80	.90	.05
Group 6	11.76	1.35	2.80	.90	.05
Group 7	12.08	1.35	2.80	.90	.05
Group 8	12.19	1.35	2.80	.90	.05
Group 9	12.30	1.35	2.80	.90	.05
Group 9-A	12.53	1.35	2.80	.90	.05
Group 10	12.59	1.35	2.80	.90	.05
Group 10-A	12.74	1.35	2.80	.90	.05
Group 11	12.89	1.35	2.80	.90	.05
Group 12	13.25	1.35	2.80	.90	.05
Truck Drivers					
Group 1	10.53	1.35	2.80	.90	.05
Group 2	10.80	1.35	2.80	.90	.05
Group 3	11.11	1.35	2.80	.90	.05
Group 4	11.76	1.35	2.80	.90	.05
Group 5	12.08	1.35	2.80	.90	.05
Group 6	12.19	1.35	2.80	.90	.05

Decision #IA80-4041-Mod. # 2 (45 FR 51408 - August 1, 1980) Black Hawk Co., Iowa Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers	$14.66	.60	1.00		.20
Electricians	14.49	.45	3%		3/4%
Cable Splicers	14.92	.45	3%		3/4%
Sheet metal workers	13.89	.90	.48		.06
OMIT:					
Line Construction	All rates and classifications				
ADD:					
Elevator Constructors' probationary helpers	50%JR				
Line Construction					
Group I - lineman; all rigs setting assembled "H" fixtures and steel transmission structures	13.26	.45	7%	b	½%
Group II - blaster; special equipment operations, (hole digging machines, all tractors, transmission line pole hauling and setting equipment other than assembled "H" fixtures)	10.61	.45	7%	b	½%
Group III groundman	8.62	.45	7%	b	½%
Group IV - groundman - truck	8.75	.45	7%	b	½%
Group V - pole treating truck driver	8.49	.45	7%	b	½%
Group VI - pole treating specialist	10.21	.45	7%	b	½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA80-4042-Mod. #2 (45 FR 51409 - August 1, 1980) Cerro Gordo Co., Iowa Building Construction					
CHANGE:					
Glaziers	$12.24	.75	.55	4.35+b	.01
OMIT					
Line Construction	all rates and classifications				
ADD:					
Line Construction					
Group I - lineman; all rigs setting assembled "H" fixtures and steel transmission structures	13.26	.45	7%	a	½%
Group II - blaster; special equipment operations (hole digging machines, all tractors, transmission line pole hauling and setting equipment other than assembled "H" fixtures)	10.61	.45	7%	a	½%
Group III - groundman	8.62	.45	7%	a	½%
Group IV - groundman - truck driver	8.75	.45	7%	a	½%
Group V - pole treating truck driver	8.49	.45	7%	a	½%
Group VI - pole treating specialist	10.21	.45	7%	a	½%
b. Six Paid Holidays A-F					
Decision #IA80-4043 - Mod.#2 (45 FR 53042-August 8, 1980) Clinton Co., Iowa Building Construction					
CHANGE:					
Asbestos workers	$14.66	.60	1.10		.20
Electricians	14.84	.70	7.5%		.06
Cable splicers	15.84	.70	7.5%		.06
Ironworkers	15.245	.75	.75		.30
Soft floor layers	11.88	.65	1.00		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA80-4044 - Mod.#2 (45 FR 53044 - August 8, 1980) Des Moines Co., Iowa Building Construction					
CHANGE:					
Asbestos workers	$14.66	.60	1.10		.20
Bricklayers & stonemasons	13.43	.65	.60		.07
Carpenters:					
Carpenters	12.85	1.00	1.00		.08
Millwrights & piledrivers	13.55	1.00	1.00		.08
Electricians	14.10	.70	3%+.70		3/4%
Laborers					
Group 1	11.25	.40	.80		
Group 2	11.41	.40	.80		
Group 3	11.51	.40	.80		
Group 4	11.62	.40	.80		
Group 5	11.72	.40	.80		
Roofers	12.13				
Soft floor layers	12.85	1.00	1.00		.08
OMIT:					
Line Construction	all rates and classifications				
Truck Drivers	all rates and classifications				
ADD:					
Line Construction					
Group I - lineman; all rigs setting assembled "H" fixtures and steel transmission structures	13.26	.45	7%	a	½%
Group II - blaster; special equipment operations (hole digging machines, all tractors, transmission line pole hauling and setting equipment other than assembled "H" fixtures)	10.61	.45	7%	a	½%
Group III - groundman	8.62	.45	7%	a	½%
Group IV - groundman - truck driver	8.75	.45	7%	a	½%
Group V - pole treating truck driver	8.49	.45	7%	a	½%
Group VI - pole treating specialist	10.21	.45	7%	a	½%

Decision #IA80-4048-Mod.#2 (45 FR 57917 - August 29, 1980) Polk Co., Iowa Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Glaziers	$12.24	.75	.55	4.35+c	.005
Plumbers & Steamfitters	13.60	1.00	1.35		.15
OMIT:					
Line Construction	all rates and classifications				
Plasterers					
ADD:					
Elevator Constructors' probationary helper	50%JR				
Line Construction					
Group I - lineman; all rigs setting assembled "H" fixtures and steel transmission structures	13.26	.45	7%	b	½%
Group II - blaster; special equipment operations (hole digging machines, all tractors, transmission line pole hauling and setting equipment other than assembled "H" fixtures)	10.61	.45	7%	b	½%
Group III - groundman	8.62	.45	7%	b	½%
Group IV - groundman - truck driver	8.75	.45	7%	b	½%
Group V - pole treating truck driver	8.49	.45	7%	b	½%
Group IV - pole treating specialist	10.21	.45	7%	b	½%

Decision #IA80-4052-Mod.#1 (45 FR 53050 - August 8, 1980) Webster Co., Iowa Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$13.87	1.375	1.10		.05
Elevator Constructor	13.195	1.195	.82	a	.035
Elevator Constructors' helper	70%JR	1.195	.82	a	.035
Plumbers	13.60	1.00	1.35		.15
Sheet metal workers	13.21	1.00	1.20		.14
Lathers	10.24	.45			
OMIT:					
Laborers	all rates and classifications				
Line Construction	all rates and classifications				
ADD:					
Elevator Constructors' probationary helper	50%JR				
Laborers:					
Group 1 - common	7.55	.40			.05
Group 2 - Mortar mixer	7.75	.40			.05
Group 3 - machine, air tool operator	7.80	.40			.05
Group 4 - pipe layer	8.55	.40			.05
Line Construction					
Group I - lineman; all rigs setting assembled "H" fixtures and steel transmission structures	13.26	.45	7%	b	½%
Group II - blaster; special equipment operations (hole digging machines, all tractors, transmission line pole hauling and setting equipment other than assembled "H" fixtures	10.61	.45	7%	b	½%
Group III - groundman	8.62	.45	7%	b	½%
Group IV - groundman - truck driver	8.75	.45	7%	b	½%
Group V - pole treating truck driver	8.49	.45	7%	b	½%
Group VI - pole treating specialist	10.21	.45	7%	b	½%

DECISION #MS80-1121 - Mod. #2 (45 FR 81975 - December 12, 1980) Statewide, Mississippi	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
To Mod. #1 as published in the Federal Register on December 30, 1980, the geographical area of subject decision to be Statewide, Mississippi.					
DECISION NO. MT80-5141 Mod. #2 (45 FR 77286-Nov. 21, 1980)					
MONTANA, STATEWIDE					
CHANGE:					
POWER EQUIPMENT OPERATORS-DREDGING:					
Assistant Mate (deckhand)	$15.02	1.07	1.50		.14
Fireman, Oiler	15.12	1.07	1.50		.14
Assistant Engineer (electric, diesel, steam, or booster pump), Mates and Boatman	15.46	1.07	1.50		.14
Engineer Welder, Craneman	15.51	1.07	1.50		.14
Assistman Engineer (electric, generator operator for prinary pump, power barge or dredge)	15.56	1.07	1.50		.14
Leverman, Dipper:					
(a) 5 yards and under	16.27	1.07	1.50		.14
(b) over 5 yards	16.82	1.07	1.50		.14
TRUCK DRIVERS:					
Lowboys, Four-Wheel Trailer, Float Semi-Trailer	11.20	.82	.84		

DECISION #MT80-5142 Mod. #2
(45 FR 77295-November 21, 1980)

MONTANA, STATEWIDE

ADD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers					
Blaine, Hill, and Liberty Counties.					
Group 1	$9.80	.70	.60	.20	.05
Group 2	10.05	.70	.60	.20	.05
Group 3	10.15	.70	.60	.20	.05
Group 4	10.20	.70	.60	.20	.05
Group 5	10.30	.70	.60	.20	.05
Group 6	10.55	.70	.60	.20	.05
CHANGE:					
Bricklayers					
Area 8	12.70	.90	.55		
Area 9	12.00				.05
Roofers					
Area 3	11.32	.70	.60		
Group definitions for Laborers is listed below.					

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking or concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide post and right-of-way markers

Group 2: Dumpman (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster; Concrete Nozzleman, Placo Operator, Jackhammerman, Pavement Breaker; Vibrator (2½ inches and over); Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender, Gunite Nozzleman; Caisson Workers (free air); Tunnels and Shafts (free air); Bull Gang; Pot Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling brick and block only)

Group 5: Hod Carriers and Plaster Tenders (men carrying mortor either by hod pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (Slab Steel Forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment; Small Concrete Mixers and Concrete Saws

DECISION #MT80-5143 Mod. No. 2
(45 FR 77311-November 21, 1980)

Cascade, Deer Lodge, Hill
Gallatin, Missoula, Silver
Bow, and Valley Counites, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
LABORERS					
Hill County					
Group 1	$ 9.80	.70	.60	.20	.05
Group 2	10.05	.70	.60	.20	.05
Group 3	10.15	.70	.60	.20	.05
Group 4	10.20	.70	.60	.20	.05
Group 5	10.30	.70	.60	.20	.05
Group 6	10.55	.70	.60	.20	.05
CHANGE:					
Bricklayers; Marble Masons					
Area 3	12.70	.90	.55		
Ironworkers					
Area 2	13.21	.90	1.45		.15
Roofers					
Area 3	11.32	.70	.60		
Group definitions for Laborers is listed below.					

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking or concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide post and right-of-way markers

Group 2: Dumpman (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster; Concrete Nozzleman, Placo Operator, Jackhammerman, Pavement Breaker; Vibrator (2½ inches and over); Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender, Gunite Nozzleman; Caisson Workers (free air); Tunnels and Shafts (free air); Bull Gang; Pot Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling brick and block only)

Group 5: Hod Carriers and Plaster Tenders (men carrying mortor either by hod pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (Slab Steel Forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment; Small Concrete Mixers and Concrete Saws

DECISION NO. NH81-3009 MODIFICATION 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HILLSBOROUGH & MERRIMACK COS. NEW HAMPSHIRE					
OMIT BUILDING CONSTRUCTION FROM DESCRIPTION OF WORK IN MERRIMACK COUNTY, NEW HAMPSHIRE					
FOOTNOTE A. ON PAGE 4 SHOULD READ: EMPLOYER CONTRIBUTES 8% BASIC HOURLY RATE FOR 5 YEARS OR MORE OF SERVICE OR 6% BASIC HOURLY RATE FOR 6 MONTHS TO 5 YEARS OF SERVICE AS VACATION PAY CREDIT.					

Modification Page 12

DECISION #OK80-4066-Mod. #2
45 FR 49837-July 25, 1980
McIntosh County, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$12.70	1.275	1.00		.03
ELEVATOR CONSTRUCTORS	12.29	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95	a+b	.035
LINE CONSTRUCTION:					
Linemen	12.50		3%		½%
Cable splicers	13.25		3%		½%
Hole digger operator	11.33		3%		½%
Heavy equipment operator (or pole cat equivalent)	11.33		3%		½%
Line truck driver (winch operator)	10.27		3%		½%
Jackhammerman	9.35		3%		½%
Powderman	11.33		3%		½%
Groundman	8.34		3%		½%
Truck driver (flat bed, ton and half and under)	8.91		3%		½%
PAINTERS:					
Brush & roller	11.05		.40	.20	.10
Highwork & stage	11.65		.40	.20	.10
Sandblasting & spray	11.90		.40	.20	.10
Hot or bituminous	12.55		.40	.20	.10
Sheet rock power tools	13.45		.40	.20	.10
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
UNDER ELECTRICIANS DEFINITIONS:					
ZONE I - A 30 mile radius from Post office of City of Muskogee					

Modification Page 13

DECISION NO. RI80-2054 - Mod. #2
(45 FR 48451 - July 18, 1980)
Statewide, Rhode Island

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION:					
ASBESTOS WORKERS	13.18	1.45	1.63		
BOILERMAKERS	14.63	1.275	10%	.03	
BRICKLAYERS; Stonemasons: Cities, towns or townships of Charlestown, Hopkinton, Peace Dale, Richmond, South Kingstown, Wakefield, & Westerly	12.25	1.20	1.25		.02
Remainder of State	12.25	1.20	1.25		.02
CARPENTERS; Millwrights; Pile-drivermen; & Soft Floor Layers Cities of Providence, Pawtucket, East Providence, Central Falls, Cranston, Warwick, Woonsocket; Towns of Barrington, Burrillville, Warren, Bristol, West Warwick, East Greenwich, West Greenwhich, North Providence, Johnston, Cumberland, Lincoln, Smithfield, North Smithfield, Foster, Scituate, Gloucester, Coventry, North Kingstown, South Kingstown, Exeter, Narragansett, Westerly & Charlestown: Building	12.30	.80	1.25		.05
CEMENT MASONS; Plasterers: Woonsocket, N. Smithfield, Burrillville, Chepachet, Cumberland (N 1/3), & Lincoln Westerly, Hopkinton, South Kingstown, Charlestown, Richmond, Wakefield, & Peace Dale	12.25	1.20	1.25		.02
Remainder of State Cement Masons	12.25	1.20	1.25		.02
Plasterers	12.35	1.15	.75		
ELEVATOR CONSTRUCTORS	11.25	.90	.45		
ELEVATOR CONSTRUCTORS HELPERS	12.42	1.195	.95	a+b	.035
GLAZIERS	8.69	1.195	.95	a+b	.035
IRONWORKERS: Ornamental; Reinforcing; & Structural	11.03	.62	1.60		.01
	12.13	1.15	2.55		.05

DECISION NO. RI80-2054 - Mod #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Adamsville, Compton, Little Compton, North Tiverton, Sakonnet, & Tiverton					
Brush; Taper	13.41	.89	1.40		.01
Spray; Sandblasting	14.41	.89	1.40		.01
Steel	15.82	.89	1.40		.01
Repaint					
Brush; Taper	12.07	.89	1.40		.01
Sandblasting; Spray	13.07	.89	1.40		.01
Remainder of State					
Brush; Roller; Tapers	11.65	.70	1.05		
Structural Steel; Steamcleaning	11.90	.70	1.05		
Air Power Brush	12.15	.70	1.05		
Sand or Water Blasting; Spray	12.65	.70	1.05		
Spray (Epoxy)	13.65	.70	1.05		
SPRINKLER FITTERS	13.56	.85	1.20		.01
HEAVY & HIGHWAY CONSTRUCTION:					
BRICKLAYERS; Stonemasons; Catch Basins; Manhole Builders	11.75	1.20	1.25		.02
CARPENTERS; Piledrivermen: Bristol, Kent, Providence, & Washington (excluding Block Island) Cos.	12.31	.80	1.25		.05
CEMENT MASONS & FINISHERS	9.60	.50	.35		
IRONWORKERS: Ornamental; Reinforcing; & Structural	12.13	1.15	2.55		.05
LABORERS: Laborers, Carpenters & Cement Finisher Tenders & Wrecking Adzeman, Asphalt Rakers, Barco-type Jumping Tampers, Chain Saw Ops., Concrete & Power Buggy Ops., Concrete Saw Ops., Demolition Burners, Fence & Guard Rail Erectors, Highway Stone Spreaders, Mason Tenders, Mechanical Grinder Ops., Mortar Mixers, Pipelayers, Pipe-Trench Bracers, Pneumatic Tool Ops., Riprap & Dry Stonewall Builders	9.55	.75	1.10	c	.10

DECISION NO. RI80-2054 - Mod #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, Cont'd: Scaffold Erectors, Setters of Metal Forms for Roadways, Wagon Drill Ops., Wood Chipper Ops.	9.80	.75	1.10	c	.10
Air track Drill Ops., Brick Pavers, Block Pavers, Rammers, Curb Setters	10.30	.75	1.10		.10
Blasters & Powdermen	10.55	.75	1.10		.10
LINE CONSTRUCTION:					
Linemen	13.50	.70	3%+.50	a	3/8%
Equipment Operators	12.06	.70	3%+.50	a	3/8%
Driver Groundman	9.64	.70	3%+.50	a	3/8%
Groundman	8.82	.70	3%+.50	a	3/8%
PAINTERS:					
Adamsville, Compton, Little Compton, North Tiverton, Sakonnet, & Tiverton					
Brush; Taper	13.41	.89	1.40		.01
Spray; Sandblasting	14.41	.89	1.40		.01
Steel	15.82	.89	1.40		.01
Repaint					
Brush; Taper	12.07	.89	1.40		.01
Sandblasting; Spray	13.07	.89	1.40		.01
Remainder of State					
Brush, Roller, Tapers	11.65	.70	1.05		
Structural Steel, Steamcleaning	11.90	.70	1.05		
Air Power Brush	12.15	.70	1.05		
Sand or Water Blasting, Spray	12.65	.70	1.05		
Spray (Epoxy)	13.65	.70	1.05		
DECISION #SC80-1113 - Mod. #1 (45 FR 69150 - October 17, 1980) Clarendon, Darlington, Dillon, Florence, Lee, Marion, Marlboro, Sumter, & Williamsburg Counties, South Carolina					
CHANGE:					
Laborers - unskilled	$ 3.35				

Modification Page 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4076 - MOD. #4 (45 FR 67535 - October 10, 1980) Wichita County, Texas					
CHANGE:					
Carpenters: Carpenters	$12.25	.48	.60		.10
Millwrights	12.75	.48	.60		.10
DECISION NO. TX80-4085 - MOD. #4 (45 FR 74365 - November 7, 1980) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
CHANGE:					
Carpenters:					
Zone 2 - Carpenters	12.25	.48	.60		.10
Millwrights	12.75	.48	.60		.10
DECISION NO. TX80-4086 - MOD. #4 (45 FR 74368 - November 7, 1980) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Cement masons:					
Zone 1	12.40	.40	.80		

Modification Page 17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4001 - MOD. #1 (46 FR 1535 - January 6, 1981) Statewide Texas					
OMIT:					
Zone 9:					
Sign Erector Helper	$ 3.35				
Power Equipment Ops.:					
Tractor (Crawler Type) 150 HP & Less)	3.35				
Welder Helper	3.60				

DECISION NO. UT80-5148 - Mod. #2
(45 FR 81991-December 12, 1980)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$14.31	$1.275	$1.25	$1.00	.04
Painters:					
Area 2:					
Brush; Roller	12.00	.61	.50		.02
Brush (swing stage); Brush (steel and bridge); Spray, Sandblaster, Steeplejack	12.30	.61	.58		.02
Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	12.55	.61	.50		.02
Wallcovering Hanger	12.25	.61	.50		.02
Power Equipment Operators:					
Building Construction:					

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$ 9.96	$11.96	$1.33	$1.735	.87	.08
Group 2	10.35	12.35	1.33	1.735	.87	.08
Group 3	10.55	12.55	1.33	1.735	.87	.08
Group 4	10.66	12.66	1.33	1.735	.87	.08
Group 5	11.17	13.17	1.33	1.735	.87	.08
Group 6	11.34	13.34	1.33	1.735	.87	.08
Group 7	11.46	13.46	1.33	1.735	.87	.08
Group 8	11.79	13.79	1.33	1.735	.87	.08
Group 9	11.86	13.86	1.33	1.735	.87	.08
Group 10	12.02	14.02	1.33	1.735	.87	.08
Group 11	12.20	14.20	1.33	1.735	.87	.08
Group 12	12.69	14.69	1.33	1.735	.87	.08
Group 13	13.65	15.65	1.33	1.735	.87	.08
Group 14	14.14	16.14	1.33	1.735	.87	.08
Group 15	14.42	16.42	1.33	1.735	.87	.08

DECISION No. WI80-2038-Mod. #1.
(45FR-32546-May 16, 1980.)
Brown, Door, Kewaunee and Ocont Counties, Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Worker	$13.51	1.05	.50	1.00	.10
Boilermakers	13.87	1.375	1.10		.05
Bricklayer, Marble Setter, Terrazzo Worker & Tile Setter	11.35	.85	.85		.05
Carpenters	11.67	.60	.80		.05
Cement Mason	10.85	.85	.85		.05
Electricians	13.45	.75	3%+.30		½%
Ironworker	12.06	1.30	2.50	1.21	.19
Millwrights & Pildriverman	12.07	.60	.80		.05
Painters					
Brush	12.05	.80			
Structural Steel, Spray & Swing stage	12.43	.80			
Plasterers	11.35	.85	.85		.05
Plumbers	13.83	.85	1.27		.12
Roofers	12.50			.50	
Sheetmetal Worker	12.31	.90	.72	1.98	.04

