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federal register

Friday
May 1, 1981

Highlights

Code of Federal Regulations OFR publishes list restating publication plans for the January 1981 quarter and projects publication plans for the April 1981 quarter. The projected July 1981 schedule will appear in the July 1, 1981, issue. (See Reader Aids section at the end of this issue.)

24519 **Older Americans Month, 1981** Presidential proclamation

24521 **Panama Canal Commission Seal** Executive order

24690 **Insurance** FRS adopts policy statement that prohibits individuals associated with State member bank from personally profiting from credit life insurance sales and requires that income from this activity be credited to the State member bank.

24579 **Banks, Banking** FHLBB proposes to amend regulation and policy statement governing use of interest-rate futures markets by institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

24550 **Energy** DOE/FERC adopts regulations extending interim regulations implementing accommodation and reporting procedures for shortages of electric energy.

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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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24596 **Regulatory Agenda** Defense.

24532 **Petroleum** Commerce/ITA publishes final regulation regarding agriculture commodities and products subject to validated licensing and petroleum and petroleum products subject to short supply licensing control.

24537 **Natural Gas** DOE/FERC amends regulations relating to first sales of natural gas that are resales and the standard for determining the Btu content of natural gas.

24748 **Prisons** Justice/LEAA announces availability of certification of State Prison Industries for participation in interstate commerce and for sale of supplies and making of contracts with the Federal Government.

24595 **Taxes** Treasury/IRS invites comments on study project relating to changes in the application of Department of Energy regulations for purposes of the windfall profit tax on domestic crude oil.

24764 **Three Mile Island** NRC publishes statement of policy regarding programmatic environmental impact statement on the cleanup of Three Mile Island Unit 2.

24769 **Taxes** Treasury/IRS proposes for public comments a revised form 990 (Return of Organization Exempt from Income Tax) and instructions for that form.

24553, 24595 **Wages** Treasury/IRS publishes temporary regulations and a proposed rule governing voluntary withholding from sick pay. (2 documents)

24526 **Banks, Banking** FHLBB amends regulation governing the service corporation investment of Federal associations.

24796 **Minimum Wage** Labor/ESA specifies the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for described classes of laborers and mechanics employed on construction projects. (Part II of this issue)

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24697 HHS/HCFA

24787 **Sunshine Act Meetings**

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24896 **Part III, Justice/Prisons Bureau**
24906 **Part IV, OMB**

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Presidential Documents

Title 3—

The President

Proclamation 4843 of April 29, 1981

Older Americans Month, 1981

By the President of the United States of America

A Proclamation

Older Americans, a resource of talent, knowledge and judgment, are essential to our effort for national renewal. As a Nation, we should recognize our debt to older Americans and the leadership they can provide for the future.

As we move into this era of renewal, we must remember that all Americans are interdependent. We must maintain our commitment to the integrity of the Social Security system. We must work together for economic recovery, mindful that while our economic ills hurt us all, their burdens fall most heavily on those with fixed incomes. We must ensure the dignity of our Nation's older citizens through programs such as Medicare, aging services and the Older Americans Act.

In addition to recognizing the vital importance of older Americans to our society, we must acknowledge the voluntary efforts of millions of citizens, young and old alike, to enhance the lives of older Americans.

I urge all Americans to help older citizens continue to enrich our society by realizing their aspirations and fulfilling their potential.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the month of May 1981 as Older Americans Month.

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

Ronald Reagan

[FR Doc. 81-13457
Filed 4-30-81; 11:12am]
Billing code 3195-01-M

Executive Order 12304 of April 29, 1981

Seal for the Panama Canal Commission

By the authority vested in me as President of the United States of America, it is hereby ordered as follows:

SEC. 1. There is approved for the official use of the Panama Canal Commission a seal approved by the Board of Directors of the Panama Canal Commission, and described as follows:

A view of a lower lock chamber of the Panama Canal, showing the bow end of a ship in an upper chamber, behind a closed gate, flanked on the left by a control house and on the right by a towing locomotive and three lamp standards. The ship colors to be dull red hull with white trim, white superstructure, white kingposts, and gray funnel. The lock walls, control house and lamp standards to be white. The control house roof to be dull red. The lock gate and towing locomotive to be gray. The sky to be light blue and the water to be azure blue. All to be encircled with a white band edged in navy blue and containing the inscription "PANAMA CANAL COMMISSION * COMISION DEL CANAL DE PANAMA *" in navy blue letters.

SEC. 2. The design of the seal is attached hereto and made a part of this Order.

Ronald Reagan

THE WHITE HOUSE,
April 29, 1981.



[FR Doc. 81-13457
Filed 4-30-81; 11:13 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 84
Friday, May 1, 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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 303; Lemon Regulation 302, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period May 3–9, 1981, and increases the quantity of lemons that may be shipped during the period April 26–May 2, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective May 3, 1981 and the amendment is effective for the period April 26–May 2, 1981.

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

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

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

The committee met again publicly on April 28, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good.

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

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

1. Section 910.603 is added as follows:

§ 910.603 Lemon Regulation 303.

The quantity of lemons grown in California and Arizona which may be handled during the period May 3, 1981, through May 9, 1981, is established at 300,000 cartons.

2. Section 910.602 Lemon Regulation 302 (45 FR 23222) is revised to read as follows:

§ 910.602 Lemon Regulation 302.

The quantity of lemons grown in California and Arizona which may be handled during the period April 26, 1981, through May 2, 1981, is established at 300,000 cartons.

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

Dated: April 30, 1981.

O. S. Kuryloski,

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

[FR Doc. 81-13475 Filed 4-30-81; 11:47 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1942

Population Limits for Community Facilities Loan Eligibility; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Emergency Final Rule; correction.

SUMMARY: This document corrects an emergency final rule regarding population limits for eligibility for community facility loans that appeared at page 8435 of the **Federal Register** of Tuesday, January 27, 1981, (46 FR 8435). The word "residents" was inadvertently changed to "users".

DATES: Comments on the emergency final rule were to be received on or before March 30, 1981.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, South Agriculture Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: M. Wayne Stansbery, Loan Officer, Community Facilities Loan Division, Farmers Home Administration, Room 6306, South Agriculture Building, Washington, DC 20250, telephone (202) 447–7667.

The following correction is made in FR Doc. 81–2739 appearing on pages 8435 and 8436 in the issue of January 27, 1981:

§ 1942.17 [Corrected]

On page 8436, column two, in the first sentence of § 1942.17(b) the word "users" is corrected to read "residents."

Dated: April 12, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-13262 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Riverside County, a portion of Los Angeles County, and a portion of Orange County in California because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Riverside County on April 12, 1981, in such portion of Los Angeles County on April 13, 1981 and in such portion of Orange County on April 15, 1981. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected area.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8093.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the country of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy Administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only three premises, only one of which is owned by a small entity. That entity is a bird dealer, and there are hundreds of small entities in the country which are bird dealers.

This amendment quarantines a portion of Riverside County, a portion of Los Angeles County, and a portion of Orange County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

1. The authority citation for Part 82 is amended to read as follows:

Authority: Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141).

2. In § 82.3 new paragraph (c)(2) is added to read as follows:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(2) *California.*

(i) The premises of Norco Bird Farm, 841 Hillside Lane, Norco, Riverside County.

(ii) The premises of Libby Marsh, 8333 College Avenue, Whittier, Los Angeles County.

(iii) The premises of Pat Weymouth, 17511 Leafwood, Tustin, Orange County.

Done at Washington, D.C., this 24th day of April 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-13288 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Part 331

[Docket No. 80-056]

Designation of the State of Arkansas Under the Federal Meat Inspection Act

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Arkansas under section 301(c)(3) of the Federal Meat Inspection Act. By this designation, the U.S. Department of Agriculture, pursuant to law, is merely assuming the responsibility, previously held by the State of Arkansas, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. The Governor of Arkansas has advised this Department that the State of Arkansas is no longer in a position to continue administering a State meat inspection program after May 31, 1981. Accordingly, effective June 1, 1981, all establishments operating under the Arkansas meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. The provisions of the regulations concerning designated States are set forth in 9 CFR Part 331.

DATES: Effective date of this notice of designation: May 1, 1981. Effective date of the application of regulations: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. J. Blair, Director, Federal-State Relations Branch, Field Operations, Meat and Poultry Inspection Program,

Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Food Safety and Quality Service has made an initial determination that this final rule is not a major rule under Executive Order 12291. The U.S. Department of Agriculture, pursuant to law, is merely assuming the responsibility, previously held by the State of Arkansas, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because the State indicated it was no longer in a position to enforce requirements with respect to said establishments and operations and transactions at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Consequently, it should not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that this action will not have a significant impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Arkansas, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This will affect approximately 104 heretofore State inspected plants in Arkansas, most, if not all, of which may be presumed to be small businesses. However, this is not a substantial number of facilities given the approximately 10,000 small meat facilities nationwide which are either federally or State inspected. The application of Federal inspection services will be flexible insofar as each facility will be reviewed with regard to the circumstances peculiar to that plant. Futhermore, it is not anticipated that significant costs will be incurred by these Arkansas plants as a result of this action. Those specific plants for which some upgrading of facilities or equipment is indicated will be provided up to 36 months in which to make such changes.