SUPERSEDEAS DECISION

STATE: Arizona COUNTIES: Statewide
DECISION NUMBER: AZ81-5101 DATE: Date of Publication
Supersedes Decision No. AZ80-5116 dated June 13, 1980, in 45 FR 40424
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Zone 1	$15.44	.75	$ 1.45		.03
Zone 2	16.24	.75	1.45		.03
Zone 3	16.44	.75	1.45		.03
Zone 4	16.89	.75	1.45		.03
Zone 5	19.19	.75	1.45		.03
BOILERMAKERS	16.31	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Northern Area:*					
Zone A	14.00	.90	1.10		.18
Zone B	15.12	.90	1.10		.18
Zone C	15.82	.90	1.10		.18
Zone D	16.52	.90	1.10		.18
Zone E	17.08	.90	1.10		.18
Zone F	18.20	.90	1.10		.18
Southern Area:*					
Zone A:					
Bricklayers; Stonemasons	12.80	1.00	.95		.06
Manhole Builders	13.05	1.00	.95		.06
Zone B:					
Bricklayers; Stonemasons	13.17	1.00	.95		.06
Manhole Builders	13.42	1.00	.95		.06
Zone C:					
Bricklayers; Stonemasons	13.55	1.00	.95		.06
Manhole Builders	13.80	1.00	.95		.06
Zone D:					
Bricklayers; Stonemasons	14.30	1.00	.95		.06
Manhole Builders	14.55	1.00	.95		.06

*See AREA and ZONE Definitions - following Page

AREA and ZONE DEFINITIONS

ASBESTOS WORKERS:
Zone 1: Area lying within 15 miles radius from the City Hall in Phoenix or Tucson
Zone 2: Area lying beyond the limits of Zone 1 and within 30 miles radius from the City Hall in Phoenix or Tucson
Zone 3: Area lying beyond the limits of Zone 2 and within 40 miles radius from the City Hall in Phoenix or Tucson
Zone 4: Area lying beyond the limits of Zone 3 and within 50 miles radius from the City Hall in Phoenix or Tucson
Zone 5: Area lying beyond the limits of Zone 4

BRICKLAYERS; STONEMASONS:
Northern Area: Apache, Coconino and Gila Counties; Graham County (west and north of the San Francisco River to the Gila River); Greenlee County (west and north of the San Francisco River to the Gila River); Maricopa, Mohave, and Navajo Counties; Pinal County (north of a boundary line drawn west along the Gila River to the western city limits of Florence, a straight line from the extreme southwestern city limits of Florence to the extreme southern city limits of Coolidge, then a straight line to the extreme southern city limits of Casa Granda, with the line extending to the Maricopa/Pinal County Line); Yavapai, and Yuma Counties:

ZONE A: 0-35 road miles from the City Hall in Phoenix
ZONE B: 35-50 road miles from the City Hall in Phoenix
ZONE C: 50-75 road miles from the City Hall in Phoenix
ZONE D: 75-100 road miles from the City Hall in Phoenix
ZONE E: 100-200 road miles from the City Hall in Phoenix
ZONE F: 200 road miles and over from the City Hall in Phoenix

Southern Area: Cochise County; Graham County (east and south of the San Francisco River to the Gila River); Greenlee County (east and south of the San Francisco River to the Gila River); Pima County; Pinal County (south of a boundary line drawn west along the Gila River to the western city limits of Florence, a straight line from the extreme southwestern city limits of Florence to the extreme southern city limits of Coolidge, then a striaght line to the extreme southern city limits of Casa Grande, with the line extending to the Maricopa/Pinal County Line); Santa Cruz Counties:

Zone A: 0-15 road miles from Tucson City limits
Zone B: 15-30 road miles from Tucson City limits
Zone C: 30-40 road miles from Tucson City limits
Zone D: Over 40 road miles from Tucson City limits

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:*					
Northern Area:					
Carpenters; Drywall Applicator; Saw Filer; Shingler	$14.36	$1.195	1.115		.08
Floorlayers (finish); Piledrivermen	14.685	1.195	1.115		.08
Millwrights	14.835	1.195	1.115		.08
Central and Southern Areas:					
Carpenters; Saw Filers	12.235	1.195	1.115		.08
Floorlayers (finish); Piledrivermen	12.56	1.195	1.115		.08
Millwrights	12.71	1.195	1.115		.08
CEMENT MASONS:*					
Zone 1:					
Northern Area:					
Cement Masons	14.025	.95	1.30		.05
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	14.205	.95	1.30		.05
Central & Southern Areas:					
Cement Masons	12.15	.95	1.30		.05
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	12.33	.95	1.30		.05
Zone 2:					
Cement Masons	12.18	1.02	1.20		.05
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine; Clary and similar type of power screed Operator	12.36	1.02	1.20		.05
DRYWALL TAPERS:*					
Zone A	12.71	.59	.50		.07
Zone B	13.71	.59	.50		.07
Zone C	15.21	.59	.50		.07

*See AREA and ZONE Definitions - following Page

AREA and ZONE DEFINITIONS

CARPENTERS:

Northern Area: Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line

Central and Southern Areas: All areas not included in the Northern Area

CEMENT MASONS:

Zone 1: Apache, Coconino, and Gila Counties; Graham County (north of Sentinel-Casa Grande-Safford Line); Greenlee County (north of Sentinel-Casa Grande-Safford Line); Maricopa County (north of Sentinel-Casa Grande-Safford Line); Mohave, and Navajo Counties; Pinal County (north of Sentinel-Casa Grande-Safford Line); Yavapai and Yuma Counties

Northern Area: Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line.

Central and Southern Areas: All Areas not included in the Northern ARea.

Zone 2: Southern parts of Cochise, Graham, Greenlee, Maricopa, and Pinal Counties; Pima and Santa Cruz Counties

DRYWALL TAPERS:

Zone A: 0-40 road miles from Courthouse in Phoenix; Also Luke and William Air Force Bases

Zone B: 41-60 road miles from Courthouse in Phoenix

Zone C: 61 road miles and over from Courthouse in Phoenix

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:*					
Area 1:					
Electricians	$16.81	.60	3%+.70		3/4%
Cable Splicers	18.16	.60	3%+.70		3/4%
Area 2:					
Electricians; Technicians; and Cable Splicers:					
Zone A	15.00	.96	3%+.93		1/2%
Zone B	18.12	.96	3%+.93		1/2%
Area 3:					
Zone A:					
Electricians; Technicians	17.24	.60	11%		1%
Cable Splicers	17.49	.60	11%		1%
Zone B:					
Electricians; Technicians	18.74	.60	11%		1%
Cable Splicers	18.99	.60	11%		1%
Zone C:					
Electricians; Technicians	19.24	.60	11%		1%
Cable Splicers	19.49	.60	11%		1%
Zone D:					
Electricians; Technicians	20.24	.60	11%		1%
Cable Splicers	20.49	.60	11%		1%
Area 4:					
Electricians	16.35	.96	3%+.93		.10
Area 5:					
Zone A:					
Electricians	16.44	.60	11%		1%
Cable Splicers	16.69	.60	11%		1%
Zone B:					
Electricisns	17.24	.60	11%		1/2%
Cable Splicers	17.49	.60	11%		1/2%
Zone C:					
Electricians	17.94	.60	11%		1/2%
Cable Splicers	18.19	.60	11%		1/2%
Zone D:					
Electricians	18.94	.60	11%		1/2%
Cable Splicers	19.19	.60	11%		1/2%

*See AREA and ZONE Definitions - following Page

AREA and ZONE DEFINITIONS

ELECTRICIANS:

Area 1: Apache County (north of Highway #66)

Area 2: Coconino County; Navajo County (north and west of a boundary line beginning at a point where Clear Creek crosses the Coconino/Navajo County Line and then extending in a northeasterly direction along Clear Creek and northeasterly to Cottonwood Wash, along Cottonwood Wash extending northeasterly to where it intersects the Navajo Indian Reservation, then easterly along the Navajo Indian Reservation boundary line to a point where it intersects the Navajo/Apache County Line):

Zone A: 5 miles north-south, east and west of the Post Offices of Williams, Sedona, and Winslow
Zone B: Remainder of Area 2 not covered by Zone A

Area 3: Apache County (south of Highway #66); Gila County; Navajo County (south and east of a boundary beginning at a point where Clear Creek crosses the Coconino/Navajo County Line, then extending in a northeasterly direction along Clear Creek and northeasterly to Cottonwood Wash, along Cottonwood Wash extending northeasterly to where it intersects the Navajo Indian Reservation, then easterly along the Navajo Indian Reservation boundary line to a point where it intersects the Navajo/Apache County Line); Pinal County (north of the line, "First Standard Parallel South" and east of the line "Second Guide Meridian East"):

Zone A: Area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing; Area within 12 miles radius from the school in Lakeside, Arizona
Zone B: Area within 16-28 road miles from point where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing
Zone C: Area within 28-46 road miles from point where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing
Zone D: Area 46 road miles and over from point where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing; Area over 12 miles radius from school in Lakeside, Arizona

AREA and ZONE DEFINITIONS (Cont'd)

ELECTRICIANS: (Cont'd)

Area 4: Maricopa and Mohave Counties; Pinal County (north and west of the boundary line beginning at a point where the Papago Indian Reservation Road #15 crosses the Pima/Pinal County Line, then extending in a northeasterly direction on the Papago Indian Reservation Road #15 to the intersection with the Florence Canal, north and east on the Florence Canal to the intersection with the line, "Second Guide Meridian East", then north to the Pinal/Maricopa County Line); Yavapai County

Area 5: Cochise, Graham, Greenlee, and Pima Counties, Pinal County (south and east of the boundary line beginning at a point where the Papago Indian Reservation Road #15 crosses the Pima/Pinal County Line, then extending in a northeasterly direction on the Papago Indian Reservation Road #15 to the intersection with the Florence Canal, north and east on the Florence Canal to the intersection with the line, "Second Guide Meridian East", then north to the line, "First Standard Parallel South", and along that line to the Graham/Pinal County Line); Santa Cruz and Yuma Counties:

Zone A: Area within 16 miles radius from the City Hall in Tucson or Yuma; Area within 16 road miles from center of Town in Douglas, Nogales or Sierra Vista; Area within the boundaries of the incorporated city limits of Parker, plus an area extending from the south city limits of Parker in a northeasterly direction to Mile-post No. 150 located on State Highway #95, northeast of Parker from the Colorado River on the west, an area 1 mile wide paralleling the Colorado River

Zone B: Area lying beyond the limits of Zone A extending to and including 12 road miles excluding area near Douglas, Nogales and Sierra Vista

Zone C: Area lying beyond the limits of Zone B extending up to and including 18 road miles, excluding area near Douglas, Nogales and Sierra Vista

Zone D: Area lying beyond the limits of Zone C; for area near the Cities of Douglas, Nogales, Sierra Vista, the area lying beyond the limits of Zone A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	$14.88	$1.045	.82	a	.035
Helpers	10.42	1.045	.82	a	.035
Probationary Helpers	7.44				
GLAZIERS:					
Statewide excluding Bullhead City	12.17	.90	.30		.01
Bullhead City	17.02	.75	.40		.08
IRONWORKERS:*					
Northern Area	17.10	1.39	2.57		.11
Southern Area	14.35	1.39	2.57		.11
LATHERS:*					
Area 1	13.455	1.00			.06
Area 2:					
Zone A	13.78	1.00			.06
Zone B	14.28	1.00			.06
Zone C	14.53	1.00			.06
Zone D	15.28	1.00			.06
LINE CONSTRUCTION:*					
Zone 1:					
Groundmen	12.20	1.00	3%+2.00		1/2%
Equipment Operators; Powdermen; Mechanics	14.41	1.00	3%+2.00		1/2%
Linemen; Technicians; Crane Operators	16.24	1.00	3%+2.00		1/2%
Cable Splicers	16.71	1.00	3%+2.00		1/2%
Zone 1-A:					
Groundmen	13.20	1.00	3%+2.00		1/2%
Equipment Operators; Powdermen; Mechanics	15.32	1.00	3%+2.00		1/2%
Linemen; Technicians; Crane Operators	17.22	1.00	3%+2.00		1/2%
Cable Splicers	17.79	1.00	3%+2.00		1/2%
Zone 2:					
Groundmen	14.14	1.00	3%+2.00		1/2%
Equipment Operators; Powdermen; Mechanics	16.27	1.00	3%+2.00		1/2%
Linemen; Technicians Crane Operators	18.16	1.00	3%+2.00		1/2%
Cable Splicers	18.68	1.00	3%+2.00		1/2%

*See AREA and ZONE Definitions - following Page

AREA and ZONE DEFINITIONS

IRONWORKERS:
Northern Area: Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff, and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line

Southern Area: All areas not included in the Northern Area

LATHERS:
Area 1: North of a line crossing the State drawn through Ajo, Randolph and Springerville; except as follows: northeast of a line drawn from Springerville to a point 4 miles northeast of Keams Canyon

Area 2: South of a line crossing the State drawn through Ajo, Randolph and Springerville:

Area A: Area within 30 mile radius of the City Hall in Tucson
Area B: Area within 30-40 mile radius of the City Hall in Tucson
Area C: Area within 40-50 mile radius of the City Hall in Tucson
Area D: Area outside of Zone C

LINE CONSTRUCTION:
Zone 1: Phoenix and Tucson 30 mile radius from center of Town

Zone 1-A: Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from the center of Town

zone 2: Other Areas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE WORKERS:*					
Area 1	$12.56	.90	$ 1.10		.19
MASON TENDERS	10.44	1.02	1.20		.06
PAINTERS:*					
Area 1:					
Zone A:					
Brush; Soft Floor Layers	11.60	.90	.80		.20
Brush, steel and bridge	12.10	.90	.80		.20
Spray	12.05	.90	.80		.20
Spray, steel and bridge	12.60	.90	.80		.20
Zone B:					
Brush; Soft Floor Layers	12.35	.90	.80		.20
Brush, steel and bridge	12.85	.90	.80		.20
Spray	12.80	.90	.80		.20
Spray, steel and bridge	13.35	.90	.80		.20
Zone C:					
Brush; Soft Floor Layers	13.35	.90	.80		.20
Brush, steel and bridge	13.85	.90	.80		.20
Spray	13.80	.90	.80		.20
Spray, steel and bridge	14.35	.90	.80		.20
Zone D:					
Brush; Soft Floor Layers	13.60	.90	.80		.20
Brush, steel and bridge	14.10	.90	.80		.20
Spray	14.05	.90	.80		.20
Spray, steel and bridge	14.60	.90	.80		.20
Area 2:					
Zone A:					
Brush and Roller; Sandblaster (Nozzleman); Sandblaster (Pot Tender)	12.33	.60	.50		.10
Spray	12.58	.60	.50		.10
Creosote Applier	12.66	.60	.50		.10
Swing Stage:					
Brush; Sandblaster	12.73	.60	.50		.10
Spray	12.98	.60	.50		.10
Steeplejack	13.19	.60	.50		.10

*See AREA and ZONE Definitions - Page 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 2: (Cont'd)					
Zone A: (Cont'd)					
Steel and bridge, brush; steel Sandblaster	$13.26	.60	.50		.10
Steel and bridge, spray	13.46	.60	.50		.10
Zone B:					
Brush and Roller; Sandblaster (Nozzleman); Sandblaster (Pot Tender)	13.33	.60	.50		.10
Spray	13.58	.60	.50		.10
Creosote Applier	13.66	.60	.50		.10
Swing Stage:					
Brush; Sandblaster	13.73	.60	.50		.10
Spray	13.98	.60	.50		.10
Steeplejack	14.19	.60	.50		.10
Steel and bridge, Brush; Steel Sandblaster	14.26	.60	.50		.10
Steel and bridge, Spray	14.46	.60	.50		.10
Zone C:					
Brush and Roller; Sandblaster (Nozzleman); Sandblaster (Pot Tender)	14.83	.60	.50		.10
Spray	15.08	.60	.50		.10
Creosote Applier	15.16	.60	.50		.10
Swing Stage:					
Brush; Sandblaster	15.23	.60	.50		.10
Spray	15.48	.60	.50		.10
Steeplejack	15.69	.60	.50		.10
Steel and bridge, Brush; Steel Sandblaster	15.76	.60	.50		.10
Steel and bridge, Spray	15.96	.60	.50		.10
Area 3:					
Zone A:					
Brush	10.49	.87	.50		.08
Spray; Sandblasters	10.99	.87	.50		.08

*See AREA and ZONE Definitions - Page 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3: (cont'd)					
Zone A: (cont'd)					
Swing Stage, under 40 ft.:					
Brush	$10.79	.87	.50		.08
Spray	11.29	.87	.50		.08
Swing Stage, over 40 ft.:					
Brush	11.24	.87	.50		.08
Spray	11.74	.87	.50		.08
Structural Steel and Tanks:					
Brush	11.49	.87	.50		.08
Spray and Sandblasters	11.99	.87	.50		.08
Zone B:					
Brush	11.24	.87	.50		.08
Spray and Sandblasters	11.74	.87	.50		.08
Paperhangers	11.37	.87	.50		.08
Swing Stage, under 40 ft.:					
Brush	11.54	.87	.50		.08
Spray	12.04	.87	.50		.08
Swing Stage, over 40 ft.:					
Brush	11.99	.87	.50		.08
Spray	12.49	.87	.50		.08
Structural Steel and Tanks:					
Brush	12.24	.87	.50		.08
Spray and Sandblasters	12.74	.87	.50		.08
Zone C:					
Brush	11.99	.87	.50		.08
Spray	12.49	.87	.50		.08
Paperhangers	12.12	.87	.50		.08
Swing Stage, under 40 ft.:					
Brush	12.29	.87	.50		.08
Spray	12.79	.87	.50		.08
Swing Stage, over 40 ft.:					
Brush	12.74	.87	.50		.08
Spray	13.24	.87	.50		.08

*See AREA and ZONE Definitions - Page 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3: (Cont'd)					
Zone C: (Cont'd)					
Structural Steel and Tanks:					
Brush	$12.99	.87	.50		.08
Spray and Sandblasters	13.49	.87	.50		.08
Zone D:					
Brush	12.49	.87	.50		.08
Spray	12.99	.87	.50		.08
Paperhangers	12.62	.87	.50		.08
Swing Stage, under 40 ft.:					
Brush	12.79	.87	.50		.08
Spray	13.29	.87	.50		.08
Swing Stage, over 40 ft.:					
Brush	13.24	.87	.50		.08
Spray	13.74	.87	.50		.08
Structrual Steel and Tanks:					
Brush	13.49	.87	.50		.08
Spray and Sandblasters	13.99	.87	.50		.08

*See AREA and ZONE Definitions - Page 14

AREA and ZONE DEFINITIONS

MARBLE WORKERS:

Area 1: Apache, Coconino, and Gila Counties; Graham County (west and north of San Francisco River to Gila River); Greenlee County (west and north of San Francisco River to Gila River); Maricopa, Mohave, and Navajo Counties; Pinal County (north of a boundary line drawn west along the Gila River to the western city limits of Florence, a straight line from the extreme southwestern city limits of Florence to the extreme southern city limits of Coolidge, then a straight line to the extreme southern city limits of Casa Grande with the line extending to the Maricopa/Pinal County Line); Yavapai and Yuma Counties

PAINTERS:

Area 1: Apache, Coconino, Navajo, and Yavapai Counties (north of woodruff/Camp Wood Line); Mohave County (north of a line following the Geodetic Hualapai Boundary Line to the Colorado River, a distance of 23 miles east of Pierce Ferry and then intersecting the Arizona/Nevada State Line):

Zone A: 0-20 road miles from Courthouse in Flagstsff
Zone B: 20-35 road miles from Courthouse in Flagstaff
Zone C: 35-80 road miles from Courthouse in Flagstaff
Zone D: 80 road miles and over from Courthouse in Flagstaff

Area 2: Apache, Coconino, Navajo, and Yavapai Counties (south of the Woodruff/Camp Wood Line); Gila, Graham, Greenlee, Maricopa, and Pinal Counties (north of 33rd Parallel); Mohave County (south of a line following the Geodetic Hualapai Boundary Line to the Colorado River, a distance of 23 miles east of Pierce Perry and then intersecting the Arizona/Nevada State Line):

Zone A: 0-40 paved road miles from Courthouse in Phoenix; also, Luke and Williams Air Force Bases
Zone B: 41-60 paved road miles from Courthouse in Phoenix
Zone C: 61 paved road miles and over from Courthouse in Phoenix

Area 3: Cochise County; Graham, Greenlee, Maricopa and Pinal Counties (south of 33rd Parallel); Pima, Santa Cruz, and Yuma Counties:

Zone A: 0-30 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
Zone B: 31-40 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
Zone C: 41-50 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
Zone D: 51 paved road miles and over from Stone and Congress in Tucson or from the County Courthouse in Yuma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:*					
Area 1:					
Zone A	$11.77	.95	$1.30		.06
Zone B	12.52	.95	1.30		.06
Zone C	13.645	.95	1.30		.06
Area 2:					
Zone A	12.67	1.02	1.20		
Zone B	13.92	1.02	1.20		
Zone C	14.67	1.02	1.20		
PLASTERER TENDERS	10.96	1.12	1.30		.10
PLUMBERS:*					
Zone 1	15.49	.75	1.35		.13
Zone 2	15.89	.75	1.35		.13
Zone 3	16.34	.75	1.35		.13
Zone 4	17.84	.75	1.35		.13
ROOFERS:*					
Area 1	12.41	1.095	.70		.05
Area 2:					
Zone A:					
Roofers and Waterproofers; Shinglers (asbestos, wood and asphalt)	11.67	1.095	.35		.03
Pitch and Enamel	13.67	1.095	.35		.03
Zone B:					
Roofers and Waterproofers; Shingler (asbestos, wood and asphalt)	14.17	1.095	.35		.03
Pitch and Enamel	16.17	1.095	.35		.03
SHEET METAL WORKERS:*					
Area 1:					
Zone 1	15.68	1.05	1.68		.13
Zone 2	16.93	1.05	1.68		.13
Zone 3	19.68	1.05	1.68		.13
Area 2:					
Zone A	14.45	1.20	1.92		.07
Zone B	15.76	1.20	1.92		.07
Zone C	18.43	1.20	1.92		.07
SOFT FLOOR LAYERS	11.70	.69	.12		.12
SPRINKLER FITTERS	15.54	.85	1.20		.08
TERRAZZO WORKERS; TILE SETTERS:*					
Area 1	12.56	.90	1.10		.19