Background

The Governor of the State of Arkansas has advised this Department that the State of Arkansas is no longer in a position to continue administering the State meat inspection program after May 31, 1981, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Arkansas had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act. However, such titles contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Arkansas program, it is hereby determined that Arkansas is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act.

On June 1, 1981, which shall be upon the expiration of 30 days after publication of this notice in the **Federal Register**, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the State of Arkansas which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after May 31, 1981, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment: Dr. N. B. Isom, Director, Meat and Poultry Inspection Program, Southwestern Regional Office, Room 5-F41, 1100 Commerce Street, Dallas, Texas 75242, (Telephone: 214-767-9116)

Accordingly, Part 331 is amended as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661; 42 FR 35625-35632.

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

In the "State" column, "Arkansas" is added immediately above "California."

In the "Effective date of application of Federal provisions" column, "June 1, 1981," is added on the line with "Arkansas."

Dr. Donald L. Houston, Administrator, FSQS, has determined that it is necessary to designate the State of Arkansas immediately in accordance with section 301(c) of the Federal Meat Inspection Act in order to carry out the Secretary's responsibilities under the Act.

Therefore, it does not appear that any additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, DC, on: April 15, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-13352 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 545 and 584

[No. 81-208]

Service Corporation Activities

April 23, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board has amended its regulation governing the service corporation investments of Federal associations. The amendments: expand the list of activities in which service corporations may engage without prior Board approval, liberalize restrictions on customers to whom service corporations may provide services, conform the service corporation regulation to recent amendments to the Board's net-worth requirements and recent internal agency organizational changes, eliminate the separate limit for unsecured indebtedness for service corporations controlled by fewer than five savings and loan associations, eliminate application of the debt limit to the consolidated debt of each subsidiary of a service corporation, eliminate the notification requirement for certain land development activities, delegate extension of time limits on the construction of improvements to the Board's Principal Supervisory Agent, and simplify the regulation in certain respects. The amendments will provide increased flexibility in associations' service corporation activities.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett, (202) 377-6445, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Proposed Amendments

On December 15, 1980, (45 FR 85048) by Resolution No. 80-802, the Board proposed amendments to its regulation (12 CFR 545.9-1) governing service corporation investments of Federal associations. In making its proposal, the Board considered: its present policy of approving service corporation activities reasonably related to the activities of Federal associations; the expanded authority of Federal associations pursuant to the Depository Institutions Deregulation and Monetary Control Act of 1980 (the "Act"), Pub. L. No. 96-221, 94 Stat. 132, to act as full-service financial centers for their customers; the increased amount which associations may invest in the capital stock, obligations or other securities of their service corporations pursuant to the Act; and the increased need for innovation through service corporations in order for Federal associations to meet changing economic conditions, increased competition with other financial service providers, and increased demand for lendable funds.

The Board's proposal would have expanded the list of activities in which service corporations may engage without prior Board approval, conformed the service corporation regulation to recent regulatory changes in net-worth requirements and recent internal agency organizational changes, eliminated the separate limit for unsecured indebtedness for service corporations controlled by fewer than five savings and loan associations, eliminated the notification requirement for certain land development activities, delegated extension of time limits on the construction of improvements to the Board's Principal Supervisory Agent, and simplified the regulation in certain respects.

The Board received 75 comment letters from the Federal Home Loan Banks, savings and loan association trade groups, savings and loan associations, service corporations, and related real estate professionals and trade groups on its proposal. Almost all commenters supported the Board's proposal, although some of these commenters suggested additional amendments as discussed below. One commenter opposed the proposed amendments as a whole, and a few others opposed particular aspects of the proposal.

Expanded Service Corporation Activities

In proposing to revise the list of activities in which service corporations may engage without prior Board approval, currently set out at 12 CFR 545.9-1(b)(4), the Board examined activities that have been approved consistently for service corporations upon application to the Board, newly-authorized activities for Federal associations, and the present needs of the residential mortgage market. On the basis of its review, the Board proposed to permit service corporations of Federal associations to engage in the following additional activities without prior Board approval:

- Dealing in loans secured by junior liens on mobile homes;
- Acquiring, developing and constructing improvements on real estate for commercial purposes, subject to the same conditions imposed on such activities for residential purposes;
- Acquiring improved commercial real estate to be held for rental;
- Acquiring improved commercial real estate for remodeling, renovating or demolishing and rebuilding for sale or rental;
- Management of owners' associations for condominium, cooperative, Planned Unit Development and commercial projects;
- Providing residential and commercial property management services for third parties;
- Providing real estate brokerage services for property owned by the parent association, the service corporation or a joint venture in which the service corporation participates, but not for property owned by third parties;
- Executing and delivering conveyances, reconveyances and transfers of title;
- Providing homeownership and financial counseling;
- Issuance of mortgage-backed securities;
- Investment in tax-exempt bonds issued by a state or local governmental authority to finance housing;
- Providing liquidity management, investment and advisory services primarily to savings and loan associations;
- Providing clerical, accounting, data processing and internal auditing services to financial institutions;
- Providing trust services upon application to the Board pursuant to, and subject to the conditions provided in, the regulations governing trust services for Federal associations; and
- Engaging in mortgage-futures transactions to the extent such transactions hedge existing or planned forward commitments.

Commenters overwhelmingly supported adoption of these proposals. Except for the modifications discussed below, the final amendments adopt the proposed expansion of the activities in which a service corporation may engage without prior Board approval.

Service Corporation Customer Limitations

The existing regulation requires that certain activities or services of service corporations be provided "primarily for savings and loan associations, their borrowers and account holders" or "primarily for savings and loan associations." The Board has interpreted these requirements to mean that at least 50% of the activities or services be provided for the designated customer base. The Board did not propose any change in these requirements, but

several commenters suggested that the restrictions be abolished.

Since the Board has established its policy of approving only service corporation activities that are reasonably related to association activities, additional limitations on the customer base of service corporations are necessary only where required to maintain that relationship. Accordingly, the final amendments delete the customer limitation for services that previously were required to be provided primarily for savings and loan associations, their borrowers and accountholders. The amendments also liberalize the limitations on services that previously were required to be provided primarily for savings and loan associations, requiring only that such services be provided "primarily for financial institutions."

Real Estate Activities

The existing regulation does not permit service corporations of Federal associations to engage in commercial real estate development except where such activity is incidental to a residential purpose. The Board proposed to authorize service corporations to acquire, develop and construct improvements on real estate for commercial purposes subject to the same conditions imposed on residential real estate development. The Board also proposed to permit service corporations: to provide residential and commercial property management services for third parties; to provide management of owners' associations for commercial projects; to acquire improved commercial real estate to be held for rental; and to acquire improved commercial real estate for remodeling, renovating or demolishing and rebuilding for sale or rental.

Several commenters inquired as to the scope of "commercial real estate" since this term is not defined in the proposal. Other commenters suggested that all types of business-related real estate be permitted. In proposing that both residential and commercial real estate development activities be permitted, the Board intended to cover all types of residential and non-residential real estate. To clarify this intent, the final amendments delete any reference to "residential and commercial" and refer only to real estate activities.

Several commenters also questioned whether the three- and five-year time limits imposed on real estate development activities continue to be necessary. These commenters pointed out that larger projects, especially commercial projects, may require longer time periods. The Board acknowledges these concerns but has determined that these time limits are necessary to prevent service corporations from engaging in speculative land banking activities or unnecessarily extending construction periods on projects. However, the final amendments include a clarification that extensions of time limits may be approved upon application in advance of a service corporation's undertaking a development project. This clarification is consistent with Board interpretations of the existing regulation. In addition, the final amendments delegate extensions of time limits to the Board's Principal Supervisory Agent (i.e., the president of the Federal Home Loan Bank of which the Federal association investing in the service corporation is a member). In applying for an extension, a service corporation must show that it will proceed or has proceeded in accordance with a prudent development plan and that the service corporation has not caused any undue delay.

The final amendments also eliminate the requirement that a service corporation notify the Board's District Director—Examinations if the cost of land development activities exceeds 20 percent of the service corporation's assets, authorize service corporations to deal in improvement loans for residential and non-residential real estate, authorize the acquisition of unimproved real estate for leasing to others for development or construction of improvements, and authorize acquisition of improved real estate or mobile homes for resale.

Business Lending and Leasing

Several commenters pointed out that the Board's proposal does not provide for non-realty business financing. Specifically, commenters suggested that the Board authorize service corporations to engage in inventory financing arrangements, to make combination real estate and business loans guaranteed or insured by Federal agencies, and to engage in equipment leasing.

Service corporations long have had the authority to make consumer loans, and the Depository Institutions Deregulation and Monetary Control Act granted this authority to associations as well. In implementing the new authority for associations, the Board concluded that the Act did not authorize inventory financing for Federal associations. However, the Board recognizes that inventory financing may provide a direct link with dealers for certain major consumer purchases, such as automobiles, boats and airplanes, and may serve to generate subsequent consumer financings. Consequently, the Board believes that inventory financing of goods to be sold for personal, family or household purposes complements the consumer loan authority of associations and service corporations, and the final amendments authorize this activity for service corporations.

The Board also has considered combination real estate and business loans in the context of the recently authorized investment by Federal associations in their service corporations for community, inner city or community development purposes. (*See*, Board Resolution No. 80-488; August 15, 1980; 45 FR 56029). One of the standards adopted by the Board for determining whether an investment has a community development purpose is whether the investment is in governmentally sponsored programs for housing, small farms or businesses that are local in character. Some of the programs of the Economic Development Administration, the Small Business Administration, and the Farmers Home Administration combine real estate and non-real estate business purposes. The Board desires that service corporations have the necessary flexibility to utilize the new community development investment authority fully and has authorized service corporations to make loans insured or guaranteed by Federal agencies which combine real estate and non-real estate business purposes.

With regard to equipment leasing activities, the existing regulation has been interpreted to permit equipment leasing activities primarily for savings and loan associations. As discussed above, the Board has expanded this restriction to permit such activities primarily for financial institutions. This broadening of the potential customer base will permit service corporations to expand this activity consistent with the standard that service corporation activities remain reasonably related to those of Federal associations. In addition, clarifying language regarding leasing activities has been added to the provision.

Equity Investment in SBICs and MESBICs

Several commenters suggested that service corporations be authorized to invest in the capital of small business investment companies (SBICs) and minority enterprise small business investment companies (MESBICs). Upon application, the Board has approved service corporation investment in SBICs or MESBICs subject to certain limitations. In order to provide further flexibility to service corporations in using their community development

investment authority, the final amendments authorize service corporations to invest in the capital of SBICs and MESBICs licensed pursuant to section 301(d) of the Small Business Investment Act of 1958 by the U.S. Small Business Administration to invest in small businesses engaged exclusively in activities permitted for a service corporation of a Federal association without prior Board approval.

Debt Limits

The Board proposed to amend the limits for indebtedness of service corporations controlled by fewer than five savings and loan associations. The existing regulation limits consolidated unsecured debt to 2 times the "equity base" and limits consolidated secured and unsecured debt to 10 times the base or 20 times the base if the service corporation is engaged solely in mortgage banking activities. The equity base consists of consolidated net worth and unsecured debt to holders of at least 25 percent of the service corporation's capital stock. The proposal would have eliminated the separate limit for unsecured debt and the final amendments adopt that provision as proposed.

Several commenters urged that existing debt limits be liberalized or eliminated altogether, arguing that the market is the best determinant of the proper ratio of debt to equity for service corporations. However, the Board notes that service corporation debt limits apply only where all of the capital stock of the service corporation is held by fewer than 5 associations or more than 40 percent of the stock is held by one association, and serve primarily to assure the safety and soundness of the parent association. It has been the Board's experience that associations sometimes assume responsibility for obligations of their closely held service corporations although not legally bound to do so, and the debt limits for closely held service corporations limit the potential exposure of the parent association. In addition, recent amendments to the amount that Federal associations may invest in the capital stock, obligations or securities of service corporations increased the equity base upon which debt limits are calculated and thus increased significantly the borrowing authority of service corporations.

A few commenters pointed out that the existing consolidated debt limits apply separately to a service corporation and each subsidiary of the service corporation as well as to a service corporation and its subsidiaries collectively. Because the definition of a subsidiary includes joint ventures in which the service corporation is a general partner, or is a limited partner and has contributed more than 25 percent of the limited partnership's capital contribution, the existing regulation requires that the debt limit be met for each separate joint venture of a service corporation. Because real estate joint ventures often are established on a project-by-project basis, each project must conform to the debt limit. Upon consideration, the Board believes that this treatment is overly restrictive, and the final amendments require only that the overall debt of a service corporation and its subsidiaries meet the applicable debt limit.

Trust Powers

By Resolution No. 80-738 (November 26, 1980), the Board adopted final regulations implementing the new statutory authority of Federal associations to provide trust services. These regulations (12 CFR 550.1-550.16) permit a Federal association to provide trust services either through a trust department or a service corporation upon application to the Board. The final amendments incorporate the authority to provide trust services through a service corporation upon application to the Board pursuant to, and subject to the conditions provided in, the regulations governing trust power.

Tax-Exempt Securities

The Board proposed to authorize service corporation investment in tax-exempt bonds issued by a state or local governmental authority to finance housing. These would include obligations of state governments and their political subdivisions used to finance residential real property for family units and issued pursuant to section 103 of the Internal Revenue Code, and obligations of public housing agencies used to finance housing projects with rental assistance subsidies and issued pursuant to section 11(b) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437i).

A few commenters suggested that service corporations also be allowed to invest in tax-exempt bonds issued for non-residential purposes by a governmental agency. Because tax-exempt bonds may be used to finance a wide variety of projects not related to real estate financing (i.e., sports, convention, transportation, sanitation, and pollution control facilities), the Board feels that such blanket investment authority would not be consistent with the policy of assuring that service corporation activities are reasonably related to the activities of Federal associations. Accordingly, the final amendments clarify the types of bonds eligible for service corporation investment and restrict investments in bonds with tax-exempt status to residential purposes. However, the Board points out that pursuant to its loan authority a service corporation may invest in other types of tax-exempt bonds where the bond is secured fully by a lien on real estate and the transaction qualifies as a real estate loan. One example of an eligible transaction would be an industrial development bond used to finance the acquisition, construction or improvement of business property such as an office building.

Loan Brokerage and Warehousing

The existing regulation permits brokerage and warehousing only of real estate and mobile home loans. However, the Board recognizes that secondary markets have developed for consumer and educational loans, and encourages service corporations to use these markets to raise lendable funds. Accordingly, the final amendments authorize brokerage and warehousing of any type of loan in which a service corporation is permitted to deal.

Issuing Debt Securities

The Board proposed to authorize service corporations to issue mortgage-backed securities without prior approval. A few commenters suggested that other types of debt securities, such as commercial paper, should be authorized for issuance by service corporations. Since the existing regulation does not address expressly whether service corporations may issue debt securities, the Board has determined that this area needs clarification, and the final amendments authorize service corporations to issue notes, bonds, debentures, or other obligations or securities without prior Board approval. The Board notes, however, that such issuance would be subject to applicable securities or other laws.

Futures Transactions

The proposal included the authority for service corporations to engage in mortgage-futures transactions without prior Board approval to the extent that such transactions hedge existing or planned forward commitments. The final amendments clarify the extent of this authority by expressly referencing § 545.29 governing futures transactions by Federal associations and excepting service corporations from the eligibility

and notice requirements applicable to Federal associations.

Relocation Services

Several commenters suggested that the Board authorize service corporations to provide relocation services. The Board believes that relocation services would be compementary to the lending activities of the association and service corporation and to the real estate development, management and brokerage activities of the service corporation. The final amendments permit service corporations to provide relocation services.

Conforming Loan Provisions

The final amendments also conform the references in subparagraphs (d) (2) and (4) of § 545.9–1 to recent changes in the net-worth requirements for Federal associations (12 CFR 563.13) and recent internal agency organizational changes. Recent Board action (Board Resolution No. 80–694; November 6, 1980) amended the net-worth requirements for insured institutions, in part, by replacing the requirement of 5 percent of withdrawable accounts plus 5 percent of secured borrowings with a requirement of 4% of liabilities. In addition, applications for exceptions from the scheduled-items limitation of subparagraph (d)(2) of § 545.9–1 are now reviewed by the Board's Office of Examinations and Supervision. The amendments conform 12 CFR 545.9–1 by cross-referencing 12 CFR 563.13 and directing that copies of applications for exceptions be sent to the Director, Office of Examinations and Supervision.

Lastly, the amendments make certain organizational, technical and conforming changes in the regulation.

Other Comments

Various commenters suggested that the Board expand the activities in which a service corporation may engage without prior Board approval to include the acquisition of insurance companies and financial institutions, dealing in financial futures and government-backed securities, providing reinsurance, acting as an agent for dealers in precious metals, and acting as an agent or broker for private mortgage insurance. The Board has determined not to act on these suggestions in the final amendments.

Real Estate Brokerage

The Board proposed to authorize service corporations to provide real estate brokerage services for property owned by the parent association, the service corporation or a joint venture in which the service corporation participates. The Board expressly excluded property owned by third parties from its proposal. Several commenters suggested that the Board authorize service corporations to provide brokerage services for property owned by third parties without prior Board approval. Because of the potential conflict of interest that would arise each time an association was asked to finance the sale of real estate on which the service corporation would earn a brokerage commission, the Board has approved real estate brokerage by service corporations only where the interests of the association and service corporation are substantially identical. The final amendments continue this policy and permit service corporations to provide real estate brokerage services without prior Board approval only for property owned by an association which owns capital stock of the service corporation, the service corporation itself or a joint venture in which the service corporation participates.

However, the Board will consider applications for service corporations to provide real estate brokerage services for third parties on a case-by-case basis. Applicants must be prepared to demonstrate that such services will not conflict with sound underwriting practices on loans made by the association or the service corporation to finance sales of brokered property. Applicants may want to consider providing real estate brokerage services for property owned by third parties through a joint venture in which the service corporation holds a minority interest in order to mitigate the potential conflict of interest.

Money Market Mutual Funds

In addition to the amendments contained in the proposal, the Board also solicited comments on whether service corporations of Federal associations should be authorized to operate and manage money market mutual funds. The Board was interested particularly in determining whether such authority would enhance the ability of associations to attract and maintain deposits and under what conditions the benefits to be realized from such activity would be maximized.

The solicitation of comments on money market mutual funds generated a significant volume of comments on this difficult and complex issue. Since the operation and management of money market mutual funds is not integral to other service corporation amendments, the Board has decided to make final the other amendments while continuing its consideration of the money market fund issue.