*See AREA and ZONE Definitions following Pages

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through G

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving; G-Christmas Day

AREA and ZONE DEFINITIONS

PLASTERERS:
Area 1: Apache, Coconino, and Gila Counties; Graham, Greenlee, Maricopa, and Pinal Counties (north of Sentinal - Casa Grande - Safford Line); Mohave, Navajo, Yavapai, and Yuma Counties:
Zone A: 0-35 miles from Phoenix
Zone B: 35-60 miles from Phoenix
Zone C: 60 miles and over from Phoenix

Area 2: Cochise County; Graham, Greenlee, Mariocpa, and Pinal Counties (south of Sentinel - Casa Grande - Safford Line); Santa Cruz County:
Zone A: 0-30 miles radius from Tucson
Zone B: 30-50 miles radius from Tucson
Zone C: 50 miles radius and over from Tucson

PLUMBERS:
Zone 1: Area within 15 road miles from either the intersection of Central Avenue and Jefferson Street in Phoenix or the Old Main Building of the University of Arizona in Tucson or the Main Post Office Building in either Douglas, Flagstaff or Yuma; Also, all areas within the City limits of Havasu City, Holbrook, Kingman, Prescott, and Winslow; Also, that area bordered by the Apache Trail on the north, Higley Road on the east, Elliott Road on the south and Arizona Avenue on the west

Zone 2: Over 15 and up to 30 road miles from either the intersection of Central Avenue and Jefferson Street in Phoenix or the Old Main Building of the University of Arizona in Tucson

PLUMBERS: (Cont'd)
Zone 3: Over 30 and up to 40 road miles from either the intersection of Central Avenue and Jefferson Street in Phoenix or the Old Main Building of the University of Arizona in Tucson

Zone 4: Over 40 road miles from either the intersection of Central Avenue and Jefferson Street in Phoenix or the Old Main Building of the University of Arizona in Tucson

ROOFERS:
Area 1: Apache, Coconino, Gila, Maricopa, Mohave, Navajo, Pinal, Yavapai, and Yuma Counties

Area 2: Cochise, Graham, Greenlee, Pima and Santa Cruz Counties:
Zone A: Area less than 44 road miles from City Hall in Tucson
Zone B: Area from 44 to 100 road miles from City Hall in Tucson

SHEET METAL WORKERS:
Area 1: Apache, Coconino, and Gila Counties; Graham, Greenlee, and Pinal Counties (north of 33rd Parallel); Maricopa, Mohave, Navajo, Yavapai, and Yuma Counties:
Zone 1: 0-25 miles radius, excluding Luke and Williams Air Force Bases, from the following base points: the intersection of 56th Street and Indian School Road in Phoenix, and the City Hall in Flagstaff, Kingman, Prescott and Yuma
Zone 2: 25-50 miles radius from the base points listed in Zone 1; also Luke and Williams Air Force Bases
Zone 3: 50 miles radius and over from the base points listed in Zone 1

Area 2: Cochise, Graham, Greenlee, and Pinal Counties (south of 33rd Parallel); Pima and Santa Cruz Counties:
Zone A: 0-25 miles radius from Tucson City Hall or Douglas City Hall
Zone B: 25-50 miles radius from Tucson City Hall or Douglas City Hall
Zone C: Over 50 miles radius from Tucson City Hall or Douglas City Hall; also San Manuel and vicinity

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Apache, Coconino, and Gila Counties; Graham and Greenlee Counties (west and north of San Francisco River to Gila River); Maricopa, Mohave, and Navajo Counties; Pinal County (north of a boundary line drawn west along the Gila River to the western City limits of Florence, a straight line from the extreme southwestern City limits of Florence to the extreme southern city limits of Coolidge, then a straight line to the extreme southern city limits of Casa Grande, with the line extending to the Maricopa/Pinal County Line); Yavapai and Yuma Counties

LABORERS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	N AREA	C and S AREAS				
Group 1	$11.64	$9.64	$1.02	$1.20		.10
Group 2	11.79	9.79	1.02	1.20		.10
Group 3	11.95	9.95	1.02	1.20		.10
Group 4	12.07	10.07	1.02	1.20		.10
Group 5	12.27	10.27	1.02	1.20		.10
Group 6	12.705	10.075	1.02	1.20		.10
Group 7	13.435	11.435	1.02	1.20		.10
(Tunnel and Shaft Work)						
Group 1	11.915	9.915	1.02	1.20		.10
Group 2	12.11	10.11	1.02	1.20		.10
Group 3	12.26	10.26	1.02	1.20		.10
Group 4	12.67	10.67	1.02	1.20		.10
Group 5	12.885	10.885	1.02	1.20		.10
Group 5-A	13.175	11.175	1.02	1.20		.10

AREA DEFINITIONS

NORTHERN AREA:
Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line

CENTRAL and SOUTHERN AREAS:
All Areas not included in the Northern Area

LABORERS

Group 1: Laborer, general or construction; Tool Dispatcher or Checker; Manually-controlled Signal Operator; Fence Builder, Guard Rail Builder - highway; Chat Box Man; Dumpman and/or Spotter; Rip Rap Stone Man; Form Stripper; Landscape Gardener and Nurseryman; Packing Rod Steel and Pans; Window Cleaners; Cesspool Diggers and Installers; Concrete Dump Man - belt; Pipe and/or Hoseman; Astro-truf Layers; Clean-up, Bull Gang and Trackman - railroad; Chipper (clearing and grubbing)

Group 2: Cement Finisher Tender; Concrete Curer (Impervious Membrane); Cutting Torch Operator; Fine Grader (highway, engineering and sewer work only); Kettleman - Tarman; Power-type Concrete Buggy

Group 3: Chuck Tender (except tunnel); Sandblaster (Pot Tender); Powderman Tender; Spikers and Wrenchers; Rip Rap Stone Pavers; Creosote Tieman; Guinea Chaser; Bander

Group 4: Operator and Tenders of pneumatic and electric tools; Concrete Vibrating Machines; Chain Saw Machines (on clearing and grubbing); Floor Sanders - concrete; Hydraulic Jacks and similar mechanical tools not separately herein classified; Cement Dumpers (skip-type Mixer or handling bulk cement); Pipe Caulker and/or Backup Man (pipeline); Rigger/Signalman (pipeline); Pipe Wrapper; Cribber and Shorer (except tunnel); Pneumatic Gopher

Group 5: Grade Setter (pipeline); Driller; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Asphalt Rakers and Ironers; Air and water Wash-out Nozzleman; Scaler (using Bos'n's Chair or Safety Belt); Tampers (mechanical, all types); Hand-guided Trencher and similar operated equipment; Precast Manhole Erector

Group 6: Driller (Core, Diamond, Wagon or Air Track); Sandblaster (Nozzleman); Concrete Saw (hand-guided); Concrete Cutting Torch; Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunite)

Group 7: Gunite Nozzleman or Rodman; Scaler (Drillers); Form Setter and/or Builder; Welders and/or Pipe Layers, installing process piping; Drillers, Joy Mustang, PR 143, 220 Gardener-Denver, Hydrasonic; Powder Man

LABORERS (cont'd)
(Tunnel and Shaft Workers)

Group 1: Bull Gang, Muckers, Trackman; Dumpmen; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on tunnel work); Change House Man

Group 2: Nipper; Chucktender, Cabletender; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)

Group 3: Grout Gunman

Group 4: Timberman, Retimberman - wood or steel blaster, Driller, Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other pneuamtic concrete placer Operator; Miner - Finisher; Miners - Tunnel (hand or machine)

Group 5: Diamond Drill

Group 5A: Shaft and Raise Miner Welder

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates N AREA	Basic Hourly Rates C and S AREAS	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or App. Tr.
Group 1	$12.24	$10.24	$1.25	$1.20		.08
Group 2	12.67	10.67	1.25	1.20		.08
Group 3	13.19	11.19	1.25	1.20		.08
Group 4	13.81	11.81	1.25	1.20		.08
Group 5	14.42	12.42	1.25	1.20		.08
Group 5A	14.78	12.78	1.25	1.20		.08
Group 6	15.16	13.16	1.25	1.20		.08
Group 7	15.86	13.86	1.25	1.20		.08

AREA DEFINITIONS

NORTHERN AREA:
Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line

CENTRAL and SOUTHERN AREAS:
All Areas not included in the Northern Area

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor Operator; Field Equipment Servicemen Tender; Heavy-duty Repair Tender; Heavy-duty Welder Tender; Oiler; Pump Operator

Group 2: Conveyor Operator; Generator Operator - portable; Power Grizzly Operator; Self-propelled Chip Spreading Machine - Conveyor Operator; Watch Fireman; Welding Machine Operator - gasoline and diesel power

Group 3: Concrete Mixer Operator - skip-type; Driver; Moto-paver, Slurry Seal Machine and similar type equipment; Dinky Operator (under 20 tons wt.); Motor Crane Driver; Power Sweeper Operator, self-propelled; Ross Carrier or Forklift Operator; Skip Loader Operator, all types with rated capacity 1½ cu. yds. or less; Wheel-type Tractor Operator (Ford, Ferguson, or similar type) with attachments such as Fresno, Push Blade, Post Hole Auger, Mover, etc. excluding compacting equipment

Group 4: A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Fireman; Elevator Hoist Operator (including Tuskey Hoist or similar type); Grade Checker (excluding Civil Engineer); Multiple power Concrete Saw Operator; Pavement Breaker; Mechanical Compactor Operator, power propelled; Roller Operator, all types, except as otherwise classified; Screed Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator; Stationary Pipe Wrapping and Cleaning Machine Operator; Tugger Operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 5: Aggregate Plant Operator (including Crushing, Screening and Sand Plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Beltcrete Operator; Boring Machine Operator; Concrete Mechanical Tamping, Spreading or Finishing Machine (including Clary, Johnson or similar types); Concrete Pump Operators; Concrete Batch Plant Operator, all types and sizes; Conductor, Brakeman or Handler; Drilling Machine; Elevating Grader Operator, all types and sizes (except as otherwise classified); Highline Cableway Signalman; Field Equipment Serviceman; Kolman Belt Loader Operator or similar with belt width 48" or over; Locomotive Engineer (including Dinky, 20 tons wt. and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power Jumbo Form Setter Operator; Pressure Grout Machine Operator (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator, on all types asphalt pavement; Self-propelled Compactor, with blade; Skip Loader Operator, all types rated capacity, over 1½ but less than 4 cu. yds.; Slip Form Operator (power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator, single pass type; Stationary Central Generating Plant Operator, rated 300 K. W. or more; Surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator

Group 5A: Heavy-duty Mechanic and/or Welder; Pneumatic-tired Scraper, all sizes and types over 12 cu. yds. up to and including 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching Machine Operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Auto Grade Machine (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator, paving type, and Mobile Mixer; Concrete Pump Operator with boom attachment (truck mounted); Crane Operator, Crawler and pneumatic type, under 100 ton capacity MRC; Crawler type Tractor Operator, with boom attachment or slope bar; Derrick Operator; Forklift Operator for hoisting personnel; Grade-all Operator; Helicopter Hoist; Highline Cableway Operator (less than 20 tons rated capacity); Mass Excavator Operator (150 Bucyrus Erie and similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator, any type power blade; Motor Grade Operator with elevating grader attachment; Mucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Operator, all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds., MRC); Power driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator, all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip Form Paving Machine Operator (including Gunnert, Zimmerman and similar types); Specialized Power Digger Operator, attached to wheel-type Tractor; Tower Crane (or similar type) Operator; Tractor Operator (Pusher, Bulldozer, Scraper) (400 net horsepower and over); Tugger Operator (two or more); Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane Operator, Pneumatic or Crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot, FAA qualified, when used in construction work; Highline Cableway Operator, over 20 ton rated capacity and using Traveling Head and Tail Tower; Remote-controll Earth Moving Equipment Operator; Skip Loader Operator, all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	N AREA	C and S AREAS				
Group 1	$11.80	$9.80	$1.02	$1.20		.10
Group 2	11.95	9.95	1.02	1.20		.10
Group 3	12.20	10.20	1.02	1.20		.10
Group 4	12.61	10.61	1.02	1.20		.10
Group 5	12.79	10.79	1.02	1.20		.10
Group 5A	13.01	11.01	1.02	1.20		.10
Group 6	13.17	11.17	1.02	1.20		.10
Group 7	13.64	11.64	1.02	1.20		.10
Group 8	14.235	12.235	1.02	1.20		.10
Group 8A	14.99	12.99	1.02	1.20		.10
Group 8B	12.45	10.45	1.02	1.20		.10
Group 8C	14.63	12.63	1.02	1.20		.10

AREA DEFINITIONS

NORTHERN AREA:
Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and an point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line

CENTRAL and SOUTHERN AREAS:
All Areas not included in the Northern Area

TRUCK DRIVERS

Group 1: Teamsters; Pick-ups; Station Wagon; Man Haul Driver

Group 2: Dump or Flatrack (2 or 3 axle); Water Truck (under 2500 gallons); Buggymobile (1 cu. yd. or less); Bus Driver; Self-propelled Street Sweeper; Shop Greaser

Group 3: Dump or Flatrack (4 axle); Dumptor or Dumpster (less than 7 cu. yds.); Water Truck (2500 gallons but less than 4000 gallons); Tireman

Group 4: Dumptor or Dumpster (7 cu. yds. but less than 16 cu. yds.); Dump or Flatrack (5 axle); Water Truck (4000 gallons and over); Slurry type equipment Driver or Leverman; Vacuum Pump Truck Drivers; Flaherty Spreader or similar type equipment or Leverman; Transit Mix (8 cu. yds. or less mixer capacity); Warehouseman and/or Warehouse Clerk; Ambulance Driver

Group 5: Dump or Flatrack (6 axle); Transit Mix (over 8 cu. yds. but less than 10.5 cu. yds.); Rock Truck (i.e. Dart, Euclid and other similar type end Dumps, single unit) less than 16 cu. yds.

Group 5A: Oil Tanker or Spreader and/or Bootman, Retortman or Leverman

Group 6: Transit Mix (over 10.5 cu. yds. but less than 14 cu. yds. mixer capacity); Ross Carrier, Fork Lift or Lift Truck; Hydro Lift, Swedish Crane, Iowa 300 and similar types; Concrete Pump (when integral part of Transit Mix Truck); Dump or Flatrack (7 axle); Transport Driver (unless axle rating results in higher classification)

Group 7: Dump or Flatrack (8 axle)

Group 8: Off-highway equipment Driver including but not limited to: 2 or 4 wheel power unit, i.e. Cat, DW Series, Euclid, International and similar type equipment, transporting material when top loaded or by external means including pulling Water Tanks, Fuel Tanks or other applications under Teamster Classifications; Rock Trucks (Dart, Euclid, or other similar end dump types) 16 cu. yds. and over; Eject-alls; Dumptor or Dumpster (16 cu. yds. and over); Dump or Flatrack (9 axle)

Group 8A: Heavy-duty Mechanic/Welder; Body and Fender Man

Group 8B: Heavy-duty Mechanic/Welder Tender

Group 8C: Field Equipment Serviceman or Fuel Truck Drivers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTY: Bolivar
DECISION NUMBER: MS81-1172 DATE: Date of publication
Supersedes Decision No.: MS80-1079, June 27, 1980, 45 FR 43594
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanics	$5.27				
Bricklayers	6.00				
Carpenters	5.00				
Cement masons	4.57				
Electricians	5.34				
Glaziers	4.00				
Ironworkers:					
reinforcing	3.35				
structural and ornamental	5.44				
Laborers:					
mason tenders	3.35				
mortar mixers	3.35				
plasterers' tenders	3.35				
unskilled	3.35				
Lathers	4.35				
Painters:					
brush	4.50				
Plasterers	4.08				
Plumbers & Pipefitters	5.50				
Power Equipment Operators:					
air compressor	4.00				
finishing machine	4.50				
tractor	4.00				
Roofers	5.00				
Sheet metal workers	4.43				
Soft floor layers	4.00				
Tile setters	5.65				
Truck drivers	3.35				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Forrest and Jones
DECISION NUMBER: MS81-1173 DATE: Date of publication
Supersedes Decision No.: MS80-1079, June 27, 1980, 45 FR 43594
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$7.10				
Carpenters	6.49				
Cement masons	6.25				
Electricians	8.05				
Glaziers	5.00				
Ironworkers:					
reinforcing	8.65	.35	.35		.04
structural and ornamental	7.60	.35	.35		.04
Laborers:					
air tool operators	4.05				
mortar mixers	4.65	.15	.15		
unskilled	3.35				
Painters:					
brush	5.25				
Plasterers	6.50				
Plumbers & Pipefitters	7.75				
Power Equipment Operators:					
backhoe	5.00				
bulldozer	4.74				
crane, derrick and dragline	6.94				
drilling machine	5.90	.25	.25		
motor grader	4.25				
tractor	4.55				
Roofers	4.50				
Sheet metal workers	5.00				
Soft floor layers	5.00				
Tile setters	6.00				
Truck drivers	3.35				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Hancock, Harrison, Jackson, and Pearl River

DECISION NUMBER: MS81-1174 DATE: Date of publication

Supersedes Decision No.: MS80-1079, June 27, 1980, 45 FR 43594

DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers					
Hancock and Pearl River cos.	$ 9.05	.50	1.10		.05
Asbestos workers					
Harrison and Jackson cos.	12.30	.80	1.25	a	.02
Boilermakers	10.70	1.05	1.10		.02
Bricklayers:					
bricklayers	10.60		.50		.01
blockmasons	10.60		.50		.01
caulkers and pointers	10.60		.50		.01
marble masons	10.60		.50		.01
plasterers	10.50		.50		.01
stone masons	10.60		.50		.01
terrazzo workers	10.50		.50		.01
tile setters	10.50		.50		.01
Cement masons	10.25		.50		.01
Carpenters:					
carpenters	9.65	.45	.30		.10
millwrights	10.15	.45	.30		.10
soft floor layers	9.65	.45	.30		.10
Electricians:					
cable splicers	12.85	5%	5%		1/8%
electricians	12.60	5%	5%		1/8%
Elevator constructors:					
mechanics	10.26	1.045	.82	b	.035
helpers	7.18	1.045	.82	b	.035
Ironworkers:					
structural, ornamental and reinforcing					
Jackson co. & eastern 1/3 of Harrison co.(including Biloxi, Keesler AFB, & towns of Howison and Success	10.38	.40	.50		
Hancock & Pearl River cos. and western 2/3 of Harrison co.	11.66	.63	.35		
Laborers:					
asphalt rakers	6.50	.20	.20		.05
mason tenders	6.50	.20	.20		.05
mortar mixers	6.50	.20	.20		.05
pipelayers and wrappers	6.50	.20	.20		.05
plasterers' tenders	6.50	.20	.20		.05
post hole diggers	6.50	.20	.20		.05
unskilled	6.35	.20	.20		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
cable splicers	12.85	5%	5%		1/8%
linemen	12.60	5%	5%		1/8%
Painters:					
Harrison and Jackson cos.					
Commercial:					
brush	7.40		.40		.12
roller	7.50		.40		.12
spray	7.70		.40		.12
Industrial:					
brush	8.20		.40		.12
spray	9.50		.40		.12
sandblasting	9.50		.40		.12
Hancock and Pearl River cos.					
Commercial:					
brush	5.55				.03
roller	5.55				.03
spray	6.55				.03
Piledrivermen	9.55	.45			.03
Plumbers & Steamfitters	11.43	.56	.75		.05
Power Equipment Operators:					
Group 1	10.23	.50	.30		.05
Group 2	9.28	.50	.30		.05
Group 3	9.08	.50	.30		.05
Group 4	8.18	.50	.30		.05
Group 5	6.93	.50	.30		.05
Group 6	6.93	.50	.30		.05
Group 7	11.03	.50	.30		.05

Power Equipment Operators: Classification Definitions

Group 1: Engineer (operating under pressure)

Group 2: Mechanic

Group 3: Air tugger (2 drum), asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), forklift, hoist (2 drum), locomotive engineer, marine engineer (chief), master pilot, mixer mobile, motor patrol and similiar type equipment, paver (21 c.f. or larger), pile-driver, recharger, roaming greaser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), tournapull, DW-10 and similiar pull type scrapers, traxcavator and similiar end-loaders, welders, welding machine or S/W pumps (2 to 6), well driller, well point pumps

Power Equipment Operators: Classification Definitions (con't)

Group 4: Air tugger, asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, firmen, heating plant, hoist, marine engineer (assistant), mixer, payloader, and similiar endloaders, pilot power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine (18" or smaller bucket line width), tugboat, winch truck

Group 5: Air compressor, form grader, locomotive hostler, oiler (truck crane), pump, roughneck, tractor (without attachments), welding machine