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

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Amend § 545.9–1 by: (1) changing the reference to "§ 545.6–12 (c) and (d)" in subparagraph (a)(2) to "§ 545.6–5"; (2) revising paragraphs (b) and (c); and (3) revising the first clause of subparagraph (d)(2) and the first and third sentences of subparagraph (d)(4); to read as follows:

§ 545.9–1 Service corporations.

* * * * *

(b) *Qualified service corporations.* A Federal association may invest in the capital stock, obligations, or other securities of the following types of service corporations organized under the laws of the State (including District, Commonwealth, territory or possession) in which the association's home office is located:

(1) A statewide service corporation in which:

(i) All of the capital stock is available for purchase by, and only by, any and all savings and loan associations with a home office in such State;

(ii) No savings and loan association owns, or may own, more than 10 percent of the service corporation's outstanding capital stock, except that in any State in which the home offices of fewer than 15 savings and loan associations are located, no association owns, or may own, more than one-third of such stock;

(iii) Every eligible savings and loan association may own an equal amount of capital stock or may, on such uniform basis as the service corporation may determine, own an amount of such stock equal to a stated percentage of its assets or savings capital at the time the stock is purchased, but capital stock outstanding on December 31, 1964, may be disregarded in determining compliance with this requirement; and

(iv) Substantially all of the service corporation's activities, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist of one or more of the activities set forth in paragraph (c) of this section;

(2) A multi-owned service corporation in which:

(i) All of the capital stock is held by at least five savings and loan associations with a home office in such State, and no

one association holds more than 40 percent of such stock; and

(ii) The service corporation's activities, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist solely of one or more of the activities set forth in paragraph (c) of this section; or

(3) A solely owned or multi-owned service corporation in which:

(i) All of the capital stock is held by fewer than five savings and loan associations, or more than 40 percent of such stock is held by one savings and loan association, with a home office in such State;

(ii) The consolidated debt outstanding at any one time (to holders of its capital stock and to others) of the service corporation and its subsidiaries does not exceed:

(a) Ten times the total of consolidated net worth and unsecured debt to holders of at least 25 percent of the service corporation's capital stock; or

(b) Twenty times such total if the service corporation is engaged solely in the activities set forth in paragraph (c)(1)(i) of this section.

The consolidated debt of the service corporation and its subsidiaries shall include the entire amount of any obligation of the service corporation or subsidiary resulting from the sale of loans with recourse;

(iii) Approval of the Board is obtained before any activity of the service corporation is performed through one or more joint ventures if a director, officer, or controlling person of any stockholder of the service corporation has a direct or indirect beneficial interest in the joint venture;

(iv) Approval of the Board is obtained for any investment by:

(*a*) A Federal association in a service corporation or in a corporation which will become a service corporation as a result of that investment, or

(*b*) A service corporation directly or indirectly through one or more of its wholly-owned subsidiaries or joint ventures,

if the purpose of the investment is to acquire a going business for an amount exceeding the fair market value of the tangible net assets of that business from a director or officer of a Federal association which owns any of the capital stock of the service corporation or from an entity in which a director or officer of the Federal association has a direct or indirect beneficial interest or is a director, officer, controlling person, partner, or trustee;

(v) The service corporation's activities, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist solely of one or more of the activities set forth in paragraph (c) of this section.

(c) *Permitted activities.* A service corporation in which a Federal association may invest is permitted to engage in the following activities:

(1) Originating, investing in, selling, purchasing, servicing, or otherwise dealing in (including brokerage or warehousing), any of the following:

(i) Loans, and participations in loans, on a prudent basis and secured by real estate or liens on mobile homes;

(ii) Loans, with or without security, for altering, repairing, improving, equipping, or furnishing real estate;

(iii) Loans to finance the inventory of a dealer in goods to be sold for personal, family or household purposes;

(iv) Loans for business purposes secured in part by real estate and insured or guaranteed by an agency of the United States;

(v) Educational loans;

(vi) Consumer loans;

(2) Performing any of the following services, primarily for financial institutions:

(i) Credit analysis, appraising, construction loan inspection, and abstracting;

(ii) Developing and administering personnel benefit programs, including life insurance, health insurance, and pension or retirement plans;

(iii) Research, studies, and surveys;

(iv) Purchasing or leasing of office supplies, furniture, and equipment;

(v) Developing and operating storage facilities for microfilm or other duplicate records;

(vi) Advertising, brokerage and other services to procure and retain both savings accounts and loans, but not pooling savings accounts or soliciting or promoting pooled savings accounts;

(vii) Serving as escrow agent or as trustee under deeds of trust, including executing and delivering conveyances, reconveyances, and transfers of title;

(viii) Providing liquidity management, investment, advisory and consulting services;

(ix) Providing clerical, accounting, data processing and internal auditing services;

(x) Establishing, owning, leasing, operating or maintaining remote service units;

(3) Maintaining and managing real estate;

(4) Managing owners' associations for condominium, cooperative, Planned Unit Development or other rental real estate projects;

(5) Providing homeownership and financial counseling;

(6) Preparing State and Federal tax returns for individuals or organizations that are not corporations operated for profit;

(7) Insurance brokerage or agency for liability, casualty, automobile, life, health, accident, or title insurance, but not private mortgage insurance;

(8) Providing fiduciary services upon application to the Board pursuant to § 550.2, and subject to the conditions provided in §§ 550.1–550.16, of this Subchapter;

(9) Providing relocation services;

(10) Providing real estate brokerage services for property owned by an association that owns capital stock of the service corporation, the service corporation, or a joint venture in which the service corporation participates, but not for property owned by third parties;

(11) Acquiring unimproved real estate for prompt development or subdivision, for construction of improvements, for resale or leasing to others for such construction, or for use as mobile home sites;

(12) Developing, subdividing, and constructing improvements for sale or rental on real estate: *Provided,* That such development, subdivision, and construction of improvements is to be completed within three years after commencement of development of the real estate and within five years after acquisition of the real estate, unless such period is extended by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this Part) upon written application by the service corporation. The application shall be supported by information evidencing that the service corporation will proceed or has proceeded in accordance with a prudent development plan and has not caused undue delay in the completion of construction. Acquisition of an option to purchase is not an acquisition for the purpose of determining the periods provided for in this subparagraph;

(13) Acquiring improved real estate or mobile homes to be held for rental or resale;

(14) Acquiring improved real estate for remodeling, renovating, or demolishing and rebuilding for sale or rental;

(15) Acquiring, maintaining and managing real estate (improved or unimproved) to be used for offices and related facilities of a stockholder of the service corporation, or for such offices and related facilities and for rental or sale, if such acquisition, maintenance and management is performed under a prudent program of property acquisition to meet either the stockholder's present needs or reasonable future needs for

office and related facilities. However, without prior approval of the Board, no service corporation shall acquire such real estate if, as a result of the acquisition, the outstanding aggregate book value of all such real estate owned by the stockholder and its service corporations would exceed their consolidated net worth;

(16) Making investments specified in §§ 545.9 and 545.9–3 of this Part;

(17) Investing in savings accounts in an insured institution that is a stockholder of the service corporation: *Provided*, That the service corporation receives no consideration, other than interest at the current market rate, for opening or maintaining any such account;

(18) Investing in tax-exempt bonds of state governments or political subdivisions thereof used to finance residential real property for family units and issued pursuant to section 103 of the Internal Revenue Code, and tax-exempt obligations of public housing agencies used to finance housing projects with rental assistance subsidies and issued pursuant to section 11(b) of the United States Housing Act of 1937, as amended;

(19) Investing in the capital of a small business investment company or minority enterprise small business investment company licensed pursuant to section 301(d) of the Small Business Investment Act of 1958 by the U.S. Small Business Administration to invest in small businesses engaged exclusively in the activities listed in paragraphs (c)(1)–(22) of this section;

(20) Engaging in futures transactions subject to the provisions of § 545.29 of this Part, but not subject to any eligibility or notification requirements thereof;

(21) Issuing notes, bonds, debentures, or other obligations or securities;

(22) Issuing credit cards, extending credit in connection therewith, and otherwise engaging in or participating in credit card operations;

(23) Activities reasonably incident to those listed in paragraphs (c)(1)–(22) of this section;

(24) Such other activities reasonably related to the activities of Federal associations as the Board may approve.

(d) *Amount of investment.*

* * * * *

(2) In addition to amounts which it may invest under paragraph (d)(1) of this section, an association that has a net worth at least equal to the minimum net-worth requirement for an association on the annual closing date of the twentieth anniversary of insurance of accounts as provided in paragraph (b) of § 563.13 of this Chapter, and that has a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets of not more than 2.5 percent (except as provided in paragraph (d)(4) of this section), may loan additional amounts as follows:

* * * * *

(4) An asssociation that has a net worth at least equal to the minimum net-worth requirement for an association on the annual closing date of the twentieth anniversary of insurance of accounts as provided in paragraph (b) of § 563.13 of this Chapter, may apply to the Board for an exception from the scheduled-items limitation in paragraph (d)(2) of this section. * * * The application shall be filed with the Principal Supervisory Agent with a copy to the Director, Office of Examinations and Supervision. * * *

* * * * *

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

PART 584—REGULATED ACTIVITIES

§ 584.6 [Amended]

2. Amend subparagraph (c)(1) of § 584.6 by changing the reference to "§ 545.9–1(b)(3)" to "§ 545.9–1(d)(1)."

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13258 Filed 4-30-81; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 545

[No. 81-209]

Remote Service Unit Requirements

April 23, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is adopting a technical amendment that eliminates restrictions in its regulations relating to operation of remote service unit ("RSU") systems. The Board believes that the purpose behind these restrictions is adequately served by Federal antitrust laws. Elimination of these restrictions is expected to have no significant effect on the industry or the public.

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT: K. Diane Boyle, Office of Industry Development (202–377–6720), or Michael D. Schley, Office of General Counsel (202–377–6444), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 5(a) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(a)) authorizes the Federal Home Loan Bank Board to regulate RSU operations of Federal associations. Currently, the Board's regulations at 12 CFR 545.4–2(i) impose the following restrictions:

(i) *Restrictions.* (1) Prior to establishing, participating in or using any RSU system, a Federal association shall obtain from legal counsel an opinion that such action does not violate Federal antitrust laws. (2) A Federal association may not participate in a shared RSU system from which other financial institutions are excluded either directly or through imposition of unreasonable terms and conditions. (3) A Federal association may not participate in a shared RSU system under which participants, except participants who are organizers of or owners of a substantial interest in the system, are prohibited from establishing or participating in any other RSU system. (4) A Federal association may not enter into an agreement for the exclusive right to engage in RSU activities at any location(s).

These restrictions were adopted in January 1981, when the RSU application requirement was eliminated from the Board's regulations. (Res. No. 81–19, Jan. 16, 1981, 46 FR 8438, Jan. 27, 1981.) These restrictions were intented at that time to codify "policies and standards of review consistently applied by the Board in assessing applications under existing regulations." (*Id.*) In particular, these restrictions were adopted with a view to preventing anticompetitive arrangements that would violate Federal antitrust laws.

Two considerations recommend elimination of the restrictions appearing at 12 CFR 545.4–2(i). First, the Board believes that the policies underlying these restrictions are already adequately served by the application of Federal antitrust laws. Second, the Board is concerned that these restrictions unnecessarily substitute the Board's judgment for the business discretion of Federal association management with regard to prevention of antitrust violations. In light of these considerations and in the interest of eliminating unnecessary regulatory restrictions, the Board is deleting paragraph (i) in its entirety.

This amendment of the Board's regulations is effective immediately. The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. 553(b) and the thirty-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. 553(d) would be unnecessary and contrary to the public interest because (1) this action relieves regulatory restrictions and (2) the elimination of these restrictions will have no substantive effect because the policies underlying them are already adequately served by Federal antitrust law provisions.

Accordingly, the Board is amending Part 545, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Remove paragraph (i) of § 545.4–2, and redesignate paragraph (j) as paragraph (i).

(12 U.S.C. 1464; Reorg. Plan. No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13259 Filed 4-30-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 376 and 377

Agricultural Commodities and Products Subject to Validated Licensing and Petroleum and Petroleum Products Subject to Short Supply Licensing Controls

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final Rule.

SUMMARY: Effective January 1, 1981, the Bureau of the Census revised and renumbered certain entries in their publication *Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported From the United States. Schedule B* commodity descriptions are used in the *Export Administration Regulations* to list those commodities under validated export licensing control for short supply reasons. Therefore, the *Export Administration Regulations* Supplement Nos. 2 and 3 to Part 376 and Supplement No. 2 to Part 377 are amended to conform them with the new *Schedule B* numbers and descriptions previously amended by the Bureau of the Census. Also Supplement Nos. 2 and 3 to Part 377 are completely revised at this time to conform the *Code of Federal Regulations* with the *Export Administration Regulations.*

EFFECTIVE DATE OF ACTION: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Pat Huber, Short Supply Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230, (202) 377–3984.

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. This rule will not have a significant economic impact on a substantial number of small business entities because it does not impose any additional costs or other regulatory burdens on them. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 33 U.S.C. 3501 *et. seq.* This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981). Therefore, this rule is issued in final form. Although there is no formal comment period, public comments on this rule are welcome on a continuing basis.

Accordingly, Parts 376 and 377 of the Export Administration Regulations are amended as follows:

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Supplement No. 2 to Part 376 [Amended]

1. Supplement No. 2 to Part 376 is amended by revising Schedule B Numbers 130.1000 and 184.8060 to read 130.1020 and 184.8080, respectively.

Supplement No. 3 to Part 376 [Amended]

2. Supplement No. 3 to Part 376 is amended by revising Schedule B Number 110.4620 to read 110.4602.

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

3. Supplement Nos. 2 and 3 to Part 377 are completely revised to read as follows:

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*

Schedule B No.[1]	Commodity description [2]	Unit of quantity [3]
	Petroleum Licensed Only in Accordance With § 377.6(d)(1)	
	Group A	
475.0710	Crude petroleum, including tar sands and crude shale oil	Bbl.
475.0710	Petroleum partly refined for further refining	Bbl.
	Petroleum Products Subject to Validated Licensing and Historical Quotas	
	Group B	
475.2520	Aviation gasoline	Bbl.
	Group C	
475.2520	Gasoline, except aviation type	Bbl.
475.6781	Gasoline blending agents, hydrocarbon compounds only, n.s.p.f	Bbl.
	Group D	
475.3000	Kerosene derived from petroleum, shale oil, or both (except motor fuel)	Bbl.
	Group E	
475.2530	Jet fuel, naphtha-type	Bbl.
475.2550	Jet fuel, kerosene-type	Bbl.
	Group F	
475.0720	Distillate fuel oils (light)	Bbl.
475.0740	Distillate fuel oils (No. 4 type)	Bbl.
475.2560	Other motor fuel (including tractor and stationary turbine fuel)	Bbl.
	Group G	
475.0760	Residual fuel oils (heavy fuel oils)	Bbl.
	Group K	
475.1545	Butane	Bbl.
	Group L	
475.1525	Propane	Bbl.
	Group M	
475.6720	Natural gas liquids, including LPG, n.s.p.f	Bbl.

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued

Schedule B No.[1]	Commodity description [2]	Unit of quantity [3]
	Group N-1	
475.3500 475.6781	Naphtha, mineral spirits, solvents and other finished light petroleum products n.s.p.f., which are (a) capable of being used as a fuel, either alone or when blended with other petroleum products, or (b) suitable for use in refinery processing or as a feedstock for petrochemical or synthetic natural gas production, but excluding (1) naphthas having a distillation dry point of 440° F. or more, (2) naphthas having a Kauri-Butanol value of less than 35 as determined by the ASTM D1133 Test Method, and (3) naphthas normally packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container and which will be exported in such drums or containers.	Bbl.
	Petroleum Products Subject to Validated Licensing But Not Quotas	
	Group N-2	
475.3500 475.6781 431.0290	Other naphthas, mineral spirits, solvents, and finished light petroleum products, n.s.p.f.	Bbl.
	Group H	
475.6710	Carbon black feedstock oil	Bbl.
	Group J	
475.1505	Synthetic natural gas [4]	M Cu. Ft.
475.1570	Gas, manufactured	M Cu. Ft.
	Group R	
521.1120	Petroleum asphalt	S. Ton.
511.2500	Paving mixtures, bituminous, based on asphalt and petroleum	$ Value.
	Petroleum Products Subject to Provisions of Either § 371.16 or § 377.8(d)(6)	
	Group Q	
401.0110	Benzene	Gal.
401.0120	Toluene	Gal.
401.0132	Ortho-xylene	Gal.
401.0134	Para-xylene	Gal.
401.0139	Other xylene	Gal.
415.2400	Helium	M Cu. Ft.
415.2900	Hydrogen	X.
417.2000	Ammonia, aqueous	Cnt. ton.
423.1010	Carbon dioxide and carbon monoxide	X.
431.0210	Butadiene	Lb.
431.0220	Butylene	Lb.
431.0230	Ethylene	Lb.
431.0240	Isoprene	Lb.
431.0250	Propylene	Lb.
431.0290	Acetylene	Lb.
475.1515	Ethane with a minimum purity of 95 liquid volume percent	Bbl.
475.4000	Mineral oil of medicinal grade derived from petroleum, shale oil or both	Bbl.
475.4100	Hydraulic fluids, including automatic transmission fluids	Bbl.
475.4510	Aviation engine lubricating oil, except jet engine lubricating oil	Bbl.
475.4515	Jet engine lubricating oil	Bbl.
475.4520	Automotive, diesel, and marine engine lubricating oil	Bbl.
475.4525	Turbine lubricating oil, including marine	Bbl.
475.4530	Automotive gear oils	Bbl.
475.4550	Steam cylinder oils	Bbl.
475.4555	Insulating or transformer oils	Bbl.
475.4560	Quenching or cutting oils	Bbl.
475.4580	Lubricating oils, n.s.p.f., except white mineral oil	Bbl.
475.5700	Greases	Lb.
475.6740	Petroleum jelly and petrolatum, all grades	Lb.
475.6750	White mineral oil, except medicinal grade	Bbl.
475.6781	Other non-lubricating and non-fuel petroleum oils, n.s.p.f.	X.
480.6540	Ammonia, anhydrous	S. Ton.
492.5210	Paraffin wax, crystalline, fully refined	Lb.
492.5220	Paraffin wax, crystalline, except fully refined	Lb.
492.5240	Paraffin wax, all others (including microcrystalline wax)	Lb.
517.5120	Petroleum coke, calcined	S. Ton.
521.3150	Petroleum coke, except calcined	S. Ton.