Group 6: Batch scale, deckhand, motorboat (in or out board), oiler, scowmen

Group 7: Operating engineers servicing boilermakers, electricians, ironworkers, piledrivers and pipefitters

Roofers:					
roofers	10.00		.30		
kettlemen	7.75		.30		
Sheet metal workers	11.35	3%+.65	1.11		.14
Sprinkler fitters	12.80	.85	1.20		.08
Truck drivers:					
Group 1	7.25	.40	.50		
Group 2	7.84	.40	.50		
Group 3	9.15	.40	.50		

Truck drivers: Classification Definitions

Group 1: Truck drivers on equipment up to but not including 1½ tons, station wagons, jeeps and automobiles, truck spotters

Group 2: Truck drivers on equipment 1½ tons and up but not including 5 tons

Group 3: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss or corning wagons, dumpsters, semi-drivers, agitators, ross carriers, dempsey dumps, euclid trucks, forklift trucks in warehouse and similiar equipment, such as tractors, 10 wheelers, jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment

Footnotes:

a. two paid holidays

b. employer contributes 6% of basic hourly rate for 6 months to 5 years service and 8% for over 5 years service as vacation pay credit; also seven paid holidays

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

STATE: MISSISSIPPI COUNTIES: Issaquena, Sharkey, Sunflower, and Washington

DECISION NUMBER: MS81-1175 DATE: Date of publication

Supersedes Decision No.: MS80-1079, June 27, 1980, 45 FR 43594

DESCRIPTION OF WORK: BUILDING CONSTRUCTION (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning/heating mechanics	$ 6.63				
Bricklayers	8.00				
Carpenters	6.18				
Cement masons	6.00				
Electricians	10.20				
Glaziers	5.41				
Ironworkers	7.21				
Laborers	3.84				
Painters:					
brush	4.00				
Plasterers	6.00				
Plumbers & Pipefitters	8.39				
Power Equipment Operators:					
bulldozer	5.00				
crane	9.35				
grader	5.50				
Roofers	6.00				
Sheet metal workers	6.31				
Soft floor layers	7.00				
Tile setters	7.00				
Truck drivers	3.84				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTY: LeFlore
DECISION NUMBER: MS81-1176 DATE: Date of publication
Supersedes Decision No.: MS80-1079, June 27, 1980, 45 FR 43594
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$7.00				
Carpenters	4.50				
Cement masons	4.50				
Electricians	4.75				
Ironworkers:					
reinforcing	3.35				
Laborers:					
mortar mixers	3.35				
unskilled	3.35				
Lathers	4.13				
Painters:					
brush	3.50				
Plasterers	4.44				
Plumbers & Pipefitters	5.00				
Power Equipment Operators:					
bulldozer	3.35				
Sheet metal workers	5.35				
Tile setters	5.20				
Truck drivers	3.35				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTY: Lowndes (excluding Columbia Lock & Dam and Tennessee Tombigbee projects)
DECISION NUMBER: MS81-1177 DATE: Date of publication
Supersedes Decision No.: MS80-1079, June 27, 1980, 45 FR 43594
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanics	$ 4.50				
Bricklayers	6.20				
Carpenters	6.80				
Cement masons	6.40				
Electricians	10.90	.42	3%	.14	.02
Ironworkers:					
reinforcing	11.60	.60	.815		.06
Laborers	3.35				
Lathers	4.80				
Painters:					
brush	4.00				
Plasterers	4.54				
Plumbers & Steamfitters	8.80	.30	.30		.05
Power Equipment Operators:					
bulldozer	4.50				
tractor	3.35				
Roofers	3.50				
Sheet metal workers	3.66				
Soft floor layers	4.46				
Tile setters	4.87				
Truck drivers	3.35				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDES DECISION

STATE: MISSISSIPPI COUNTY: Yalobusha
DECISION NUMBER: MS81-1178 DATE: Date of publication
Supersedes Decision No.: MS80-1079, June 27, 1980, 45 FR 43594
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$7.50				
Carpenters	6.00				
Cement masons	5.00				
Drywall hangers	5.30				
Electricians	5.65				
Glaziers	4.00				
Laborers	3.35				
Plasterers	5.15				
Plumbers	5.50				
Roofers	4.40				
Sheet metal workers	4.05				
Soft floor layers	5.15				
Tile setters	5.75				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDES DECISION

STATE: MISSISSIPPI COUNTY: Warren
DECISION NUMBER: MS81-1179 DATE: Date of publication
Supersedes Decision No.: MS80-1079, June 27, 1980, 45 FR 43594
DESCRIPTION OF WORK: Building construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.64	.45	.50		
Boilermakers	10.70	1.05	1.05		.02
Bricklayers:					
bricklayers	10.20	.25	.10		.05
stone, block, and marble masons	10.20	.25	.10		.05
caulkers, pointers and cleaners	10.20	.25	.10		.05
tile and terrazzo workers	10.10	.25	.10		.05
Carpenters:					
carpenters	9.35	.45	.25		.05
millwrights	9.95	.45	.25		.05
piledrivermen	9.95	.45	.25		.05
Cement masons	8.91	.35	.50		.05
Electricians:					
cable splicers	11.60	.35	3%+.50		.04
electricians	11.35	.35	3%+.50		.04
Elevator constructors:					
mechanics	10.26	1.045	.82	a	.035
helpers	7.18	1.045	.82	a	.035
Glaziers	9.60				.02
Ironworkers	10.70	.45	.85		.04
Laborers:					
morter mixers	6.35	.20	.20		.05
unskilled	6 10	.20	.20		.05
Lathers	8.65				
Painters:					
brush	8.35	.15	.10		
drywall tapers	8.35	.15	.10		
roller	8.35	.15	.10		
spray	8.85	.15	.10		
Plasterers	8.55	.35	.50		.05
Plumbers & Pipefitters	12.24	.55	.67	b	.05
Power Equipment Operators:					
Group 1	10.53	.50	.30		.05
Group 2	9.73	.50	.30		.05
Group 3	9.48	.50	.30		.05
Group 4	8.88	.50	.30		.05
Group 5	7.23	.50	.30		.05

Power Equipment Operators: Classification Definitions

Group 1: Engineer (operating under pressure)
Group 2: Mechanic
Group 3: Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elevating grader, excavator (power belt), fork lift (5 tons & over), hoists (2 drums in active use), locomotive engineer, marine engineer (chief), master pilot, mixer-mobile, motor patrol and similiar equipment, paver (21 c.f. or larger), pile driver, recharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similiar pull type scrapers), traxcavator and similiar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps
Group 4: Asphalt spreader (bituminous distributor and mixer), backfilling machine, conveyor, drill (earth), finishing machine, firman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer payloader and similiar endloader, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, winch truck and tractor, small rubber tire with backhoe attachment
Group 5: Air compressor, batch scale, deckhand, forklift (2 tons and under), form grader, locomotive hostler, motor boat (in or outboard), oiler, pump, roughneck, scowman, tractor (with attachments), welding machine

Booms, including jib;
100 ft to 200 ft - 50¢ per hour above regular pay
201 ft to 300 ft - 75¢ per hour above regular pay
301 ft and over - $1.00 per hour above regular pay

Roofers	10.00		.30		
Sheet metal workers	10.55	.45	.45		.07
Sprinkler fitters	12.80	.85	1.20		.08
Truck drivers:					
Group 1	7.85	.40	.50		
Group 2	7.64	.40	.50		
Group 3	9.15	.40	.50		

Truck drivers: Classification Definitions

Group 1: Truck drivers on equipment up to but not including 1½ tons, station wagons, jeeps and automobiles, truck spotters
Group 2: Truck drivers on equipment 1½ tons and up but not including 5 tons
Group 3: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss or corning wagons, dumpsters, semi-drivers, agitators, rosa carriers, dempsey dumps, euclid trucks, forklift trucks in warehouse and similiar equipment, such as tractors, 10 wheelers, jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment

Footnotes:
a. Employer contributes 6% of basic hourly rate for 6 months to 5 years service and 8% for over 5 years service as vacation pay credit; also seven paid holidays.
b. Two paid holidays.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter
DECISION NO.: PA80-3072 DATE: Date of Publication
Supersedes Decision No. PA79-3000 dated January 25, 1979 in 44 FR 5625
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ZONE 1	$12.68	8%	7%	10%	
ZONE 2	12.48	8%	7%	10%	
CARPENTER - WELDER					
ZONE 1	13.08	8%	7%	10%	
ZONE 2	12.88	8%	7%	10%	

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland
ZONE 2 - Bedford, Blair, Cambria, Cameron, Centre, Clarion, Clinton, Clearfield, Crawford, Elk, Forest, Franklin, Fulton Huntingdon, Indiana, Jefferson, McKean, Mifflin, Potter, Somerst, Venango and Warren

CEMENT MASONS	11.56	6%	16%		
PILEDRIVERMEN	12.67	5.5%	10%		
IRONWORKERS:					
Reinforcing					
ZONE 1	9.70	.785	1.415		.01
ZONE 2					
Structural, Ornamental & Reinforcing	12.905	1.34	1.36		.03

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Fulton and Potter
ZONE 2 - Franklin, Huntingdon and Mifflin Counties

DECISION NO. PA-80-3072	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS	ZONE I	ZONE II				
Class 1	$10.26	10.15	10%	10%		—
Class 2	10.42	10.33	10%	10%		
Class 3	10.85	10.85	10%	10%		
Class 4	11.80	11.80	10%	10%		

AREA COVERED BY LABORERS ZONES

ZONE 1 Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Clearfield, Elk, Erie, Fayette, Greene, Indiana, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland

ZONE 2 Bedford, Cameron, Centre, Clinton, Crawford, Forest, Franklin, Fulton, Huntingdon, Jefferson, Mifflin, Potter

CLASSIFICATION DEFINITIONS
FOR ALL ZONES

CLASS 1 - Heavy Highway & R.R. Construction Laborer (including tenders, handling Salamanders, L.P. Gas Heaters or similas, etc.), Asphalt curb sealers, asphalt tampers, batcherman (weigh), blaster's helper, brakeman, change house attendant, cofferdam laborer, concrete curing, pitman, puddler, (including vibrator operators), drill runner's helper includes drill mounted on truck, track or similar and davey drills (spots-clean-up & helpers to maintain), electric brush and/or grinder, fence construction (including fence machine operator), form stripper and mover, gabion (erectors and placers), hydro-jet blaster nozzleman, manually moved emulsion sprayer, radio actual traffic conctrol operator, rip rap work, boatman, scaffolds and runways (as per agreement of record), sheeters and shorers, structural concrete top surfacer, walk behind street sweeper, water boy, welder's helper (pipeline), wood chipper

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CLASSIFICATION DEFINITIONS
FOR ALL ZONES CONT'D

CLASS 2 - Air tools (all types), asphalt, batch and concrete plant operator (manually operated), asphalt rakers, burner, caisson men (open air), carryable pumps, chain saw operator (including attachments), cribbing (concrete or steel), curb machine operator (asphalt or concrete) (walk behind), diamond head core driller, drill runner's helper (tunnel), fork lift (walk behind), form setter (road forms line man), highway slab reinforcement placers (incl. joint and basket setter), hydraulic pipe pusher, liner plates (tile or vitrified clay), mechanical compacting equipment, mechanical joint sealer, dope pot, and tar kettle, mortar mixer (hand or machine), muckers, brakemen and all other labor (includes installation of utility lines), pipe layers (regardless of material), portable single unit conveyor, post hole auger (2 or 4 cycle hand operated), power wheelbarrows & buggies, rail porter, or similar, all railroad track work, adzing machine, ballast router, bolting machine, power jacks, rail drills, railroad brakeman, rail saws, spike drivers (manually or handheld tool), spike pullers, tamping machine, thermitweld, sandblaster, signal man and vibrator operator

CLASS 3 - Blacksmith, blaster, brick stone and block pavers and block cutters, (wood, belgian & asphalt), cement mortar lining car pusher, cement mortar mixer (pipe relining), cement mortar pipe reliners, concrete saw operator (walk behind), curb cutters and setters, elevated roadway drainage construction, form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man) manhole or catch basin (brick, block, concrete or any prefabrication), miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos), multi-plate pipe (aligning and securing), placing wire mesh on gunite projects reinforcing steel placers (bending, aligning and securing & cad weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder

CLASS 4 - Welder (pipeline)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LANDSCAPING:					
Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job					
ZONE 1	7.79	12%	10%		
ZONE 2	7.70	12%	10%		
Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work					
ZONE 1	8.21	12%	10%		
ZONE 2	8.12	12%	10%		

AREA COVERED BY LANDSCAPE LABORERS ZONES

Zone 1 - Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington, Westmoreland
Zone 2 - Bedford, Blair, Cambria, Cameron, Centre, Clearfield, Clinton, Elk, Erie, Forest, Franklin, Fulton, Huntingdon, McKean, Mifflin, Potter, Somerset, Warren

DECISION NO. PA80-3072

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Lineman	$15.65	.60	3%		3/8%
Winch Truck Op.	10.91	.60	3%		3/8%
Truck Driver	10.12	.60	3%		3/8%
Groundman	9.33	.60	3%		3/8%
ZONE 2					
Lineman	12.52	.60	3%		3/8%
Winch Truck Op.	8.73	.60	3%		3/8%
Truck Driver	8.09	.60	3%		3/8%
Groundman	7.45	.60	3%		3/8%
ZONE 3					
Lineman, Dynamite Man, Heavy Equipment Operator	12.37	.55	3%		3/8%
Winch Truck Op.	8.68	.55	3%		3/8%
Truck Driver	8.50	.55	3%		3/8%
Groundman	8.30	.55	3%		3/8%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington & Westmoreland Counties
ZONE 2 - Franklin & Mifflin Counties
ZONE 3 - Butler, Cameron, Clinton, Crawford, ELk, Erie, Forest, Lawrence, McKean, Mercer, Venango, Warren & Potter Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS (Bridge - drain Pipe) Allegheny, Washington, Greene, Armstrong Counties	13.98	1.00	1.60		.07

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	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATOR	ZONE I	ZONE II				
Class 1	$13.94	13.68	7.5%	8.25%		1%
Class 2	13.71	13.45	7.5%	8.25%		1%
Class 3	11.31	11.06	7.5%	8.25%		1%
Class 4	10.92	10.64	7.5%	8.25%		1%
Class 5	10.71	10.46	7.5%	8.25%		1%

AREA COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington & Westmoreland Counties
ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

CLASSIFICATION DEFINITION
FOR ALL ZONES

CLASS 1 - Autograde (C.M.I. & similar), backfiller, backhoe - 360 swing, cableway, caisson drill (similar to Hugh Williams), central mix plant, cooling plant, concrete paving mixer, concrete pump (self-propelled), cranes, cranes (boom or mast 101 ft. or over up to & including 150 ft. inclusive of jib + .25), cranes (boom or mast over 150 ft. up to & including 200 ft. inclusive of jib + $.50), cranes (boom or mast over 200 ft. inclusive of jib + $.75), cranes (tower-stationary climbing tower cranes), derrick, derrick boat, dozer (D-6 & over), dragline, dredge, dredge hydraulic (1 leverman - oiler - 1 apprentice), elevating grader, franki pile machine, gradall (remote controle or otherwise), grader (power-fine grade), helicopter (1500 lb. or over lift), helicopter (under 1500 lb. lift), hillift (4 cy. & over), Hoist 2 drums or more (in one unit), hydraulic boom truck (with pivotal Cab) (single motor-pitman or similar), kocal, lead mechanic, locomotive (std. gauge), metro-chip harvester or similar, mix mobile, mix mobile (with self loading attachment), muching machine (tunnel), pile driver machine, pipe extrusion machine, presplitter drill crane (25 ton & over), rough terrain crane (under 25 ton), scrapers, shovel-power, slip form paver (C. M. I. and similar), trenching machine (30,000 lbs. and over), trenching machine (under 30,000 lb.), tunnel machine (mark XXI jarva or similar), whirley

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CLASSIFICATION DEFINITION
FOR ALL ZONES CONT'D

ZONE 2 - Asphalt paving machines (spreader), asphalt plant operator, auger (tractor mtd.), auger (truck mtd.), backhoe (rear pivotal swing) (180 swing), belt loader (euclid or similar), boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized), concrete belt placer (C.M.I. and similaR), concrete finishing machine and spreader, concrete mixer (over 1 cy.), concrete pump (stationary), core drill (truck or skid mtd. - similar to Pen drill), dozer (under D-6), force feed loader, fork lift (lull or similar), grader - power, grease unit operator (head), guard rail post driver (truck mounted), guard rail post driver (skid type), hillift (under 4 cy.) hydraulic boom truck (non-pivotal cab), job work boat (powered) (when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow guage), mechanic, minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover), overhead crane, roller - power-asphalt, ross carrier, side boom or tractor mounted boom, stone cursher, (screening-washing plants), stone spreader (self-propelled) truck mounted drill (davey or similar), welder and repairman, well point pump operator
CLASS 3 - Broom finisher (C.M.I. or similar), Compactors/Rollers (Static or Vibratory) (Self-propelled), Curb Builder, Minor Equipment Operator (Two to three units), Multi-head Tie Tamper, Pavement Breaker (self-propelled or ridden), Soil Stabilizer Machine, Tire Repairman (As per Agreement with Teamsters), Tractor (Snaking & Hauling), Well Driller & Horizontal and Winch or "A" Frame (when hoisting & lowering)
CLASS 4 - Ballast Regulator, Compressor, Concrete Mixer (1 cy. & under with skip), Concrete Saw (Ridden or self-propelled), Conveyor, Elevator (Material hauling only), Fork-lift (Ridden or self-propelled), Form Line Machine, Generator, Groute Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator Light Plant, Mulching Machine, Personnel Boat (powered), Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (powered Driven), Subgrader, Tie Puller, Tugger and Welding Machine (Gas or Diesel)
CLASS 5 - Deck hand, farm tractor, fireman or boiler, mechanic's helper, oiler, power room, side delivery shoulder spreader (Attachment)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Building, Site preparation, Paving, Utilities					
CLASS 1	10.86	9.6%	6.9%	a	
CLASS 2	10.91	9.6%	6.9%	a	
CLASS 3	10.93	9.6%	6.9%	a	
CLASS 4	11.01	9.6%	6.9%	a	
CLASS 5	11.20	9.6%	6.9%	a	
CLASS 6	11.03	9.6%	6.9%	a	
CLASS 7	11.19	9.6%	6.9%	a	

CLASSIFICATION DEFINITIONS

CLASS 1 - Warehouseman, Chauffeur, and Ambulance Drivers, Service Truck, (pick-up, jeep, buses, station wagon, panel truck, escort vehicle, including fuel and water trucks).
CLASS 2 - Dump and flat top (including fuel and water trucks, fork lift in warehouse or job site storage area and single axle trucks with power tailgate); distributor truck over 33,000 lbs. gross weight (oil, tar asphalt products two man operation, bot men).
CLASS 3 - Transit mix, single axle.
CLASS 4 - Transit mix, tandem.
CLASS 5 - Heavy duty tractor and trailer with low bed, 6 to 16 wheels and pole trailer and wide load.
CLASS 6 - Distributor truck up to 33,000 lbs. gross weight (oil, tar asphalt products) one man operation; truck with dolly and scissor truck; truck with dump trailer or tandem, including fuel and water, tandem axle truck with power tailgate and scissor trucks; euclids or equivalent, tri-axle including mixer, drivers towing equipment.
CLASS 7 - Winch truck and form truck.

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Veteran's Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minumum of 40 hours each calendar month for two consecutive months.

DECISION NO. PA80-3072

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS ZONE 1					
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up and similar equipment. Also parts man and warehouseman)	9.66	9%	9%		
Truck over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors and combination fuel and fuel and grease)	9.80	9%	9%		
Tri-axle Trucks	9.87	9%	9%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet, width (such as euclids, Athey Wagon, Payloader, Tournawagons and similar equipment when not self-loaded rated under forty-five tons	9.87	9%	9%		
Heavy off-the-road equipment (rated at forty-five tons or over)	9.97	9%	9%		
Bottom or Belly-dump Trucks	9.97	9%	9%		

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 (CONT'D)					
Heavy Duty Trailer, such as Low Boy, Hi-Boy, Dump Trailer, Pole Trailer A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Truck, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks, Tar and Asphalt Trailer Trucks	9.95	9%	9%		
Single-axle Ready-Mixed Concrete Trucks (such as agitators barrel, redi-mix concrete trucks. etc.)	9.70	9%	9%		
Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.80	9%	9%		
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.87	9%	9%		
Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.)	9.80	9%	9%		
Trucks with Dolly or Trailer	9.75	9%	9%		

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2					
Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks, Tar and Asphalt Trailer Trucks	9.76	9%	9%		
Single-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks. etc.)	9.46	9%	9%		
Tandem-axle Ready-mix Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.57	9%	9%		
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.71	9%	9%		
Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.)	9.61	9%	9%		
Trucks with Dolly or Trailer	9.57	9%	9%		

DECISION NO. PA80-3072

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
ZONE 2 (CONT'D)					
Trucks under 33,000 lbs. groaa load category (including all trucks such as fuel, dump, flat bottom, pick-up and similar equipment. Also parts man and warehouseman)	9.43	9%	9%		
Truck over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease) grease)	9.61	9%	9%		
Tri-axle Trucks	9.71	9%	9%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons	9.71	9%	9%		
Heavy off-the-road Equipment (rated at forty-five tons or over)	9.80	9%	9%		
Bottom or Belly-dump Trucks	9.80	9%	9%		

[FR Doc. 81-3206 Filed 1-29-81; 8:45 am]
BILLING CODE 4510-27-C

DECISION NO. PA80-3072

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland
ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

Welders - Rate for craft

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

federal register

Friday
January 30, 1981

Part III

Department of Justice

Attorney General
Drug Enforcement Administration
Immigration and Naturalization Service
Parole Commission

Improving Government Regulations;
Semiannual Agendas

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Civil Rights Division, Justice.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: The Civil Rights Division is publishing its semiannual agenda of regulations under Executive Order 12044.