[1] See Supplement No. 3 to Part 377 for correlation of old Schedule B Nos. to new Schedule B Nos. Schedule B Nos. are provided only as a guide to proper completion of the Shipper's Export Declaration, Form No. 7525 V.

[2] Commodity description determines the product under control.

[3] Report commodities in units of quantity indicated.

[4] Natural gas and liquified natural gas (L.N.G.), and synthetic natural gas commingled with natural gas, require export authorization from the U.S. Department of Energy. See § 370.10(g).

QUANTITIES: Report commodities in units of quantity indicated.
BASE PERIODS:
1. For that part of the Republic of Panama which, prior to October 1, 1979, was the Panama Canal Zone:
Commodity Groups B, C, D, E, F, G, and N-1:
January 1, 1977 through June 30, 1979
Commodity Groups K, L, and M:
The corresponding calendar quarter during the period April 1, 1978 through March 31, 1979
2. For all other areas including other parts of the Republic of Panama:
Commodity Groups B, C, D, E, F, and G:
January 1, 1971 through June 30, 1973
Commodity Groups K, L, and M:
The corresponding calendar quarter during the period April 1, 1972, through March 31, 1973
Commodity Group N-1:
January 1, 1974 through June 30, 1976
SHIPPING TOLERANCE: 10 percent (See § 386.7 for an explanation of the shipping tolerance.)
SUBMISSION DATES:
Applications against historical quotas:
Not prior to the beginning of the applicable quarter and received in the Office of Export Administration not later than the close of business on the tenth day prior to the end of the applicable quarter.
Applications for hardship and all other commodities subject to validated licensing but not historical quotas:
At any time.

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued

Quarterly Country Quotas

Country	Quota (barrels)
Country Quotas for *Group B*	
(Schedule B No. 475.2520, Aviation gasoline)	
Bahamas	1,676
Belgium	78
Bolivia	2,761
Cameroon	65
Canada	3,313
Dahomey (Benin)	58
French Pacific Islands	3,853
Gabon	115
Honduras	307
India	12,743
Ivory Coast	98
Mexico	13,607
Netherlands	18,940
Singapore	14,783
All Other Countries	165
Country Quotas for *Group C*	
(Schedule B No. 475.2520, Gasoline, except aviation type) (Schedule B No. 475.6781, Gasoline blending agents, hydrocarbon compounds only, n.s.p.f.)	
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific islands	20,141
Germany, Federal Republic of	3,966
India	143
Iran	106
Italy	314
Japan	299
Leeward & Windward Islands	1,109
Mexico	149,791
Mozambique	66
Netherlands	48,039
Nigeria	143
Philippines	137
South Africa, Republic of	556
Sweden	56
United Kingdom	3,111
Venezuela	165
All Other Countries	513
Country Quotas for *Group D*	
(Schedule B No. 475.3000, Kerosene derived from petroleum, shale oil, or both except motor fuel)	
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued—Continued

Quarterly Country Quotas

Country	Quota (barrels)
Egypt	88
France	59
French Pacific Islands	3,348
Gabon	266
Germany, Federal Republic of	7,047
Israel	586
Italy	467
Japan	2,354
Mexico	72
Netherlands	349
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa, Republic of	371
United Kingdom	9,391
Venezuela	454
All Other Countries	252

Country Quotas for *Group E*

(Schedule B No. 475.2530, Jet fuel, naphtha-type)
(Schedule B No. 475.2550, Jet fuel, kerosene-type)

Bahamas	31
Canada	42,797
Mexico	58,193

Country Quotas for *Group F*

(Schedule B No. 475.0720, Distillate fuel oils (light))
(Schedule B No. 475.0740, Distillate fuel oils (No. 4 type))
(Schedule B No. 475.2560, Other motor fuel (including tractor and stationary turbine fuel))

Bahamas	3,125
Canada	113,393
Colombia	36,385
Denmark	22,413
French Pacific Islands	11,616
Japan	49,195
Mexico	260,283
Netherlands	58,895
Netherlands Antilles	34,072
Peru	13,577
Suriname	327
United Kingdom	49,195
All Other Countries	1,359

Country Quotas for *Group G*

(Schedule B No. 475.0750, Residual fuel oils (heavy fuel oils))

Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	833,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	271,601
Leeward & Windward Islands	12,745
Mexico	643,500
Netherlands	50,108
Netherlands Antilles	99,078
Panama	74,793
Peru	30,821
Philippines	862
Poland	2,070
Portugal	19,240
Singapore	15,455
South Africa, Republic of	21,432
Spain	36,383
Sweden	75,413
United Kingdom	227,631
All Other Countries	814

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued

Quarterly Country Quotas

Country	Quarter			
	1st	2d	3d	4th
Country Quota for Group K (in barrels)				
(Schedule B No. 475.1545, Butane)				
Brazil				18,055
Canada	1,769	1,594	1,176	1,346
Mexico	197,183	169,338	174,916	185,206
Netherlands			10,927	
AllOther Countries	703	736	245	877
Country Quota for Group L (in barrels)				
(Schedule B No. 475.1545, Propane)				
Bahamas				10,046
Canada	4,931	2,081	1,521	2,108
Japan	380,809		221,346	622,447
Mexico	841,862	593,894	586,509	707,695
New Zealand			10,927	
All Other Countries	3,514	2,088	1,203	619
Country Quota for Group M (in barrels)				
(Schedule B No. 475.6720, Natural gas liquids, including LPG, n.s.p.f.)				
Canada	22,414	17,878	15,954	41,596
Guatemala	2,355	737	2,335	1,901
Japan	150,514			
Mexico	1,693,169	1,783,460	2,059,081	1,855,328
All Other Countries	3,946	1,638	3,168	1,359

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued

Quarterly Country Quotas

Country Quotas for *Group N-1*

(Schedule B. No. 475.3500, Schedule B No. 475.6781, Naphtha, mineral spirits, solvents and other finished light petroleum products, n.s.p.f., which are (a) capable of being used as a fuel, either alone or when blended with other petroleum products, or (b) suitable for use in refinery processing or as a feedstock for petrochemical or synthetic natural gas production, but excluding (1) naphthas having a distillation dry point of 440° F. or more, (2) naphthas having a Kauri-Butanol value of less than 35 as determined by ASTM D1133 Test Method, and (3) naphthas normally packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container and which will be exported in such drums or containers.) [1]

Quota (bbls.)	Countru
Argentina	224
Australia	7,833
Belgium	556
Brazil	22,162
Canada	3,705
Columbia	645
France	348
Germany, Federal Republic of	5,065
Hong Kong	673
Liberia	375
Malaysia	884
Mexico	5,272
Netherlands	23,776
New Zealand	1,340
Philippines	356
Singapore	474
South Africa	5,922
Switzerland	347
Thailand	223
United Kingdom	26,191
Venezuela	1,935
All Others	1,032

[1] Report units of quantity as specified in Schedule B

Supplement No. 3.—*Petroleum and Petroleum Products Included in the Definition of "Petroleum" Under the Naval Petroleum Reserves Production Act of 1976* [1]

New schedule B No.	Commodity description [2]
401.0110	Benzene.
401.0120	Toluene.
401.0132	Ortho-xylene.
401.0134	Para-xylene.
401.0139	Other xylene.
415.2400	Helium.
415.2900	Hydrogen.
417.2000	Ammonia, aqueous.
423.1010	Carbon dioxide and carbon monoxide.
431.0210	Butadiene.
431.0220	Butylene.

Supplement No. 3.—*Petroleum and Petroleum Products Included in the Definition of "Petroleum" Under the Naval Petroleum Reserves Production Act of 1976* [1]—Continued