FOR FURTHER INFORMATION CONTACT: For information regarding individual regulations, contact the individual identified as the knowledgeable official.

A. PLANS FOR MODIFYING REGULATIONS

Title. Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs.

Description of Regulation. The Civil Rights Division is amending its Title VI coordination regulation, 28 CFR Part 42, Subpart F, to reflect the increased coordination responsibility vested in the Attorney General by Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws." This Executive Order, which supersedes Executive Orders 11764 and 11914, assigns to the Attorney General the overall responsibility for coordinating the enforcement of the following laws:

(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); (2) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); (3) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 694); and (4) any other statutory provision of Federal law which provides in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

The Executive Order in Section 1–2, "Coordination of Nondiscrimination Provisions," also enumerates several specific responsibilities of the Attorney General in carrying out this oversight and coordination function which were not included in either of the two previous Orders. Accordingly, the current regulation must be completely revised.

Legal Basis. Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws," 45 FR 72995, November 4, 1980.

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 724–6757.

B. NEW REGULATIONS UNDER DEVELOPMENT

Title. Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds

Description of the Regulation. This proposed rule sets forth procedures for the handling of complaints of employment discrimination which are filed with Federal fund granting agencies under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and other provisions of Federal law which prohibit discrimination on grounds of race, color, religion, age, sex or national origin in programs or activities receiving Federal financial assistance. The regulation allows the fund granting agency to refer complaints to the Equal Employment Opportunity Commission (EEOC). For complaints covered both by Title VI of the Civil Rights Act or Title IX, the regulations contemplate that most complaints of individual acts of discrimination will be referred to EEOC for investigation and conciliation, while most complaints of systemic discrimination will be retained by the fund granting agency. Employment discrimination complaints which are not covered by Title VI or Title IX will be transferred to EEOC.

This proposed rule will allow Federal fund granting agencies to focus their enforcement efforts on services discrimination and systemic employment discrimination which affects the rights of beneficiaries. At the same time, it will avoid duplication of investigations by Federal agencies and should therefore remove needless burdens from recipient employers.

This proposed rule will be promulgated jointly with EEOC.

Legal Basis. Executive Order 12250, 45 FR 72995 (November 4, 1980) and Executive Order 12067, 43 FR 28967 (June 30, 1978).

Knowledgeable Official. David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 633–3861.

C. STATUS OF REGULATIONS PREVIOUSLY LISTED IN THE SEMIANNUAL AGENDA OF SIGNIFICANT REGULATIONS PUBLISHED ON OCTOBER 8, 1980 (45 FR 66813)

1. Title. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965

On March 21, 1980, the Attorney General published in the **Federal Register** (45 FR 18890) for comments proposed revised Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 CFR Part 51. On January 5, 1981, the Attorney General published in the **Federal Register** (46 FR 870) final revised Procedures. For further information contact David H. Hunter, Attorney, Voting Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202) 724–7189.

2. Title. Nondiscrimination Based on Handicap in Federally Assisted Programs

The final rule for nondiscrimination based on handicap in Federally assisted programs was published in the **Federal Register** on Tuesday, June 3, 1980, 45 FR 37620. For further information contact Robert N. Dempsey, Attorney, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202) 633–2374.

3. Title. Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

The Civil Rights Division published the Department's regulation proposed to implement the Age Discrimination Act of 1975, as amended, on May 19, 1980, at 45 FR 32710. Following the comment period, the Division worked with the Office of the General Counsel of the Department of Health and Human Services and developed modifications to the proposed regulation. The Office of Legal Counsel at Justice has approved the proposed regulation, with the technical modifications noted, as to form and legality. On November 10, 1980, the Civil Rights Division forwarded to the Secretary of the Department of Health and Human Services the final version of the Department of Justice regulation and requested the Secretary's approval, following which it will be submitted to the Attorney General for signature and then published as a final rule. For further information contact David B. Marblestone, Attorney, Appellate Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202) 633–4492.

4. Title. Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance—Implementation of Title IX of the Education Amendments Act of 1972, as Amended

This regulation was listed in the semiannual agenda of the Civil Rights Division published on October 8, 1980, 45 FR 66813. Notice of Proposed Rulemaking was published on June 17, 1980, 45 FR 41001, and the comment period on that notice was extended on September 19, 1980, 45 FR 54770. A revised Notice of Proposed Rulemaking is expected to be published for comment. For further information contact Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202) 724–6757.

James P. Turner,

Acting Assistant Attorney General, Civil Rights Division.

[FR Doc. 81-3510 Filed 1-29-81; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Significant Regulations Under Development or Review

AGENCY: Criminal Division, Justice.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: This semiannual agenda of significant regulations is issued pursuant to section 2(a) of Executive Order No. 12044 (43 FR 12661), which requires the publication at least semiannually of an "agenda of significant regulations under development or review."

FOR FURTHER INFORMATION CONTACT: For inquiries or comments related to the specific regulation in the Agenda, contact Mary Ellen Warlow, Office of Legislation, Criminal Division, Department of Justice, Room 2209 Main Justice Building, Washington, D.C. 20530 (202) 633–3645.

Title. Guidelines on Methods of Obtaining Documentary Materials Held by Third Parties

Description of the Regulation. The Department of Justice published for public comment in the **Federal Register** on January 6, 1981 (46 FR 1302) a proposed rule setting forth guidelines to govern the methods used by all federal officers and employees to obtain documentary materials in the possession of persons who are neither suspects in a criminal offense nor closely related by blood or marriage to such suspects. The Attorney General is required to issue such guidelines under Title II of the Privacy Protection Act of 1980 (Pub. L. 96–440, 201, *et seq.*, 42 U.S.C. 2000aa–11, *et seq.*). The primary purpose of these guidelines is to limit the use of search warrants to obtain documentary materials held by disinterested third parties when less intrusive but equally effective alternative means of obtaining such materials exist. The proposed guidelines would prohibit the use of a search warrant to obtain documentary materials held by a disinterested third party unless the use of a less intrusive alternative would substantially jeopardize the availability or usefulness of the materials. In addition, where the materials are held by persons involved in confidential, professional relationships, such as doctors, lawyers, or clergymen, the use of a search warrant must also be predicated on a showing that access to the materials appears to be of substantial importance to the investigation or prosecution for which they are sought, and the application for the warrant must be approved by a Department of Justice official at the level of Deputy Assistant Attorney General, or higher.

Legal Basis. The Privacy Protection Act of 1980, Pub. L. 96–440, 42 U.S.C. 2000aa, *et seq.*

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. Mary Ellen Warlow, Office of Legislation, Criminal Division, Department of Justice, Room 2209 Main Justice Building, Washington, D.C. 20530 (202) 633–3645.

Philip B. Heymann,

Assistant Attorney General, Criminal Division.

January 16, 1981.

[FR Doc. 81-3511 Filed 1-29-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

21 CFR Ch. II

Improving Government Regulations; Semiannual Agenda of Significant Regulations Under Development or Review

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: This semiannual agenda of significant regulations is issued pursuant to section 2(a) of Executive Order No. 12044 (43 FR 12661), which requires the publication at least semiannually of an "agenda of significant regulations under development or review."

The purpose of this semiannual agenda is to provide the public with information about regulatory activity within the Drug Enforcement Administration (DEA). The last Agenda was published on August 7, 1980.

FOR FURTHER INFORMATION CONTACT: For inquiries or comments related to specific regulations in the Agenda, the public is encouraged to contact the appropriate knowledgeable official. Questions or comments concerning the overall Agenda should be sent to William M. Lenck, Chief Counsel, Drug Enforcement Administration, U.S. Department of Justice, 1405 Eye Street, N.W., Washington, DC 20537 (202) 633–1276.

SUPPLEMENTARY INFORMATION: The semiannual agenda covers new significant regulations under development at the time this agenda is prepared, or which DEA anticipates to be under development within the next six months. For all regulations that were included in the last semiannual agenda published in the **Federal Register** on August 7, 1980, a status update is included.

A. Plans for Modifying Regulations

1. Title. Criteria used in Granting Excepted Prescription Drug Status to Preparations Containing Controlled Substances

Description of the Regulation. DEA published in the **Federal Register** on November 7, 1980 (45 FR 74091) a Notice advising the public of criteria which DEA intends to use to determine if preparations which contain controlled substances in combination with other ingredients should qualify for excepted status under the Controlled Substances Act. Although published as a Notice, and not as a Notice of Proposed Rulemaking, it is mentioned here because a current DEA regulation, 21 CFR 1308.32, indicates that no such criteria have yet been adopted by the Administrator. In fact, as the above-referenced notice explains, DEA has been using criteria previously established in 1967 by DEA's predecessor agencies for purposes of granting excepted status and shall continue to do so. Therefore, DEA is considering amending 21 CFR 1308.32 to state that DEA has adopted, and used, the 1967 criteria for determining if a controlled substance preparation qualifies for Excepted Prescription Drug Status.

Legal Basis. 21 U.S.C. 812(d).

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, DC 20537, (202) 633–1366.

2. Title. Reports from Manufacturers of Schedule III and IV Products Cited in the Psychotropic Convention of 1971

Description of the Regulation. In furtherance of the Psychotropic Convention of 1971, and the Psychotropic Substances Act of 1978, DEA plans to amend 21 CFR 1304.43 to impose new reporting requirements for manufacturers of drugs which are listed in Schedules III and IV of the Psychotropic Convention of 1971.

In essence, such manufacturers would need to provide reports to DEA which contain specific information on those drugs, such as:

(1) The quantity of bulk chemical manufactured calculated in base weight of the product;

(2) The quantity of bulk chemical (calculated in base weight) used to manufacture excluded, excepted or exempt preparations; and

(3) The quantity of bulk chemical (calculated as base weight) used to manufacture or be chemically changed to non-psychotropic substances.

Further, manufacturers would need to provide the information cited in item 3 above on a quarterly calendar year basis no later than 30 days from the close of the reported quarterly interval. Also, reports would need to be filed on DEA Form 333 or any other media which contains the data required by DEA Form 333 and which media is compatible to DEA automated systems. Lastly, all reports would need to be submitted to ARCOS, Information Systems Section, Drug Enforcement Administration, Department of Justice, Washington, DC 20537.

Legal Basis. 21 U.S.C. 871(b).

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. Alfred A. Russell, Chief, Regulatory Support Division, Office of Compliance and Regulatory Affairs, Washington, DC 20537, (202) 633–1570.

3. Title. Proposed Placement of Temazepam in Schedule IV of the Controlled Substances Act

Description of the Regulation. DEA issued on December 23, 1980 a Notice of Proposed Rulemaking to list Temazepam in Schedule IV of the Act. This Notice was published in the Federal Register on January 5, 1981 (46 FR 943). If the comment period, due to terminate on March 6, 1981, passes with no significant objections filed against this proposal, Temazepam will be listed in Schedule IV of the Act along with similar drugs currently listed in that Schedule, such as Librium, Valium and Dalmane.

Legal Basis. 21 U.S.C. 811.

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, DC 20537, (202) 633–1366.

4. Title. Transfer of Prescriptions for Controlled Substances Between Pharmacies as a Recordkeeping Task

Description of the Regulation. DEA issued a Notice of Proposed Rulemaking on March 26, 1980 (45 FR 21652, April 2, 1980) proposing to amend 21 CFR 1306.26, which in essence would permit the transfer of a Schedule III, IV or V prescriptions for controlled substances from one pharmacy to another for refill purposes, provided that appropriate notations are entered onto the transferred prescription for recordkeeping purposes. This Notice of Proposed Rulemaking was highlighted in the August 7, 1980 agenda, and DEA received numerous comments, which are still under consideration. Consequently, no amended regulation has been issued to date, but DEA expects to finalize the matter before the publication of the next semiannual agenda.

Legal Basis. 21 U.S.C. 821.

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 Eye Street, N.W., Room 518, Washington, DC 20537, (202) 633–1091.

B. New Regulations Under Development

DEA has no other new regulations currently under development.

C. Status of Regulations Previously Listed in the Semiannual Agenda of Significant Regulations Published on August 7, 1980 (45 FR 52397)

1. Title. Partial Filling of Schedule II Controlled Substance Prescriptions

In the August 7, 1980 agenda, DEA advised it had issued a Notice of Proposed Rulemaking to allow for the partial filling of Schedule II controlled substance prescriptions. On August 15, 1980, DEA published its final rule on the proposal, amending 21 CFR 1306.13 (45 FR 54329).

In the August 7, 1980 agenda, DEA also advised it would review Parts 1302, 1307, and 1310 of 21 CFR, and solicited comments. DEA received no comments regarding the possible revision of these parts, and therefore plans no revision of these parts in the next six months.

For further information contact Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, DC 20537, (202) 633–1366.

Dated: January 21, 1981.

William G. Fink,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-3512 Filed 1-29-81; 8:45 am]

BILLING CODE 4410-09-M

Immigration and Naturalization Service

8 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Significant Regulations Under Development or Review

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Publication of the seminnual regulatory agenda.

SUMMARY: This Semiannual Agenda of Significant Regulations is issued pursuant to section 2(a) of Executive Order No. 12044 (43 FR 12661) as extended by Executive Order 12221 (45 FR 44249), which requires the publication at least semiannually of an "agenda of significant regulations under development or review." The purpose of the agenda is to provide the public with information about significant regulatory activity by the Immigration and Naturalization Service. Knowledge of the scope and nature of this activity, as well as specific proposals and reviews being considered, should result in more effective public participation in the Service's regulatory actions.

FOR FURTHER INFORMATION CONTACT: For inquires or comments related to specific regulations in the agenda, the public is encouraged to contact the appropriate knowledgeable officials listed. Questions or comments concerning the overall agenda should be sent to Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This seminnual agenda covers:

(1) New significant regulations under development or those anticipated to be under development within the next twelve months;

(2) Existing significant regulations under review for possible revision or those anticipated to be reviewed within the next twelve months; and

(3) An update of the significant entries included in the seminnual agenda published in the **Federal Register** on October 6, 1980.

This publication in the **Federal Register** does not impose any binding obligation on the Service with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded or limited by this publication.

A. PLANS FOR MODIFYING REGULATIONS

1. Title. Refugee and Asylum Procedures

Description of the Regulation. Interim regulations to promulgate the provisions of the Refugee Act of 1980 were published on June 2, 1980 (45 FR 37392). These regulations added Parts 207, 208, and 209 to 8 CFR. Vast numbers of refugees and political asylees, from Cuba, Haiti, Indochina, and other areas were processed under these interim regulations. This experience indicated the need for some modification to the present regulations to simplify procedures for processing the applicants. The modified regulations also will have new provisions for preliminary processing of refugees overseas by the State Department. Assurances of employment and housing will be more liberal to allow reputable resettlement organizations as well as individuals to sponsor refugees rather than the former guarantee which was required of individual sponsors only. Old sections of 8 CFR which conflict with the new regulations will be deleted from the code. We believe these changes will be of benefit in providing the necessary guidance to Service personnel and the public when processing refugees and political asylees.

Legal Basis. Refugee Act of 1980, Pub. L. 96-212, 94 Stat. 102, dated March 17, 1980.

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. John L. Rebsamen, Director, Office of Refugee and Parole, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. (202) 633-2361.

B. NEW REGULATIONS UNDER DEVELOPMENT

The Immigration and Naturalization Service has no new regulations under development to report in this agenda. While the Select Commission on Immigration and Refugee Policy has reviewed numerous sections of the Immigration and Nationality Act and is in the process of drafting its recommendations, no new legislation has been enacted to change the Act which would in turn require new regulations. Future Congressional action may require INS to initiate plans for developing new regulations and such action will be announced by publication in the **Federal Register**.

C. STATUS OF REGULATIONS PREVIOUSLY LISTED IN THE SEMIANNUAL AGENDA OF SIGNIFICANT REGULATIONS PUBLISHED ON OCTOBER 6, 1980 (45 FR 66173)

1. Title. Refugee and Asylum Procedures

These interim regulations are being finalized as described in Part A above.

For further information contact: John L. Rebsamen, Director, Office Refugee and Parole, Immigration and Naturalization Service, 425 Eye Street, N.W. Washington, DC 20536. (202) 633-2361.

2. Title. Rules for Employment Authorization for Certain Aliens, 8 CFR Part 109

On July 25, 1979 (44 FR 43480) and March 26, 1980 (45 FR 19563) the Service published proposed rules to codify various Service Operations, Instructions, policy statements, and other memoranda relating to granting employment authorization to aliens in the United States. After careful consideration of the comments received during the public comment periods, the Service is preparing a final rule to incorporate employment authorization under one part of the CFR which will codify all of the prior material.

For further information contact: H. F. Klajbor, Deputy Assistant Commissioner, Adjudications, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. (202) 633-3229.

Semiannual Agenda Overview

Title of regulations	Target dates	
	Publish for comment	Issuance of final regulation
A. Regulations under review and revision:		
1. Refugee and Asylum Procedures (Interim)	6-2-80	3-81
B. New regulations under development: None		
C. Status of regulations previously listed in the semiannual agenda of significant regulations published on October 6, 1980 (45 FR 66173):		
1. Refugee and Asylum Procedures (Final)	(1)	(1)
2. Rules for Employment Authorization for Certain Aliens	7-25-79	2-81

[1] See part A above.

Non-significant items previously listed in the semiannual agenda of October 6, 1980 (45 FR 66173) are not included in this current agenda which is limited to significant regulations only.

Dated: January 19, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-3513 Filed 1-29-81; 8:45 am]

BILLING CODE 4410-10-M

Parole Commission

28 CFR Part 2

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: United States Parole Commission.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: This semiannual agenda of significant regulations is issued pursuant to Executive Order No. 12044 (43 FR 12661) which requires the publication at least semiannually of an "agenda of significant regulations under development or review."

The purpose of this semi-annual agenda is to provide the public with information about regulatory activities in the United States Parole Commission. The last agenda was published on September 12, 1980.

FOR FURTHER INFORMATION CONTACT: For inquiries or comments related to specific regulations in the agenda, the public is encouraged to contact the appropriate knowledgeable official. Questions or comments concerning the overall agenda should be sent to Toby Slawsky, General Counsel's Office, United States Parole Commission, 320 First Street N.W., Washington, D.C. 20537, (202) 724-7567.

SUPPLEMENTARY INFORMATION: The semiannual agenda covers regulations under development at the time this agenda is prepared or which the Parole Commission anticipates developing within the next twelve months. For all regulations that were included in the last semiannual agenda published September 12, 1980, a status update is included.

A. Plans for Modifying Regulations

Title. Paroling Policy Guidelines

Description of Regulation. The Parole Commission is considering revising the paroling policy guidelines, 28 C.F.R. 2.20 by placing very large scale offenses involving possession with intent to distribute/sell opiates (more than a kilogram) in the Greatest II offense

severity category. The Commission is considering this action because of the increased number of cases it is receiving involving very large quantities of drugs, and the Commission's perceived need to adequately sanction such behavior. Commission review of the decisions actually being made in these multi-kilo opiate cases over the last six months indicates frequent decisions "above the guidelines" based on the sophisticated and ongoing nature of such drug operations. Therefore, a change to the guidelines themselves is felt warranted so that the written statement of customary policy will reflect Commission actions.

The Commission is also considering revising 28 CFR 2.20 by setting an upper range of months customarily to be served before release for certain offenses (e.g. 5 or more incidents of robbery) presently in the Greatest II severity category. Other offenses in the Greatest II severity category would remain without upper limits to the guideline range.

The reason for this revision is that the Commission is receiving an increasing number of cases with particular offenses in the Greatest II category and seeks to provide a more explicit policy concerning these offenses.

Legal Basis: 18 U.S.C. 4203(a)(1)

Knowledgeable Official: Barbara Meierhoefer, Research Unit, (202) 724–3095

B. New Regulations Under Development

The Parole Commission has not new regulations under development to report.

C. Status of Regulations Previously Listed in the Semiannual Agenda Published on September 12, 1980 (45 FR 60451)

1. Rescission Guidelines. The Parole Commission published its final rule on rescission guidelines on September 11, 1980, 45 FR 59870. For further information contact Barbara Meierhoefer, Research Unit (202) 724–3095.

2. *Early Termination of Parole Supervison.* An interim/proposed rule concerning early termination of parole supervision was published on September 12, 1980, 45 FR 60427. The Commission is still reviewing the policy issues and public comment received in this matter. For further information contact Peter Hoffman, Research Unit (202) 724–3095.

Dated: January 14, 1981.

Cecil C. McCall,

Chairman, United States Parole Commission.

[FR Doc. 81–3014 Filed 1–29–81; 8:45 am]

BILLING CODE 4410–01–M

federal register

Friday
January 30, 1981

Part IV

General Services Administration

Office of the Federal Register

Incorporation by Reference

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

1 CFR Part 51

7 CFR Parts 982 and 1701

10 CFR Parts 73, 430 and 440

14 CFR Parts 25 and 29

Incorporation by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference and corrections.

SUMMARY: This document announces the final approval for incorporation by reference of certain publications that were given extensions of approval by the Director of the Federal Register on December 31, 1980 (45 FR 86672). The December 31 document listed materials approved by the Director for incorporation by reference into Title 1–16 of the *Code of Federal Regulations*. Material that is approved for incorporation by reference has the same legal status as if it were published in full in the **Federal Register**. This document also makes corrections to the December 31 document.

EFFECTIVE DATE: The Director approves the following incorporations by reference for one year effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Rose Anne Lawson at (202) 523–4534.

Dated: January 27, 1981.

John E. Byrne,

Director of the Federal Register.

7 CFR PARTS 28, 31, 32, 201, 982—AGRICULTURAL MARKETING SERVICE, U.S. DEPARTMENT OF AGRICULTURE

The following publications are approved for incorporation by reference for one year beginning January 1, 1981:

Oregon Grade Standards Filberts in Shell (August 25, 1975 Edition).

Oregon Grade Standards For Filberts (Hazelnut) Kernels (July 20, 1976 Edition)

7 CFR CHAPTER XVII (PART 1700–1799)—RURAL ELECTRIFICATION ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE

Make the following corrections:

1. On page 86673, under Rural Electrification Administration, the Entry "2–1 Guiding Statement of REA Policy Concerning Its Relationship with Borrowers 8/69." is printed twice. Remove the entry under "5–1 Joint Use of REA Borrowers' Facilities by Electric and Telephone Systems 3/54 with all supplements to 2/72".
2. On page 86674, remove "62–3 Narrow Profile Electric Transmission Line Structure Designs 11/72."
3. On page 86675, remove "86–5 Contract to Construct Buildings, REA Form 257 6/73" and "185–2 Audit Working Paper Guide 11/72."
4. On page 86678, remove "360–2 Area Coverage Design 5/67."
5. On page 86679, remove "388–1 Inventory and Appraisal of Existing Telephone Plant Retained as Part of New System 5/57."

The following publications are approved for incorporation by reference for one year beginning January 1, 1981:

320–12 Notes, Interest Computation, Payments and Loan Account Statement 10/76, with all supplements to 7/78

328–1 CATV Financing Under the Consolidated Farm and Rural Development Act 6/79

345–42 REA Specification for Low Loss Buried Distribution Wire (PE–44) 3/71

345–44 REA Specification for Figure 8 Drop Wire (PE–46) 3/64.

345–46 REA Specification for Clamps to Support Figure 8 Distribution Wire (PE–48) 7/68

345–47 REA Specification for Seven Wire Aluminum Clad Steel Strand (PE–49) 4/66

345–58 REA Specification for Flexible and Semirigid Polyvinyl Chloride Raw Material (PE–220) 7/69

345–63 REA Standard PC–4 for Acceptance Tests and Measurements of Telephone Plant 5/76

345–72 REA Specification for Filled Splice Cases (PE–74) 5/75

345–81 REA Specification for Modular Telephone Set Hardware (PE–76) 8/78

380–3 Weekly Progress Report of Telephone Constr. & Engr. Service 7/63, with all supplements to 2/64

384–2 Closeout Documents for Central Office Equipment Contracts 10/65, with all supplements to 10/80

10 CFR CHAPTER I (PARTS 0–199)—NUCLEAR REGULATORY COMMISSION

Make the following corrections:

1. On page 86681, under American National Standards Institute, correct the entry for International Standards Organization (ISO) 389 to read as follows:

International Standards Organization (ISO) 389 "Standard Reference Zero for the Calibration of Puretone Audiometer" (1975)..

2. Correct the entry for ANSI S3.6 to read as follows:

ANSI S3.6–1969 (R1973), "Specifications for Audiometers."

The following publications are approved for incorporation by reference for one year beginning January 1, 1981:

ANSI MH5.1–1971, "Basic Requirements for Cargo Containers."

ANSI S3.6–1969 (R1973), "Specifications for Audiometers."

International Standards Organization (ISO) 389–1975, "Standard Reference Zero for the Calibration of Puretone Audiometers.".

International Standards Organization (ISO) 1496–1978, "General Cargo Containers".

10 CFR CHAPTER II (PARTS 200–699)—DEPARTMENT OF ENERGY

Make the following corrections:

1. On page 86682, under Part 212, American Society of Testing and Materials, correct the entry for ASTM Standard D 910–70 to read as follows:

ASTM D 910–70, "Standard Specifications for Aviation Gasolines."

2. On page 86683, under Part 430, American National Standards Institute, correct the entry for B 149.1–1972 to read as follows:

B 149.1–1972, Dehumidifiers.

10 CFR Chapter II (Parts 200–699)—Department of Energy—Continued

3. On page 86684, under Part 430, International Electrotechnical Commission, correct the entire entry to read as follows:

International Electrotechnical Commission

(Available from: James A. Smith, Department of Energy, Office of Conservation and Solar Energy, Mail Stop 6B–025, Room 6H–065, 1000 Independence Ave., SW, Washington, DC 20585)

IEC 5C–59H–1975, Method of Measuring Performance of Microwave Cooking Appliances for Household and Similar Purposes..

4. On page 88685, under Part 456, American National Standards Institute, correct the entry for ANSI Z21.59 to read as follows:

ANSI Z21.59–1974 Gas-fired High Pressure Steam and Hot Water Heating Boilers..

5. Correct the entry for ANSI/NWMA I.S. S–73 to read as follows:

ANSI/NWMA I.S. 5–73 "Ponderosa Pine Doors"

The following publications are approved for incorporation by reference for one year beginning January 1, 1981:

10 CFR PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

ANSI Z 21.11.1–1974, ANS for Gas-Fired Room Heaters, Vol. 1, Vented Room Heaters.

ANSI Z 21.13–1974, ANS for Gas-Fired Low Pressure Steam and Hot Water Heating Boilers.

ANSI Z 21.48–1976, Gas-Fired Gravity and Fan Type Floor Furnaces

ASHRAE 37–78, Method of Testing for Rating Unitary Air Conditioning and Heat Pump Equipment.

IEC 5C–59H–1975, Method of Measuring Performance of Microwave Cooking Appliances for Household and Similar Purposes.

UL 730–1974, Standard for Safety: Oil-Fired Wall Furnaces

10 CFR PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

All standards incorporated into Part 440 are contained in Appendix A to Part 440.

American National Standards Institute

1430 Broadway,
New York, NY 10018

ANSI A134.3–1972 Voluntary Specifications for Aluminum Combination Storm Windows for External Application.

ANSI A134.4–1972 Voluntary Specifications for Aluminum Storm Doors.

ANSI Z 91.2–1976 Performance Requirements for Automatic Pressure Oil Burners of the Mechanical-Draft Type.

American Society for Testing and Materials

1916 Race Street, Philadelphia, PA 19103

ASTM C208–72 Insulating Board (Cellulosic Fiber), Structural & Decorative.

ASTM C516–67 Vermiculite Loose Fill Insulation

ASTM C534–70 Performed Flexible Elastomeric Cellular Thermal Insulation In Sheet & Tublar Form.

ASTM C549–73 Perlite Loose Fill Insulation

ASTM C552–73 Cellular Glass Block & Pipe Thermal Insulation

ASTM C578–69 Preformed, Block Type Cellular Polystyrene Thermal Insulation.

ASTM C591–69 Rigid Preformed Cellular Urethane Thermal Insulation.

ASTM C612–70 Mineral Fiber Block & Board Thermal Insulation

ASTM C665–70 Mineral Fiber Blanket Thermal Insulation & Wood Frame & Light Construction Buildings.

ASTM C726–72 Mineral Fiber Roof Insulation Board

ASTM C739–73 (Loose Fill) Cellulosic Fiber (Wood Base) Loose Fill Thermal Insulation.

ASTM C764–73 Mineral Fiber Loose Fill Thermal Insulation

Federal Specifications

Naval Publication and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120

F.S. HH–I–515C Insulation Thermal (Loose Fill for Pneumatic or Poured Application): (Cellulosic or Wood Fiber).

F.S. HH–I–521E Insulation Blankets, Thermal (Mineral Fiber for Ambient Temperatures).

F.S. HH–I–524B Insulation Board, Thermal (Polystyrene)

F.S. HH–I–526C Insulation Board, Thermal (Mineral Fiber)

10 CFR PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS—Continued

All standards incorporated into Part 440 are contained in Appendix A to Part 440.

F.S. HH-I-528B Insulation Batts & Blankets, Thermal (Vegetable Fiber)
F.S. HH-I-529B Insulation Board, Thermal (Mineral Aggregate)
F.S. HH-I-530A Insulation Board, Thermal (Urethane)
F.S. HH-I-551E Insulation Block & Boards, Thermal (Cellular Glass)
F.S. HH-I-558B Insulation, Blocks, Boards, Blankets, Felts, Sleeving (Pipe & Tube Covering), & Pipe Fitting Covering, Thermal (Mineral Fiber Industrial Type (1-9-73)).
F.S. HH-I-573B Insulation, Thermal (Flexible Unicellular Sheet & Pine Covering.
F.S. HH-I-574A Insulation, Thermal (Perlite)
F.S. HH-I-585B Insulation, Thermal (Vermiculite)
F.S. HH-I-1030A Insulation, Thermal (Mineral Fiber for Pneumatic or Poured Application).
F.S. HH-I-1252A Insulation, Thermal, Reflective (Aluminum Foil)
F.S. LLL-I-535A Insulation Board, Thermal & Insulation Block, Thermal.

Fir and Hemlock Door Association
Yeon Building Portland, OR 92704

Section 3 of FHDA/5-75 Industry Standard for Douglas Fir, Western Hemlock, & Sitka Spruce Doors & Blinds.

National Bureau of Standards
Department of Commerce Washington, DC 20234

NBS Product Standard PS26-70; Rigid Poly (Vinyl Chloride) (PVC) Profile Extrusions.

National Woodwork Manufacturers Association
205 W. Toughy Avenue Parkridge, IL 60068

Section 3 of NWMA, I.S. 1-73; Wood Flush Doors
Section 3 of NWMA Industry Standard I.S. 2-73; NWMA Industry Standard for Wood Window Units.
Section 3 of NWMA I.S. 5-73; NWMA Industry Standard Ponderosa Pine Doors.

Underwriters' Laboratories, Inc.
207 East Ohio Street Chicago, IL 60611

UL 296/ANSI Z 90.2-1974 Oil Burners

14 CFR CHAPTER I-FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

The following publications are approved for incorporation by reference for one year beginning January 1, 1981:

TSO-C77, "Gas Turbine Auxiliary Power Units" (May 20, 1963)

[FR Doc. 81-3458 Filed 1-29-81; 8:45 am]
BILLING CODE 1505-02-M

federal register

Friday
January 30, 1981

Part V

Department of Commerce

Office of Federal Statistical Policy and Standards

Standard Industrial Classifications; Proposed Revisions

DEPARTMENT OF COMMERCE

Office of Federal Statistical Policy and Standards

Standard Industrial Classifications; Proposed Revisions

AGENCY: Office of Federal Statistical Policy and Standards, Department of Commerce.

SUMMARY: This document proposes structural changes to the *Standard Industrial Classification Manual 1972* and the *1977 Supplement.*

Introduction

The Standard Industrial Classification Manual (SIC) is one of the most important tools used to promote the comparability of statistics describing various facets of the economy of the Nation. The SIC defines industries in accordance with the composition and structure of the economy and covers the entire field of economic activities. It is revised periodically to reflect the changing industrial composition of the economy.

The proposed structural changes included in this announcement are based largely on recommendations of the interagency Technical Committee on Industrial Classification (TCIC). Business, industry and Federal and State agencies had submitted 242 proposals for change following guidelines in the *Principles and Procedures for the Revision and Maintenance of the Establishment Standard Industrial Classification Manaual*[1] which was published in the **Federal Register** on June 7, 1979. The TCIC evaluated all of these proposals for change and recommended approximately one-third for acceptance and inclusion in a revised SIC.

The primary reasons why proposals for change were not accepted are: (1) proposed industries were too small, (2) proposed industries did not meet required specialization or coverage ratios, (3) difficulty in collecting the data needed to make a correct classification of establishments, and (4) improvement in statistical information would be low relative to the cost of the proposed change.

Highlights of Proposed Changes

The basic concepts of the classification system are unchanged but structural changes have been recommended in all Divisions A through J. One major change is in Major Groups 60 and 61 of Division H where changes are recommended to reflect new banking laws. In Division D, manufacturing, 25 new industries have been recognized and 14 have been combined with other industries because they were no longer large enough for separate identification. Office, Computing and Accounting Machines (357) has been moved to Major Group 36—Electrical and Electronic Machinery, Equipment, and Supplies. In Division B, anthracite mining (Major Group 11) has been combined with Bituminous Coal and Lignite Mining (Major Group 12). Each of the four-digit industries affected by this change have been retained except for combining the two mining services industries (1112 and 1213).

Extensive changes have been recommended for some areas that have been undergoing change for nearly 25 years but were not updated in the 1972 SIC. These include Major Group 42 and industries 3662 and 3079.

The recommended revisions affect 269 of the 1005 four-digit industries, leaving 73 percent structurally unchanged. A frequent type of revision is to combine an industry with another one because it no longer meets required minimum size criteria.

Scope of Revision

The recommended changes to the SIC shown in this announcement are believed to represent a reasonable balance among costs that must be considered in determining the appropriate scope of a revision. These are costs incurred from implementing a revised SIC but also costs that result from less representative statistics if periodic revisions are not made to the SIC. These costs include operational costs for agencies providing statistical data as well as disruptions in historical continuity for data users. Failure to implement a periodic revision implies a third "cost" in not having statistics which are representative of the existing economic structure. In addition to achieving a balance among these cost factors, each recommended change is considered to have a favorable benefit-cost relationship.

These aspects of cost were considered by the TCIC as they developed this recommended revision. However, further review by Government agencies may identify a need to scale back or delay the recommended revision because of limitations on operating budgets. Therefore, reviewers are encouraged to provide comments on any aspects of the cost situation discussed above. Does the scope of the recommended revision balance these costs? If implementation costs are greater than available funds should the scope be reduced or the implementation of the revision delayed?

Description of the List of Changes

The following proposed revision list shows only the changes in content or structure. The changes are indicated using short titles and a short description of activities moved out of or into the industry. Where new industries are created or changed, the title indicates the activity that is included. In order to help determine where all parts of the current industry have been moved, footnotes numbered 2 to 11 indicate the number of different places in the list to which the activities have been moved. Where an industry is split into two or more adjacent industries, braces ( ) indicate that an industry is split or combined. The footnotes are used to indicate the number of locations in the list in which the industry is involved. For example, 3079 is split into 6 industries which are shown in one place in list plus a part of 3079 is moved to a second place (3132), therefore the footnote reference is "[2]."

Note that only industry (four-digit) changes are listed. Changes at the two and three digit levels are only implied. For instance, Major Groups 11, 66 and 84 would be deleted since all the industries in these groups will be moved. Industry groups 087, 105, 357, 452, 483, and 735 will be deleted and industry groups 026, 368, 738, 798 and a new 735 will be added because of the four-digit industry changes.

Industries for which no change in content or structure is contemplated are not listed. However, updating and clarification of industry descriptions and example items will be made in most of the industries and several titles will be revised.

The 1972 SIC Manual, as supplemented in 1977 should be consulted to understand the industries as they are now described.[2]

Comment Procedure

Comments on the revisions should be made to Joseph W. Duncan, Director of this office. Wherever changes on which you want to make a comment are interrelated with other changes, your comments should deal with all the interrelated implications. Comments will be accepted only on: (1) making the listed structural changes rather than retaining the current classification (1972 Manual as supplemented in 1977), (2)

[1] For your information, the *Principles and procedures for the Revision and Maintenance of the Establishment Standard Industrial Classification Manual* is reprinted at the end of this notice.

[2] *The Standard Industrial Classification Manual 1972* and the *1977 Supplement* are available from the Government Printing Office—Stock numbers and prices—4101-0066; $10.25 and 003-005-00176-0; $1.25, respectively.

other proposals for change that were submitted but not accepted by the TCIC so they have not been listed below (modifications suggesting alternates to those proposals for change such as fewer industries or a narrower scope for change will be considered), and (3) the issues of cost of implementation discussed above.

Proposals that would update or clarify industries but which do not change the structure or content are not listed. They will be handled after these proposed structural changes are made final. We expect to contact directly all persons or organizations that have made recommendations for these non-structural changes.

In addition, a public hearing will be held at 9:00 A.M., Thursday, February 19, 1981 in Room 6802 of the Commerce Building on 14th Street between Constitution and E Street, N.W. Testimony at the hearing is not necessary, and full consideration will be given to written comments provided according to these procedures.

Please call (202) 673–7977 with name, address, phone number and subject of person giving testimony to insure that time will be allotted. The amount of time per speaker or per subject may be limited depending on time available.

ADDRESS: Send comments to Joseph W. Duncan, Director, Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230, by March 20, 1981. All comments, materials, questions, etc., in response to this notice will be available for public inspection during normal business hours, 8:30 A.M. to 5:00 P.M. in Room 200, 2001 "S" Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Milo O. Peterson, Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230. Telephone Number: (202) 673–7977.

Note.—The Department of Commerce has determined that this proposal is not a significant regulation requiring preparation of a regulatory analysis under Exectuve Order No. 12044.

Courtenay M. Slater,

Chief Economist for the Department of Commerce.

Guidelines for Interpreting the List of Proposed Revisions

The left hand side of the table shows the content or structure of the new industries proposed for 1982. The right hand side of the page shows every existing industry which will be affected by the changes. Any industry which does not appear on the right hand side is proposed to remain unchanged and will appear in the 1982 Manual. If a proposed industry is the result of a split or a combination of old industries, the change is shown by the use of braces ( ). If only a portion of an industry is moved, a short identification of the transferred activity is listed below the new industry and across from the old industry. The transferred activity is, of course, limited to the activity included in the old industry.

In order to show both the new or revised industries and provide an overview of the changes from the old classification, the following conventions are used.

A. Only the industries that have proposed changes are listed.

B. Any industry that is shown on the list of old industries, but is not also shown in the proposed (left column) industry list will be deleted. All activities of the old industry will be included in the new or revised industries. Examples from the first page of the list are elimination of codes 0134, 0189, 0729, 1051, 1092, 1111, 1112, 1213, 1452, 1453, 1454, 1473, 1496, and 1761.

C. The first five changes shown in the list cover most of the examples of the types of changes that are presented.

C–1. The first items show the moving of an activity *out of* an existing industry and retaining the existing industry in the modified form. In this case, sweet potatoes are removed from Industry 0139-Field crops, except cash grains, nec.

0139 Field crops, except cash grains, nec	
0139[3] Field crops, except cash grains, nec except sweet potatoes	

C–2. The second change shows the addition of an activity *into* another industry. The aforementioned sweet potatoes are proposed for addition to industry 0161-vegetables and melons. In order to show the extent of the change to an industry, a footnote shows the number of locations in which the affected industry is shown in the list. (In this case, it is quite clear that the only change is moving sweet potatoes, but in other cases an industry may be involved in more than one activity change and the footnote shows the number of places in the list to look for the old activities.)

0161 Vegetables and melons sweet potatoes.	0161 vegetables and melons. 0139 [3] Field crops, except cash grains, nec.

C–3. The third change is an example of a change in structure but not in the content or definition of an industry. Irish potatoes remain as an industry but have been moved from three-digit industry group 013-Field Crops, Except Cash Grains to industry group 016-Vegetables and Melons. (An # indicates that no change is proposed in content, only the placement of the industry in another part of the classification.)

0162 # Irish potatoes.	0134 Irish potatoes.

C–4. The fourth change is a combination of two existing industries into a single one. In this case industry 0181-Ornamental nursery products will remain as an industry, but will also include industry 0189-Horticultural specialties, nec, which will be deleted as a separate industry. In addition to combining the two industries, a portion (Christmas trees) of another industry was also moved *into* industry 0181. This example shows a more complex change involving both combining industries and moving a portion as illustrated in paragraph C–2.

0181 Ornamental nursery products trees, Christmas.	0181 Ornamental nursery products. 0189 Horticultural specialties, nec. 0811[3] Timber tracts.

C–5. The fifth change shows the creation of two industries out of one. In this case, the original industry title will be retained, but the content will no longer include Aquaculture. (A new three-digit industry group is also created by this change, since there are no other industries in the 026 group.)

0261 Aquaculture. 0279 Animal specialties, nec.	0279 Animal specialties, nec.

D. An (i) following the code for a proposed industry indicates that the industry is to be retained to provide more comparability over time, but will be combined with another insdustry in the three-digit industry group in the next revision of the SIC.