New schedule B No.	Commodity description [2]
431.0230	Ethylene.
431.0240	Isoprene.
431.0250	Propylene.
431.0290	Acetylene, and other hydrocarbons, n.s.p.f.
475.0710	Crude petroleum (including reconstituted crude petroleum), tar sands and crude shale oil.
475.0710	Petroleum, partly refined for further refining.
475.0720	Distillate fuel oils, having a Saybolt Universal viscosity at 100° F. of less than 45 seconds.
475.0740	Distillate fuel oils (No. 4 type) having a Saybolt Universal viscosity at 100°F. of 45 seconds or more but not more than 125 seconds.
475.0760	Fuel oils, having a Saybolt Universal viscosity at 100° F. of more than 125 seconds.
475.1505	Natural gas, methane and mixtures thereof (including liquified natural gas and synthetic or substitute natural gas). [3]
475.1515	Ethane with a minimum purity of 95 liquid volume percent. [3]
475.1525	Propane with a minimum purity of 90 liquid volume percent.
475.1545	Butane with a minimum purity of 90 liquid volume percent.
475.1570	Other natural gases (including mixtures), n.s.p.f. and manufactured gas. [3]
475.2520	Gasoline, motor fuel (including aviation).
475.2530	Jet fuel, naphtha-type.
475.2550	Jet fuel, kerosene-type.
475.2560	Other motor fuel (including tractor fuel and stationary turbine fuel).
475.3000	Kerosene derived from petroleum, shale oil, natural gas, or combinations thereof (except motor fuel).
475.3500	Naphthas derived from petroleum, shale oil, natural gas, or combinations thereof (except motor fuel).
475.4000	Mineral oil of medicinal grade derived from petroleum, shale oil or both.
475.4100	Hydraulic fluids, including automatic transmission fluids
475.4510	Aviation engine lubricating oil, except jet engine lubricating oil.
475.4515	Jet engine lubricating oil.
475.4520	Automotive, diesel, and marine engine lubricating oil.
475.4525	Turbine lubricating oil, including marine.
475.4530	Automotive gear oils.
475.4550	Steam cylinder oils.
475.4555	Insulating or transformer oils.
475.4560	Quenching or cutting oils.
475.4580	Lubricating oils, n.s.p.f., except white mineral oil.
475.5700	Greases.
475.6710	Carbon black feedstock oil.
475.6720	Natural gas liquids, including LPG, n.s.p.f.
475.6740	Petroleum jelly and petrolatum, all grades.
475.6750	White mineral oil, except medicinal grade.
475.6781	Other non-lubricating and non-fuel petroleum oils, n.s.p.f.
480.6540	Ammonia, anhydrous.
492.5210	Paraffin wax, crystalline, fully refined.
492.5220	Paraffin wax, crystalline, except fully refined.
492.5240	Paraffin wax, all others (including microcrystalline wax).
511.2500	Paving mixtures, bituminous, based on asphalt and petroleum.
517.5120	Petroleum coke, calcined.
521.1120	Petroleum asphalt.
521.3150	Petroleum coke, except calcined.

[1] Those petroleum and petroleum products whose export is prohibited if produced on a Naval Petroleum Reserve or if they are the product of a resource produced thereon. See Part 377.
[2] This commodity description for the most part is the same description found in the Bureau of Census Schedule B listing dated January 1, 1978. In some instances the description presented here is expanded or modified to ensure proper identification of products subject to export restriction. Commodity description rather than Old or New Schedule B No. determines the commodity included in the definition of "Petroleum" under the Naval Petroleum Reserves Production Act.
[3] Natural gas and liquefied natural gas (LNG), and synthetic natural gas commingled with natural gas, (Schedule B Nos. 475.1505, 475.1515, and 475.1570) require export authorization from the U.S. Department of Energy. See § 370.10(g).

Applications to export the above will be considered only in accordance with Part 377.

(Sec. 7, 13 and 15, Pub. L. 96-72, U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980))

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-13189 Filed 4-30-81; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 270

[Docket No. RM 80-33; Order No. 93-A]

Rules Generally Applicable to Regulated Sales of Natural Gas; Order Denying Rehearing and Clarifying Order No. 93

Issued: April 24, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Denying Rehearing and Clarifying Order No. 93.

SUMMARY: The Commission is denying rehearing of its decision that the highest price permitted for a first sale of natural gas under the Natural Gas Policy Act is based on the number of MMBtu's actually delivered in the first sale. The order on rehearing also makes clear that this price is the highest price permissible but that it does not nullify the provisions of the contract under which the gas is sold. The Commission will not require continuous monitoring for MMBtu content and will permit pipelines subject to its jurisdiction an opportunity to demonstrate the appropriateness of rate treatment for any claimed retroactive payments under this rule in the pipeline's next PGA filing.

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SUPPLEMENTARY INFORMATION:

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

On July 16, 1980, the Commission issued final regulations in Order No. 93 (45 FR 49077, July 23, 1980) which amended the Commission's interim rules relating to first sales of natural gas that are resales and the standard for determining the Btu content of natural gas. Eight timely applications for rehearing were filed.[1] Two petitioners also requested a partial stay of the order. Subsequently, two requests for clarification [2] and two applications for stay [3] were filed.

On September 15, 1980, the Commission granted rehearing of Order No. 93 solely for purposes of further consideration but denied the two petitions for partial stay of Order No. 93. On October 15, 1980, Natural filed an application for rehearing of the Commission's denial of its petition for a

[1] Michigan Wisconsin Pipe Line Company (also requested clarification); El Paso Natural Gas Company (also requested a partial postponement); Transcontinental Gas Pipe Line Corporation (Transco) (also requested clarification); United Gas Pipe Line Company; Texas Gas Transmission Corporation; Interstate Natural Gas Association of America (INGAA) (also requested clarification); Natural Gas Pipeline Company of America (Natural) (also requested reconsideration and a partial stay); and Consolidated Gas Supply Corporation.

[2] Tennessee Gas Pipeline Company and Valero Transmission Company. (Valero also requested reconsideration.)

[3] Arkansas Louisiana Gas Company (Arkla) and Transco.

partial stay. On November 14, 1980, the Commission granted rehearing on that application solely for purposes of further consideration.

None of the filings contested or raised issues concerning the regulations regarding resales; all addressed the final rule in § 270.204 which clarified the interim rule describing a standard for determining the Btu content of natural gas. This order on rehearing denies all applications for rehearing or reconsideration of Order No. 93 as well as the two additional petitions for stay; however, it grants requests for clarification of Order No. 93 and the final rule in § 270.204.

This order, like Order No. 93, authorizes natural gas subject to a first sale to be priced based on the number of MMBtu's actually delivered, to the extent such pricing is contractually permissible. The order also makes clear that the Commission will not require continuous monitoring and recording of heating value (MMBtu's) but will accept any reasonable, unbiased method acceptable to the industry and the contracting parties for periodically measuring gas composition, gas heating value or other variables in order to determine the number of MMBtu's actually delivered in a first sale. Pipelines subject to the jurisdiction of the Commission will be permitted the opportunity to demonstrate in their next PGA filing the appropriateness of rate treatment for any claimed retroactive payments occasioned as a result of the Btu Rule controversy.

I. Background

In Title I of the NGPA, Congress prescribed "ceiling prices" for first sales of natural gas. It did so by establishing maximum lawful prices "per MMBtu" (i.e. Million British Thermal Units) for various categories of natural gas. The "ceiling price" chargeable for a first sale was to be determined by multiplying the applicable maximum lawful price per MMBtu by the number of MMBtu's subject to the first sale.

In Order No. 93 the Commission promulgated § 270.204 as a final rule. The rule itself merely describes the standard conditions under which the number of MMBtu's in a volume of natural gas is measured.[4] However, recognizing that actual delivery conditions vary widely and are most often different from the defined standard conditions, the Commission noted in the preamble to Order No. 93 that the results of Btu measurements at the defined standard conditions must be adjusted to account for actual delivery conditions before determining the "ceiling price" that can be charged for the sale under the NGPA (i.e., the maximum lawful price per MMBtu multiplied by the number of MMBtu's actually delivered).[5] This statement was predicated on the Commission's belief that, for purposes of determining the NGPA "ceiling price," the number of MMBtu's subject to a first sale is the number of MMBtu's actually delivered to the purchaser.

The petitions for rehearing raised several arguments concerning the Commission's statement in the preamble to Order No. 93 that "the results obtained under test conditions, be they those in the rule or others, must be converted to figures that reflect the actual condition of the gas on delivery in order to properly price the gas."[6] Three petitioners alleged that under Order No. 93 the maximum lawful prices for sections 104, 106(a) and 109 would exceed those prescribed under Title I of the NGPA because, under the Natural Gas Act (NGA), the Btu adjustment to the volumetric base price was based on the prevailing industry practice of determining Btu content at standard conditions and permitted no conversion to reflect the number of MMBtu's actually delivered. A fourth petitioner argued that Congress had adopted this prevailing industry practice for all Title I categories of natural gas and that Order No. 93 thus violated all of the NGPA "ceiling prices."

Several petitioners, conceding for purposes of discussion that Order No. 93 did not violate Title I "ceiling prices," questioned the effect of the Commission's statement on specific contractual provisions under which the number of MMBtu's to be attributed to an Mcf of natural gas for pricing purposes is to be based on the results of Btu measurement at the standard conditions. They indicated that the language in Order No. 93 was ambiguous but that an interpretation that nullified such contractual provisions would violate section 101(b)(9) of the NGPA which states that the Title I maximum lawful prices do not nullify or supersede the contract price. Should the contract price depend on the number of MMBtu's actually delivered, they asked what monitoring procedures would be required by the Commission in order to determine the Btu content of the natural gas at delivery conditions.

Two petitioners alleged that the clarifications in the final rule and the explanatory language in the preamble of Order No. 93 sufficiently altered the interim rule § 270.204 so as to violate the notice and comment provisions of the Administrative Procedure Act (APA) and argued that the final rule should have prospective effect only.[7] In the alternative, these and other petitioners sought a one-time PGA filing to pass through the increase in prices that they alleged would result were the Commission to retain its position on the Btu issue on rehearing.

We have addressed each of these issues in this order.

II. Lawfulness of "Ceiling Prices" Under Order No. 93

A. Petitioners' Argument

The maximum lawful prices published for sections 104 and 106(a) are referenced to the just and reasonable rates that applied to various categories of natural gas under the NGA on April 20, 1977. These rates consisted of a base price per Mcf which was to be adjusted to the extent the gas did or did not contain heating value equal to one MMBtu per Mcf. Although the dollar amount chargeable for a sale of natural gas under the NGA depended on the number of Mcf's actually delivered, the heating value adjustment was based on Btu measurements made at standard conditions and permitted no conversion to actual delivery conditions. Measurement at standard conditions usually understates the number of MMBtu's actually delivered to the purchaser. (See Appendix I for more detailed discussion.)