BILLING CODE 3510-06-M

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC Code	Proposed 1982 SIC Short title	1972/77 SIC Code	1972/77 SIC Short title
	AGRICULTURE, FORESTRY AND FISHING		
0139	Field crops, except cash grains, nec except sweet potatoes	0139 2/	Field crops, except cash grains, nec
0161	Vegetables and melons sweet potatoes	0161 0139 2/	Vegetables and melons Field crops, except cash grains, nec
0162 #	Irish potatoes	0134	Irish potatoes
0181	Ornamental nursery products trees, Christmas	0181 0189 0811 2/	Ornamental nursery products Horticultural specialties, nec Timber tracts
0261 0279	Aquaculture Animal specialties	0279	Animal specialties, nec
0721	Crop protection and planting	0721 0729	Crop protection and planting General crop services
0811	Timber tracts except trees, Christmas	0811 2/	Timber tracts
	MINING		
1099	Metal ores, nec	1051 1092 1099	Bauxite and other aluminum ores Mercury ores Metal ores, nec
1214 #	Anthracite	1111	Anthracite
1221	Coal mining services	1112 1213	Anthracite mining services Bituminous & lignite mining services
1311 1312	Crude petroleum and natural gas Oil shale and sands	1311	Crude petroleum and natural gas
1313	Coal gasification and liquification	none	
1459	Clay and related minerals, nec	1452 1453 1454 1459	Bentonite Fire clay Fuller's earth Clay and related minerals, nec
1479	Chemical and fertilizer mining, nec	1473 1479	Fluorspar Chemical and fertilizer mining, nec
1499	Nonmetallic minerals, nec	1496 1499	Talc, soapstone, and pyrophyllite Nonmetallic minerals, nec
	CONSTRUCTION		
1762 1763	Roofing and siding Sheet metal work	1761	Roofing and sheet metal work

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
	MANUFACTURING		
2018	Poultry processing except egg processing	2017 2/	Poultry and egg processing
2031	Dehydrated fruits and vegetables except dry soup mixes and powders	2034 2/	Dehydrated fruits, vegetables, soups
2032	Canned specialties except canned fishcakes	2032 2/	Canned specialties
2033	Canned fruits and vegetables	2033	Canned fruits and vegetables
	fruit flavored drinks and ades	2086 2/	Bottled and canned soft drinks
2036	Frozen specialties	2038	Frozen specialties
2053	Frozen bakery products		
2065	Confectionery products except salted nuts	2065 2/	Confectionery products
2066	Chocolate and cocoa products	2066	Chocolate and cocoa products
	chocolate and cocoa products, mfpm	2099 4/	Food preparations, nec
2086	Bottle and canned soft drinks ex fruit flavored drinks and ades	2086 2/	Bottled and canned soft drinks
2091	Canned and cured seafoods	2091	Canned and cured seafoods
	canned fishcakes	2032 2/	Canned specialties
2093	Potato chips and related products	2099 4/	Food preparations, nec
2094	Salted and cooked nuts and seeds	2099 4/	Food preparations, nec
	nuts	2065 2/	Confectionery products
2099	Food preparations, nec	2099 4/	Food preparations, nec
	egg processing	2017 2/	Poultry and egg processing
	dry soup mixes and powders	2034 2/	Dehydrated fruits, vegetables, soups
	except chocolate products, mfpm		
	except potato and related chips		
	except salted & cooked nuts & seeds		
2222	Weaving mills, spun manmade fibers	2221	Weaving mills, synthetics
2223	Weaving mills, ex all spun manmades		
2241	Narrow fabric mills	2241	Narrow fabric mills
	narrow weft knit fabrics	2257 3/	Circular knit fabric mills
	narrow warp knit fabrics	2258 3/	Warp knit fabric mills
2257	Weft knit fabric mills except narrow fabrics & finishing	2257 3/	Circular knit fabric mills
2258	Warp knit fabric mills except narrow fabrics & finishing	2258 3/	Warp knit fabric mills
2268	Finishing knit fabrics	2257 3/	Circular knit fabric mills
		2258 3/	Warp knit fabric mills
2273	Carpets and rugs	2271	Woven carpets and rugs
		2272	Tufted carpets and rugs
		2279	Carpets and rugs, nec
2281	Yarn mills	2281	Yarn mills, except wool
		2283 2/	Wool yarn mills
2282	Throwing and winding mills	2282	Throwing and winding mills
		2283 2/	Wool yarn mills
2299	Textile goods, nec	2291	Felt goods, exc. woven felts & hats
		2292	Lace goods
		2293	Paddings and upholstery filling
		2294	Processed textile waste
		2299	Textile goods, nec

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
	MANUFACTURING continued		
2321	Men's and boys' shirts except nightwear	2321 2/	Men's and boys' shirts and nightwear
2322	Men's & boys' underwear & nightwear	2322	Men's and boys' underwear
	nightwear	2321 2/	Men's and boys' shirts and nightwear
2325	Men's and boys' separate trousers	2327	Men's and boys' separate trousers
	jeans	2328 2/	Men's and boys' work clothing
2326	Men's and boys' work clothing except jeans	2328 2/	Men's and boys' work clothing
2353	Hats, caps, and millinery	2351	Millinery
		2352	Hats and caps, except millinery
2382	Dress and work gloves, except knit	2381	Fabric dress and work gloves
		3151	Leather gloves and mittens
2393	Textile bags except knapsacks and duffle bags	2393 2/	Textile bags
2394	Canvas and related products	2394	Canvas and related products
	knapsacks and duffle bags	2393 2/	Textile bags
2398	Pleating & stitching & embroideries	2395	Pleating and stitching
		2397	Schiffli machine embroideries
2432	Wood doors, windows and frames	2431	Millwork
2438	Millwork, nec		
2437 #	Structural wood members	2439	Structural wood members, nec
2492	Particleboard	2492	Particleboard
	laminating of particleboard	2499 3/	Wood products, nec
2493	Hardboard & insulation & MDF board	2499 3/	Wood products, nec
	enameled hardboard	2649 2/	Converted paper products, nec
	insulation board	2661 2/	Building paper and board mills
2499	Wood products, nec ex hard & MDF board & laminating	2499 3/	Wood products, nec
2522	Office furniture, except wood	2522	Metal office furniture
	office furniture, plastics	2599 3/	Furniture and fixtures, nec
2542	Partitions and fixtures, except wood	2542	Metal partitions and fixtures
	partitions and fixtures, plastics	2599 3/	Furniture and fixtures, nec
2599	Furniture and fixtures, nec ex furniture and fixtures, plastics	2599 3/	Furniture and fixtures, nec
2631	Paperboard mills except wet machine board	2631 2/	Paperboard mills
2632 i	Building paper and wet machine board	2661 2/	Building paper and board mills
	wet machine board	2631 2/	Paperboard mills
2633 i	Pressed and molded pulp goods	2646	Pressed and molded pulp goods
2641	Packaging paper coating and glazing	2641	Paper coating and glazing
2643	Paper coating & glazing, nec		
2644	Paper bags, uncoated	2643	Bags, except textile bags
2646	Plastics, foil, & coated paper bags		
2649	Converted paper products, nec except enameled hardboard	2649 2/	Converted paper products, nec
2651	Folding paperboard boxes	2651	Folding paperboard boxes
	folding boxes for moist products	2654 2/	Sanitary food containers
2654	Sanitary food containers ex folding boxes for moist products	2654 2/	Sanitary food containers

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
	MANUFACTURING continued		
2751	Comm printing, ex offset & gravure commercial printing, engraving	2751	Commercial printing, letterpress
		2753 2/	Engraving and plate printing
2754	Commercial printing, gravure except plate making	2754 2/	Commercial printing, gravure
2792	Plate making for printing trades	2793	Photoengraving
		2794	Electrotyping and stereotyping
		2795	Lithographic platemaking services
	plate making, engraved	2753 2/	Engraving and plate printing
	plate making, gravure	2754 2/	Commercial printing, gravure
2819	Industrial inorganic chemicals, nec except diagnostic reagents	2819 2/	Industrial inorganic chemicals, nec
	hydrazine	2869 3/	Industrial organic chemicals, nec
2831	Biological products except diagnostic reagents	2831 2/	Biological products
2832	Diagnostic reagents, in vivo & vitro	2831 2/	Biological products
	diagnostic reagents	2819 2/	Industrial inorganic chemicals, nec
	diagnostic reagents	2833 2/	Medicinals and botanicals
	diagnostic reagents	2834 2/	Pharmaceutical preparations
	diagnostic reagents	2869 3/	Industrial organic chemicals, nec
2833	Medicinals and botanicals except diagnostic reagents	2833 2/	Medicinals and botanicals
2834	Pharmaceutical preparations except diagnostic reagents	2834 2/	Pharmaceutical preparations
2869	Industrial organic chemicals, nec ex hydrazine & diagnostic reagents	2869 3/	Industrial organic chemicals, nec
2911	Petroleum refineries except waxes, mfpm	2911 2/	Petroleum refining
2999	Petroleum and coal products, nec	2999	Petroleum and coal products, nec
	waxes, mfpm	2911 2/	Petroleum refining
3061	Molded & extruded rubber goods, nec ex fabricated rubber products nec	3069 3/	Fabricated rubber products, nec
3069	Fabricated rubber products, nec	3031	Reclaimed rubber
	ex shoe cut stock & molded goods	3069 3/	Fabricated rubber products, nec
3071	Plastics film and sheet, unsupported	3079 2/	Miscellaneous plastics products
3072	Plastics pipe and conduit		
3073	Plastics bottles		
3074	Plastics foam products		
3076	Molded plastics products, nec		
3078	Miscellaneous plastics products except shoe cut stock & findings		
3132	Boot and shoe cut stock and findings	3131	Boot and shoe cut stock and findings
	rubber shoe cut stock & findings	3069 3/	Fabricated rubber products, nec
	plastic shoe cut stock & findings	3079 2/	Miscellaneous plastics products
3152 ‡	Rubber and plastics footwear	3021	Rubber and plastics footwear
3172	Personal leather goods, nec	3172	Personal leather goods, nec
	compacts & vanities ex prec. metal	3961 2/	Costume jewelry
3265	Earthenware and china food utensils	3262	Vitreous china food utensils
		3263	Fine earthenware food utensils
	stoneware food utensils	3269 2/	Pottery products, nec
3269	Pottery products, nec except stoneware food utensils	3269 2/	Pottery products, nec

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
	MANUFACTURING continued		
3342	Secondary aluminum smelting	3341	Secondary nonferrous metals
3349	Secondary nonferrous smelting, nec		
3363	Aluminum die casting	3361 2/	Aluminum foundries
3364	Nonferrous die casting, nec	3362 2/	Brass, bronze, and copper foundries
	die casting, nec	3369 2/	Nonferrous foundries, nec
3365	Aluminum foundries, ex die casting	3361 2/	Aluminum foundries
3368	Nonferrous foundries, nec	3362 2/	Brass, bronze, and copper foundries
	foundries, nec	3369 2	Nonferrous foundries, nec
3433	Heating equipment, except electric except floor, wall & duct furnaces	3433 2/	Heating equipment, except electric
3444	Sheet metal products	3444 all	Sheet metal work
	custom roll forming		
3491	Industrial valves	3494 3/	Valves and pipe fittings
3492	Fluid power valves and hose fittings	3494 3/	Valves and pipe fittings
	fluid power valves & hose fittings	3728 4/	Aircraft equipment, nec
3494	Plumbing valves & pipe fittings, nec	3494 3/	Valves and pipe fittings
3499	Fabricated metal products, nec	3499 all	Fabricated metal products, nec
	custom powder metallurgy		
3519	Internal combustion engines, nec	3519	Internal combustion engines, nec
	filters, ex gas vehicle engine	3599 3/	Machinery, except electrical, nec
3523	Farm machinery and equipment except commercial lawn and turf	3523 2/	Farm machinery and equipment
3524	Lawn and garden equipment	3524	Lawn and garden equipment
	commercial lawn and turf equipment	3523 2/	Farm machinery and equipment
3531	Construction machinery	3531	Construction machinery
	lift platforms on road trucks	3536 3/	Hoists, cranes, and monorails
3536	Hoists, cranes, and monorails except lift platforms	3536 3/	Hoists, cranes, and monorails
3537	Industrial trucks and tractors	3537	Industrial trucks and tractors
	lift platforms on industrial trucks	3536 3/	Hoists, cranes, and monorails
3541	Machine tools, metal cutting types	3541	Machine tools, metal cutting types
	metal cutting tools, laser	3662 11/	Radio and TV communication equipment
3542	Machine tools, metal forming types	3542	Machine tools, metal forming types
	metal forming tools, laser	3662 11/	Radio and TV communication equipment
3548	Welding apparatus	3623	Welding apparatus, electric
	welding and cutting apparatus, gas	3549 2/	Metalworking machinery, nec
	ultrasonic & laser	3662 11/	Radio and TV communication equipment
3549	Metalworking machinery, nec ex welding & cutting apparatus, gas	3549 2/	Metalworking machinery, nec
3556	Food products machinery ex food packaging machinery	3551 2/	Food products machinery
3559	Special industry machinery, nec	3559 2/	Special industry machinery, nec
	ex kilns; cement, woods & chemical industrial sewing machines	3636 2/	Sewing machines

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
	MANUFACTURING continued		
3561	Fluid transfer pumps & equipment except fluid power pumps & motors	3561 2/	Pumps and pumping equipment
3565	Packaging machinery	3551 2/	Food products machinery
	packaging machinery	3569 2/	General industrial machinery, nec
3566	Speed changers, gears, and drives except hydrostatic drives	3566 2/	Speed changers, gears, and drives
3567	Fluid power pumps and motors	3561 2/	Pumps and pumping equipment
	hydrostatic drives	3566 2/	Speed changers, gears, and drives
	fluid power pumps and motors	3728 4/	Aircraft equipment, nec
3569	General industrial machinery, nec except special packaging machinery	3569 2/	General industrial machinery, nec
3585	Refrigeration and heating equipment	3585	Refrigeration and heating equipment
	floor, wall, and duct furnaces	3433 2/	Heating equipment, except electric
	floor, wall, and duct furnaces	3699 2/	Electrical equipment & supplies, nec
3593	Fluid power cylinders and actuators	3599 3/	Machinery, except electrical, nec
	fluid power actuators, aircraft	3728 4/	Aircraft equipment, nec
3594	Industrial furnaces, ovens & kilns	3567	Industrial furnaces and ovens
	kilns; cement, wood & chemical	3559 2/	Special industry machinery, nec
3595 #	Industrial patterns	3565	Industrial patterns
3599	Machinery, except electrical, nec ex non-gasoline vehicle eng filters except cylinders and actuators	3599 3/	Machinery, except electrical, nec
3613	Switchgear and switchboard apparatus except electrical relays	3613 2/	Switchgear and switchboard apparatus
3622	Relays and industrial controls	3622	Industrial controls
	relays, electrical	3613 2/	Switchgear and switchboard apparatus
	relays, electronic	3679 3/	Electronic components, nec
3639	Household appliances, nec	3639	Household appliances, nec
	household sewing machines	3636 2/	Sewing machines
3663	Radio and TV communication equipment	3662 11/	Radio and TV communications equipment
3664	Search and navigation equipment		
3669	Communication equipment, nec ex non-communication equipment		
3671	Electron and cathode ray tubes	3671	Electron tubes, receiving type
		3672	Cathode ray television picture tubes
		3673	Electron tubes, transmitting
3674	Semiconductors and related devices	3674	Semiconductors and related devices
	thick film circuits	3679 3/	Electronic components, nec
3672	Printed circuit boards	3679 3/	Electronic components, nec
3679	Electronic components, nec ex electronic relays & thick film		
3683	Electronic computing equipment	3573	Electronic computing Equipment
	modems	3662 11/	Radio and TV communication equipment
3684 #	Calculating and accounting machines	3574	Calculating and accounting machines
3686 #	Scales and balances, ex laboratory	3576	Scales and balances, ex laboratory
3689	Office machines, nec	3572	Typewriters
		3579	Office machines, nec
3693	X-ray apparatus and tubes	3693	X-ray apparatus and tubes
	medical laser equipment	3662 11/	Radio and TV communication equipment
3699	Electrical equipment & supplies, nec except floor, wall & duct furnaces	3699 2/	Electrical equipment & supplies, nec
	misc. electrical equipment	3662 11/	Radio and TV communication equipment

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC Code	Proposed 1982 SIC Short title	1972/77 SIC Code	1972/77 SIC Short title
	MANUFACTURING continued		
3728	Aircraft equipment, nec except fluid power products	3728 4/	Aircraft equipment, nec
3734	Ship building and repair except yachts for personal use inboard powered commercial boats	3731 2/	Ship building and repairing
		3732 3/	Boat building and repairing
3735	Boat building ex inboard powered commercial boats ex boat repair yachts for personal use	3732 3/	Boat building and repairing
		3731 2/	Ship building and repairing
3811	Engineering & scientific instruments laser instruments	3811	Engineering & scientific instruments
		3662 11/	Radio and TV communication equipment
3832	Optical instruments and lenses laser ranging equipment	3832	Optical instruments and lenses
		3662 11/	Radio and TV communication equipment
3841	Surgical and medical instruments ultrasonic medical cleaning devices	3841	Surgical and medical instruments
		3662 11/	Radio and TV communication equipment
3843	Dental equipment and supplies ultrasonic dental cleaning devices	3843	Dental equipment and supplies
		3662 11/	Radio and TV communication equipment
3944	Games, toys, and children's vehicles marionettes	3944	Games, toys, and children's vehicles
		3999 2/	Manufacturing industries, nec
3961	Costume jewelry ex compacts and vanity cases	3961 2/	Costume jewelry
3965	Buttons, needles, pins and fasteners	3963	Buttons
		3964	Needles, pins, and fasteners
3999	Manufacturing industries, nec except marionettes	3962	Artificial flowers
		3999 2/	Manufacturing industries, nec

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
	TRANSPORTATION AND PUBLIC UTILITIES		
4119	Local passenger transportation, nec except ambulance service	4119 2/	Local passenger transportation, nec
4143	Transportation charter service	4141	Local passenger charter service
		4142	Charter service, except local
4173	Bus terminal and service facilities	4171	Bus terminal facilities
		4172	Bus service facilities
4215	Trucking, specialized freight except garbage and refuse hauling	4212 5/	Local trucking, without storage
	specialized freight, except local	4213 4/	Trucking, except local
	specialized freight, incl storage	4214 4/	Local trucking and storage
4216	Trucking, household goods	4212 5/	Local trucking, without storage
	household goods, except local	4213 4/	Trucking, except local
	household goods, including storage	4214 4/	Local trucking and storage
4217	Trucking, general freight	4212 5/	Local trucking, without storage
	general freight, except local	4213 4/	Trucking, except local
	general freight, including storage	4214 4/	Local trucking and storage
4229	Warehousing and storage, nec	4225	General warehousing and storage
		4226	Special warehousing and storage, nec
4321	Courier Service	4212 5/	Local trucking, without storage
	courier service	4213 4/	Trucking, except local
	courier service	4214 4/	Local trucking and storage
	messenger and delivery service	7399 2/	Business services, nec
4424	Deep sea domestic transportation	4421	Noncontiguous area transportation
		4422	Coastwise transportation
		4423	Intercoastal transportation
4468	Marinas and boat repair	4469 2/	Water transportation services, nec
	boat repair	3732 3/	Boat building and repairing
4469	Water transportation services, nec except marinas	4464	Canal operation
		4469 2/	Water transportation services, nec
4512	Air transportation	4511	Certificated air transportation
		4521	Noncertificated air transportation
4711	Freight transportation arrangement	4712	Freight forwarding
		4723	Freight transportation arrangement
4833	Television broadcasting except subscription television	4833 2/	Television broadcasting
4891	Subscription TV, including cable TV	4833 2/	Television broadcasting
	cable television	4899 2/	Communication services, nec
4899	Communication services, nec except cable television	4899 2/	Communication services, nec
4911	Electric services	4911	Electric services
		4931	Electric and other services combined
4922	Natural gas transmission	4922	Natural Gas Transmission
		4932 4/	Gas and other services combined
4923	Gas transmission and distribution	4923	Gas transmission and distribution
		4932 4/	Gas and other services combined
4924	Natural gas distribution	4924	Natural gas distribution
		4932 4/	Gas and other services combined
4925	Gas production and/or distribution	4925	Gas production and/or distribution
		4932 4/	Gas and other services combined

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
TRANSPORTATION AND PUBLIC UTILITIES cont.			
4941	Water supply primarily water supply	4941 4939 2/	Water supply Combination utility services, nec
4952	Sewerage systems primarily sewerage systems	4952 4939 2/	Sewerage systems Combination utility services, nec
4953	Refuse systems garbage and refuse hauling	4953 4212 5/	Refuse systems Local trucking, without storage
	WHOLESALE TRADE		
5032 5033 5038	Brick, stone, tile, sand, etc Roofing, siding and insulation Construction materials, nec	5039	Construction materials, nec
5091 5092	Scrap metal dealers Scrap & waste dealers, except metal	5093	Scrap and waste materials
5143	Dairy products except raw milk	5143 2/	Dairy products
5144	Poultry and poultry products except live chickens	5144 2/	Poultry and poultry products
5159	Farm-product raw materials, nec raw milk live chickens	5159 5143 2/ 5144 2/	Farm-product raw materials, nec Dairy products Poultry and poultry products
5162 5169	Plastics materials and basic forms Chemicals and allied products, nec	5161	Chemicals and allied products
	RETAIL TRADE		
5311	Department stores except 25 to 50 employees	5311 2/	Department stores
5399	Misc. general merchandise stores 25 to 50 employees	5399 5311 2/	Misc. general merchandise stores Department stores
5423	Meat and fish (seafood) markets	5422 5423	Freezer and locker meat provisioners Meat and fish (seafood) markets
5561	Recreational vehicle dealers except utility trailer dealers	5561 2/	Recreation & utility trailer dealers
5599	Automotive dealers, nec utility trailer dealers	5599 5561 2/	Automotive dealers, nec Recreation & utility trailer dealers
5631	Women's accessory & specialty stores except costume jewelry	5631 2/	Women's accessory & specialty stores
5941	Sporting goods and bicycle shops trophy shops	5941 5999 2/	Sporting goods and bicycle shops Miscellaneous retail stores, nec
5944	Jewelry stores costume jewelry	5944 5631 2/	Jewelry stores Women's accessory & specialty stores
5982	Fuel dealers, nec except ice dealers	5982 2/	Fuel and ice dealers, nec
5999	Miscellaneous retail stores, nec except trophy shops ice dealers	5999 2/ 5982 2/	Miscellaneous retail stores, nec Fuel and ice dealers, nec

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
	FINANCE, INSURANCE, AND REAL ESTATE		
6012	Central liquidity facility and FHLB	none	
	FHLB	6112 2/	Rediscounting, not for agricultural
6035	National banks	6025	National banks, Federal Reserve
		6026	National banks, not Fed. Res., FDIC
		6027	National banks, not FDIC
6036	State commercial banks, ex savings	6022 2/	State banks, Federal Reserve
		6023 2/	State banks, not Fed. Reserve, FDIC
		6024 2/	State banks, not Fed Res., not FDIC
6037	Non-U.S. non-deposit banks except foreign exchange	6052 2/	Foreign exchange establishments
6038	Foreign trade banking institutions offices of Edge Act Corp.	6056 2/	Corporations for banking abroad
6039	Commercial banking, nec	6028	Private banks, not incorp., not FDIC
	except offices of Edge Act Corp.	6056 2/	Corporations for banking abroad
6051	Savings banks	6032	Mutual savings banks, Fed Reserve
		6033	Mutual savings banks, nec
		6034	Mutual savings banks, not FDIC
	stock savings banks	6022 2/	State banks, Federal Reserve
	stock savings banks	6023 2/	State banks, not Fed. Reserve, FDIC
	stock savings banks	6024 2/	State banks, not Fed Res., not FDIC
6061 #	Federal savings & loan associations	6122	Federal savings & loan associations
6062	State savings & loan associations	6123	State associations, insured
		6124	State associations, noninsured, FHLB
		6125	State associations, noninsured, nec
6071 #	Federal credit unions	6142	Federal credit unions
6072 #	State credit unions	6143	State credit unions
6091	Foreign exchange establishments except non-deposit banks	6052 2/	Foreign exchange establishments
6093	Nondeposit trusts	6042	Nondeposit trusts, Federal Reserve
		6044	Nondeposit trusts, not FDIC
6099	Functions relating to banking, nec	6054	Safe deposit companies
		6055	Clearinghouse associations
		6059	Functions related to banking, nec
6112	Rediscounting, not for agricultural except FHLB	6112 2/	Rediscounting, not for agricultural
6132	Personal credit institutions	6144	Nondeposit industrial loan companies
		6145	Licensed small loan lenders
		6146	Installment sales finance companies
		6149	Misc. personal credit institutions
	primarily loan offices	6611 4/	Combined real estate, insurance, etc.
6133 #	Short-term business credit	6153	Short-term business credit
6139 #	Misc. business credit institutions	6159	Misc. business credit institutions

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
FINANCE, INSURANCE, AND REAL ESTATE cont.			
6282	Investment advisors	6281	Security and commodity services
6289	Security and commodity services, nec		
6311	Life insurance except reinsurance	6311 2/	Life insurance
6312	Accident and health insurance except reinsurance	6321 2/	Accident and health insurance
6313 #	Hospital and medical service plans	6324	Hospital and medical service plans
6316	Life and health reinsurance	6311 2/	Life insurance
	health reinsurance	6321 2/	Accident and health insurance
6331	Fire, marine, and casualty insurance except reinsurance	6331 2/	Fire, marine, and casualty insurance
6332	Property and surety reinsurance	6331 2/	Fire, marine, and casualty insurance
	surety reinsurance	6351 2/	Surety insurance
6351	Surety insurance except reinsurance	6351 2/	Surety insurance
6399	Insurance carriers, nec	6399	Insurance carriers, nec
	OPIC	9721 2/	International affairs
6411	Insurance agents, brokers & service	6411	Insurance agents, brokers & service
	primarily insurance agents	6611 4/	Combined real estate, insurance, etc.
6519	Real property lessors, nec	6517	Railroad property lessors
		6519	Real property lessors, nec
6531	Real estate agents and managers	6531	Real estate agents and managers
	primarily real estate agents	6611 4/	Combined real estate, insurance, etc.
6712	Offices of bank holding companies	6711	Holding offices
6713	Offices of nonbank holding companies		
6721	Management investment offices	6722	Management investment, open-end
		6723	Management investment, closed-end

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Short title	Code	Short title
	SERVICES		
7231	Beauty shops except beauty schools	7231 2/	Beauty shops
7241	Barber shops except barber schools	7241 2/	Barber shops
7291	Health clubs and spas	7299	Miscellaneous personal services
7299	Miscellaneous personal services		
7334	Reproduction services duplicating services	7332	Blueprinting and photocopying
		7339 2/	Stenographic and reproduction, nec
7335	Stenographic services except duplicating services	7339 2/	Stenographic and reproduction, nec
7352 #	Landscape counseling and planning	0781	Landscape counseling and planning
7353 #	Lawn and garden services	0782	Lawn and garden services
7354 #	Ornamental tree and shrub services	0783	Ornamental shrub and tree services
7363	Facilities management services	7369 2/	Personnel supply service, nec
7368	Personnel supply services, nec except facilities management	7362	Temporary help supply service
		7369 2/	Personnel supply service, nec
7381 #	Research & development laboratories	7391	Research & development laboratories
7382 #	Testing laboratories	7397	Commercial testing laboratories
7383	Management consulting services	7392	Management and public relations
7384	Management & administrative services		
7385	Public relations services		
7386	Business, market & opinion research		
7389	Consulting services, nec consultants	8999 2/	Services, nec
7398 #	News syndicates	7351	News syndicates
7399	Business services, nec except messenger & delivery service	7399 2/	Business services, nec
7981	Museums and art galleries commercial museums & art galleries	8411	Museums and art galleries
		7999 3/	Amusement and recreation, nec
7982	Botanical and zoological gardens commercial botanic gardens & zoos	8421	Botanical and zoological gardens
		7999 3/	Amusement and recreation, nec
7997	Membership sports & recreation clubs social and sports clubs	7997	Membership sports & recreation clubs
		8641 2/	Civic and social associations
7999	Amusement and recreation, nec ex zoos, museums & art galleries	7999 3/	Amusement and recreation, nec

PROPOSED REVISIONS TO THE STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Proposed 1982 SIC		1972/77 SIC	
Code	Proposed Short title	Code	Short title
	SERVICES continued		
8091	Health and allied services, nec ambulance service	8091 4119 2/	Health and allied services, nec Local passenger transportation, nec
8111	Legal services primarily legal services	8111 6611 4/	Legal services Combined real estate, insurance, etc
8299	Schools & educational services, nec extension services	8299 9641 2/	Schools & educational services, nec Regulation of agricultural marketing
8249	Vocational schools, nec beauty schools barber schools	8249 7231 2/ 7241 2/	Vocational schools, nec Beauty shops Barber shops
8321	Individual and family services personal social services	8321 8399 2/	Individual and family services Social services, nec
8399	Social services, nec except personal social services	8399 2/	Social services, nec
8641	Civic and fraternal associations except social and sports clubs	8641 2/	Civic and social associations
8912 8913 8914	Architectural services Surveying services Engineering services	8911	Engineering & architectural services
8999	Services, nec except consultants	8999 2/	Services, nec
	PUBLIC ADMINISTRATION		
9641	Regulation of agricultural marketing except extension service	9641 2/	Regulation of agricutural marketing
9721	International affairs except OPIC	9721 2/	International affairs

Footnotes:
Change in SIC number, no change in content
i Interim industry, to be combined in the next revision
mfpm made from purchased materials
2 Parts of the industry shown in two locations in the list
3 Parts of the industry shown in three locations in the list
4 Parts of the industry shown in four locations in the list
5 Parts of the industry shown in five locations in the list
11 Parts of the industry shown in eleven locations in the list

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Principles and Procedures for the Review and Maintenance of the Establishment Standard Industrial Classification Manual

Prepared by the Technical Committee on Industrial Classification [1]

Editor's Note.—The Interagency Technical Committee on Industrial Classification has developed these procedures and principles for the 1982 revision of the *Standard Industrial Classification Manual.* These procedures and principles are being published here and in the **Federal Register.** They incorporate public comment received on the draft proposal which appeared in the December 1978 issue of *Statistical Reporter* and the **Federal Register.**

A. Purpose and Scope

This SIC was developed for use in the classification of establishments by type of economic activity in which engaged. It is a classification of establishments rather than of companies or legal entities or enterprises,[2] by kinds of business and not by occupations or commodities. It encompasses all economic activity.

The purposes of this SIC are to facilitate the collection, tabulation, presentation, and analysis of data relating to establishments and to promote uniformity and comparability in the presentation of statistical data collected by various agencies of the U.S. Government. It is also used by state agencies, trade associations, private business and other organizations.

The basic purpose and objective of a periodic review is to update the classification so as to make it possible to better reflect statistically the existing industrial structure of the economy. It should provide the means for introducing new industry detail resulting from economic growth or technological change, as well as for deleting industries no longer significant.

B. Principles for Review of the Classification

In the review of the structure and detail of the 1972 edition of the establishment SIC Manual (as amended for 1977), the Technical Committee will be guided by the general principles described below. These principles should also be taken into consideration by others, both within and outside of Government, in the preparation of proposed changes.

(1) Structure of the classification

The classification should conform to the actual structure of industry as it is found to exist in the American economy. It does not, therefore, follow any single principle, such as the use of the products, market structure, the nature of the raw materials, etc., neither in its detail nor in its basic structure. It is a general-purpose framework which can have its basic detail rearranged for various analytical purposes.

(2) Unit of classification

The SIC is designed to classify the establishments according to the kind of economic activity in which such units are engaged.

An *establishment* is an economic unit which produces goods or services—for example, a farm, a mine, a factory, a store. In most instances, the establishment is at a single physical location and is engaged in one, or predominantly one, type of economic activity for which an industry code is applicable.

Where a single physical location encompasses two or more distinct and separate economic activities for which different industrial classification codes seem applicable, such activities should be treated as separate industries, provided it is determined that: (1) no one industry description in the Standard Industrial Classification includes such combined activities; (2) the employment in each such economic activity is significant; (3) such activities are not ordinarily associated with one another at common physical locations; and (4) reports can be prepared on the number of employees, their wages and salaries, and other establishment type data.

A *kind of activity unit* is a special type of establishment in that there is no restriction with respect to the geographic area in which the activity of the unit is carried on. The kind-of-activity unit—which applies to activities such as construction, transportation and communication—generally carries on the same kind of activity over a more or less wide geographic area. Frequently separate records relating to such activity for a given portion of the area are not maintained.

An establishment is not necessarily identical with a company or legal entity or enterprise, which may consist of one or more establishments. Also, it is to be distinguished from organizational subunits or departments within an establishment. Supplemental interpretations of the definition of an establishment are included in the industry descriptions of the Standard Industrial Classification.

The SIC distinguishes between *central administrative and auxiliary* establishments—which are primarily engaged in providing management, general administrative, and support services for other establishments of the same company or enterprise—and *operating* establishments—which produce goods and services primarily for the general public or for establishments owned or controlled by other companies or enterprises.

Activities of the type performed at separate administrative offices and auxiliary establishments are in fact, normally carried on as an integral part of individual operating establishments. Hence, this type of activity is only partially measured by the statistics on separately reported central administrative offices and auxiliary establishments.

(3) Basis of classification

Each establishment is to be classified according to its major activity as defined by the 4-digit industries. Major activity is to be determined by the product or group of products produced or handled, or service rendered. Ideally, the principal product or service should be determined by reference to "value added." In practice, however, it is rarely possible to obtain this information for individual products or services, and it becomes necessary to adopt some other criteria [3] which may be expected to give approximately the same results.

(4) Economic significance, specialization and coverage

To be recognized as an industry, each group of establishments must have significance from the standpoint of number of persons employed, volume of business and other economic factors, such as number of establishments, payroll, or value added. These factors are taken into account in determining the economic significance of an industry by relating the totals for the industry to the average for all industries in the same economic division (mining, manufacturing, etc.).

Generally speaking, an existing SIC industry is considered to meet the requirements for economic significance if the average of the factors represents

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[1] The Technical Committee on Industrial Classification is chaired by the office of Federal Statistical Policy and Standards. The following agencies are represented on the Committee: Bureau of the Census, Bureau of Domestic Business Development, Bureau of Economic Analysis, Bureau of Labor Statistics, Bureau of Mines, Department of Agriculture, Department of Energy, Employment and Training Administration, Environmental Protection Agency, Federal Reserve System, Federal Trade Commission, General Services Administration, Internal Revenue Service, International Trade Commission, Securities and Exchange Commission, Small Business Administration, Social Security Administration.

[2] A separate classification for companies has been established in the 1974 *Enterprise Standard Industrial Classification Manual.*

[3] Other criteria include data on value of production, shipments, sales or receipts, payroll, number of employees, etc.

10 percent or more of the average industry in the same division. A new industry, however, should attain a score of 20 percent or more of the average industry. Thus, for example, based on data from the 1972 Census of Manufactures, the average manufacturing industry has (dollar figures in millions):

711 establishments
40,000 employees
$ 356 payroll
$ 785 value added
$1,667 shipments

Note that an exception to the principle of economic significance is found in the grouping of establishments into industries described as "not elsewhere classified."

In order that an industry at the most detailed level of classification properly reflects the activity being measured, the output of the establishments in the industry should (1) consist largely of those goods and services defining the industry and (2) account for the bulk of the specified goods and services provided by all establishments.

For manufacturing industries these factors are measured by the primary product specialization and coverage ratios, respectively.

The *primary* product specialization ratio describes the proportion of product shipments (both primary and secondary) of the industry represented by those products defining the industry. The *coverage ratio* is the proportion of the products defining the industry shipped by establishments classified in the industry to total shipments of such products by all manufacturing establishments.

The minimum ratio for primary product specialization is 82. When applying the specialization test, it is well to remember that an industry may sometimes specialize in only one product (Malt or Beet Sugar). In other instances, establishments in an industry may typically produce and thus specialize in a wide variety of products (as in Meat Packing Plants; Blast Furnaces, Steel Works, and Rolling and Finishing Mills; and Radio and Television Transmitting, Signalling, and Detection Equipment and Apparatus). For varying reasons, industries have through the years developed a diverse manner. In such instances it is important, therefore, that the specialization ratios be applied and interpreted in the light of the typical product mix defining the particular industry.

In applying coverage ratio factors, separate criteria are establshed for industries with "captive" output within and outside the industry as distinguished from industries primarily producing for commercial sale. The minimum coverage ratio for industries producing for commercial sale is 70, whereas the coverage ratio for all other industries is 50, except for industries producing from purchased materials (stage of process classification). The minimum coverage ratio for this latter group of industries (e.g., Blended and Prepared Flour, etc.) is 33. The coverage ratio for industries with significant "captive" counterparts (minimum coverage of 50 per cent) should be computed on the basis of the proportion of total output (shipments for sale, interplant transfers, and production for use within the same establishment) accounted for by the given industry compared with total output in all industries. Examples of such industries are Gray Iron Foundries, Automotive Stampings, and Iron and Steel Forgings.

Separate industries for establishments primarily engaged in activities that are rapidly expanding but which do not meet the quantitative measures in the usual reference statistics also may be established. Such separate industry identification will be based on statistical evidence of current size, growth by a specified time, and on the customary requirements, other than size, for establishing new industries. Proposed industries which meet the criteria only marginally should also show reasonable recent growth or evidence of future growth.

Proposed industries should generally meet all three criteria of economic significance, specialization, and coverage. However, industries which are considerably larger in economic significance than required may be acceptable even if they are slightly low in specialization or coverage. Thus, the specialization or coverage minimum requirement may be reduced by a percentage point for each doubling in economic size of the proposed industry.

C. Considerations in Evaluating Proposed Changes

Proposals for new or amended industry definitions (4-digit) as well as for the transfer of existing industries to other Industry Groups (3-digit), Major Groups (2-digit), or Economic Divisions, will be evaluated on the basis of the following considerations.

(1) Proposals for change should be accompanied by detailed statistical justification of adherence to the criteria described in section B above. It is recognized that exact data will not always be available, nevertheless, as much evidence as possible should be provided to justify a change. Changes that would cross 3-digit and 2-digit SIC lines require stronger justification than those that would be confined within an existing 3-digit Industry Group. Here, especially, the alteration in the size and composition of the Industry Group from which the products or services would be taken must be ascertained and the proposed revision should strengthen or clarify and not weaken the existing groups. Modifications crossing industry division lines, such as from manufacturing to nonmanufacturing would call for even more careful consideration.

(2) In proposing new industries, it is essential to recognize the effect of the amendments on existing industries and on the continuity of statistical series. A significant weakening of a statistically sound existing industry or series would be an argument against constituting a new category. The position paper submitted by the proponent for a change must deal with the consequences on the industries affected. Each establishment is currently classifiable in some industry. The subdivision of an existing industry into two or more qualifying industries would permit the development of statistics comparable with the past and would, therefore, receive more favorable consideration. In order to permit historical comparability to the current SIC, the Technical Committee may transfer activities or industries across Group lines and maintain them within their new Group as temporary separate industries, even though they may not meet the criteria for size, specialization, or coverage. Each temporary industry will be combined with another industry in the new Group when the SIC is next revised.

(3) Proposed amendments will be evaluated on the basis of costs, in terms of time and money to government agencies, business and other users of the classification, incurred in changing current records and for collection of new data necessary for the revised code determination; and effect of change in terms of burdens on respondent, or availability of information in respondent records.

(4) Proposed new industries will be evaluated on the basis of data from the most current Economic Census and other appropriate sources relevant to the criteria followed in establishing new industries.

(5) The Technical Committee will take cognizance of the International Standard Industrial Classification (ISIC) insofar as comparability with the United States establishment SIC is affected by proposed revisions.

(6) Proposed industries must contain a sufficient number of establishments so that agencies will be able to publish data within the constriction of not revealing the operations of individual producers.

(7) Consideration will be given to the capability for assessing the impact of international trade on proposed industries.

D. Clarification and Interpretation of Industry Definitions

Proposed amendments in present industry definitions having no effect on the scope of industrial activity included but designed to improve interpretations of the industry, as well as all proposed new index items and amendments in present index items, will be processed by the subcommittee on Code assignment and Interpretation.

E. Time Schedule

All proposed amendments to the 1972/1977 edition of the establishment SIC Manual should be submitted to the Chairman of the Technical Committee on Industrial Classification at the Office of Federal Statistical Policy and Standards, Department of Commerce, Washington, D.C., 20230, as soon as possible, but by no later than March 30, 1980, to permit transmittal of Technical Committee recommendations to the Office of Federal Statistical Policy and Standards by January 1, 1981. The revised edition of the classification will be effective on January 1, 1982.

F. Public Review Procedure

All amendments to the 1972/1977 edition of the establishment SIC Manual recommended by the Technical Committee will be made available for public review and comment prior to final action by the Committee. Those making proposals will be notified directly of actions taken; others will be advised through the **Federal Register**. Notice will probably be issued in January, 1981. A 60-day period will be allowed for appeals to actions proposed by the Technical Committee.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

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.

Rules Going Into Effect Today

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

86497 12-31-80 / Foreign fishing, payment of fees; effort plan format

ENVIRONMENTAL PROTECTION AGENCY

86946 12-31-80 / Air pollution from aircraft; change to exemption provision

INTERSTATE COMMERCE COMMISSION

86740 12-31-80 / Freight forwarder contract rates; filing with motor, common, and contract carriers and joint rates and through rates with rail and water carriers

86761 12-31-80 / Intercorporate hauling reform operations compensated; filing of notices of intent

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

2298 1-8-81 / Carpool and vanpool (ridesharing) projects; determination of eligibility for Federal-aid funding

2038 1-8-81 / Traffic control devices uniformity

TREASURY DEPARTMENT

Internal Revenue Service—

86433 12-31-80 / Income tax; corporate reorganizations; continuity of business enterprise requirement

Rules Going Into Effect Sunday, February 1, 1981

AGRICULTURE DEPARTMENT

Food and Nutrition Service—

2332 1-9-81 / Food Stamp issuance and participation reporting system; reconcilation report

FEDERAL EMERGENCY MANAGEMENT AGENCY

1270 1-6-81 / Implementation of State Assistance Program for training and education in emergency management

[*See also* 46 FR 9586, 1-29-81]

FEDERAL RESERVE SYSTEM

81543 12-11-80 / Rules of procedure; notice of applications

81541 12-11-80 / Rules of procedure; notice of applications; timeliness of comments; informal hearings

INTERIOR DEPARTMENT

Geological Survey—

84762 12-23-80 / Mineral resources of Federal and Indian lands; assessment of late payment charge for payments received after due date and for most underpayments; interim rule

LABOR DEPARTMENT

Mine Safety and Health Administration—

80760 12-5-80 / Coal Miners who have evidence of the development of pneumconiosis

80746 12-5-80 / Respirable dust; operator sampling procedures

PENSION BENEFIT GUARANTY CORPORATION

3509 1-15-81 / Valuation of plan benefits; adoption of additional rates interest; rates and factors

TRANSPORTATION DEPARTMENT

Coast Guard—

84057 12-22-80 / Puget Sound Vessel Traffic Service Area

Federal Aviation Administration—

79302 11-28-80 / Aircraft operating noise limits for airplanes operating under new part 125

67258 10-9-80 / Aircraft operating noise limits for airplanes operating under new part 125

67214 10-9-80 / Certification and operation rules for certain large airplanes

84020 12-22-80 / Reporting and record keeping requirements; effective date

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 January 28, 1981

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