Although sections 104 and 106(a) reference the NGA just and reasonable rates, which were stated on a *per Mcf* basis, the maximum lawful prices for those sections are stated on a *per MMBtu* basis. The Commission's adoption of the per-Mcf base price as

[4] The essential parameters of the "standard conditions" are that the gas is at a temperature of 60°F, under a pressure of 30 inches of mercury (approximately 14.73 pounds per square inch), and, at these defined temperature and pressure conditions, the gas is saturated with water vapor. (*See* note 21, *infra*, for full definition.) At these defined temperature and pressure conditions, natural gas will contain approximately 820 pounds of water vapor per million cubic feet of total gas. (*See* Appendix I, "Variance in Water Vapor Content and Heating Value.")

[5] As a practical matter, the determination would most often be made by measuring the gas on a volumetric basis at delivery conditions, multiplying the number of Mcf's so measured times the number of MMBtu's in an Mcf of the gas at delivery conditions, and multiplying the results by the applicable maximum lawful price.

[6] 45 FR 49077, 49080.

[7] The Commission stated in Order No. 93 that the amendments to the interim rule were of a clarifying nature. Therefore, contrary to one petitioner's allegation, their effective date is not September 22, 1980, (the effective date of Order No. 93) but December 1, 1978, the effective date of the interim rule. *Id.* at 49078.

the maximum lawful price, when coupled with the requirement under the Btu rule that the maximum lawful price be applied to every MMBtu actually delivered, for purposes of determining the NGPA "ceiling price," has resulted in "ceiling prices" that are higher than some purchasers claim would have been applicable under the NGA (ignoring the differences in inflation adjustments between the NGA and NGPA pricing schemes).

The petitioners argued that, except for the variation in inflation adjustments under the NGA and the NGPA, Congress intended to maintain producer revenue levels extant under the NGA. Noting that the Commission's current regulations confound this alleged purpose, they contended that the Commission must either rescind its statements in Order No. 93, regarding conversion of heat content findings at standard conditions to findings that would obtain at actual delivery conditions, or lower its published maximum lawful prices for sections 104 and 106(a) to counteract the inflationary effect of the language in Order No. 93.[8]

The petitioners argued, in effect, that the phrase "per MMBtu" in the NGPA merely establishes the commodity unit to be measured, not "how" or "when" such measurement is to be made. They argued that the prior practice of pricing based on the results of Btu measurements at standard conditions survives and is incorporated into the NGPA because the statute contains no clear intent to abrogate that practice. Several petitioners supported their argument by referring to section by section analyses by Representative Dingell and Senator Jackson in the legislative history [9] and alleging that these statements indicate Congressional intent to maintain producer revenues for NGA gas at pre-NGPA levels.

B. Summary of Commission Decision

In developing a comprehensive wellhead pricing system for interstate and intrastate sales of natural gas, Congress had to coordinate the previous NGA pricing system with the system of incentive prices it had established under the NGPA for the purpose of encouraging production of domestic supplies of natural gas. It decided that coordination of these two pricing systems required uniformity with respect to the commodity priced (volumes versus heating value) as well as the methodology for adjusting the maximum lawful prices based on inflation.

The latter objective required that Congress abolish the quarterly escalator that had applied under the NGA pricing scheme and replace it with the monthly inflation adjustment applicable to the incentive pricing categories. This is the issue addressed by both Congressman Dingell and Senator Jackson in those portions of the legislative history cited by the petitioners.

Congress also elected to impose uniformity with respect to the commodity to be priced and chose to establish energy-referenced prices (dollars per MMBtu) as opposed to volume-referenced prices (dollars per Mcf). This choice was inherent in the Congressional intent to establish incentive prices based on the commodity value of alternative energy sources. Thus the maximum lawful prices for those sections of Title I that reference the NGA just and reasonable per-Mcf rates (as well as section 109) were also stated on a "per MMBtu" basis.

However, Congress left implementation of energy-referenced pricing for these sections to the Commission. Recognizing that a problem might exist in converting NGA just and reasonable rates to NGPA maximum lawful prices, the Statement of Managers adverted to that problem without resolving it by merely referencing the "just and reasonable rates that were in effect on April 20, 1977, as *converted, if necessary* to a million Btu basis * * *" (Emphasis added).[10] Thus, it was left to the Commission to resolve the conversion issue.

That Congress imposed this responsibility upon the Commission was entirely predictable because coordination of the NGA and the NGPA required the expertise of that agency familiar with the structure and intricacies of the prior NGA pricing scheme.[11] In discharging this

[8] One petitioner limited this argument to sections 104 and 106(a). Two others extended it to section 109 based on statements in the legislative history that the section 109 price is intended to be the same as the section 104 price. The fourth petitioner alleged, based on the statements concerning sections 104 and 109 and the need to interpret the phrase "per MMBtu" consistently, that the argument pertains to all Title I pricing categories.

[9] *Statement by Senator Jackson:*

The maximum lawful price computed in accordance with subsection 104(b) is the same as the maximum lawful price computed in accordance with subsection 109(b). The base rate used in both computations is subject to an inflation adjustment. In other words, the just and reasonable rates set by the Federal Power Commission and in effect, as of April, 1977 are frozen as of that date and the inflation adjustment provided under this Act is to be added from that date forward. For example, the new gas rate set in FPC Opinion No. 770–A, applicable to certain eligible producers was $1.45 in April, 1977.

Thus, $1.45 would be the base rate applicable to certain eligible producers subject to section 104 and for all gas subject to section 109. The conferees do not intend to allow both the escalators of 1 cent each calendar quarter provided by Opinion No. 770–A, and the inflation adjustment provided by this Act to operate. Only the inflation adjustment provided by this Act will be allowed to operate after April, 1977. 124 Cong. Rec. S 15020–21 (Sept. 13, 1978).

Statement by Congressman Dingell:

Section 104 establishes the ceiling price mechanism applicable to natural gas dedicated to interstate commerce prior to enactment of the bill and for which a just and reasonable rate had been established under the Natural Gas Act. The applicable just and reasonable rate in effect in April, 1977 is referenced as the base price to which the inflation adjustment factor is applied to yield the maximum lawful price in any future month.

The just and reasonable rate under FPC Opinion 770–A applicable to wells spudded on or after January 1, 1975, includes a $.01 escalator each calendar quarter. Moreover, technically speaking, Opinion 770–A establishes a just and reasonable rate of $1.62 per Mcf for this vintage. The $1.42 per Mcf price most commonly referred to is merely the base rate allowed under the decision discounted to its then present value. The $.01 per quarter escalator is designed to yield an average $1.62 per Mcf rate over the projected life of the average reservoir.

Accordingly, a question has arisen whether the just and reasonable rate referenced in section 104(b)(1)(A)(i) is to include the $.01 quarterly adjustment in the inflation adjustment under section 104(b)(1)(A)(ii). The answer is an emphatic NO. The conferees did not intend a double dip. The "just and reasonable rate * * * applicable * * * on April 20, 1977" is intended to incorporate by reference the $1.45 per Mcf price permitted in April 1977. This price is to be adjusted thereafter only pursuant to the inflation adjustment provided in section 104(b)(1)(A)(ii). (Moreover, lest there be any doubt, the conferees did not intend the reference to be to the $1.62 price either.) That the conferees intended to reference the $ 1.45 per Mcf price is supported by the construction of section 109, wherein the $1.45 price is set forth. Section 104 deals with area rates, national rates of several vintages, and special relief pricing. Therefore, it was not possible or practical to specify each rate. Incorporation by reference was required. In the case of section 109, a specific rate was possible and the rate selected was the just and reasonable rate under Opinion 770–A applicable on April 20, 1977, i.e., $1.45 per Mcf. This assured that these sections would be consistent with one another. A question has arisen respecting the pricing of interstate gas, presently subject to contract, including a warranty contract, at a price lower than the just and reasonable rate presently applicable to the gas, following expiration of that contract. As the preceding paragraphs indicate, sections 104 and 106 would be applicable. Under section 101(b)(5), the section yielding the higher price would establish the maximum lawful price. If a contract is being satisfied with gas produced from wells of a vintage for which a higher just and reasonable rate has been established by the Commission that just and reasonable rate is referenced as the basis for the maximum lawful price under section 104. Moreover, once the existing contract no longer limits the price (see section 101(b)(9)), the producer could charge and the purchaser could pay any amount up to the maximum lawful price which, under both sections 104 and 106, would be based upon the just and reasonable rate which, but for enactment of this legislation, would have been applicable. 124 Cong. Rec. H 13117 (Oct. 14, 1978).

[10] Joint Statement of Managers, H. Rep. No. 95–1752, 95 Cong. 2d Sess. 82 (1978).

[11] The Congressmen's references in the legislative history to the specific Opinion 770–A rate for post-1974 wells (Opinion 770–A rate), upon which the

Continued

responsibility, the Commission had to examine that NGA pricing scheme and establish a rational way to coordinate it with the NGPA. Had there been a direct correlation between the NGA's just and reasonable rates per Mcf and the NGPA's system of maximum lawful prices, which are stated on a "per MMBtu" basis, the Commission's task would have been a simple one. However, no such direct correlation exists. Thus the Commission was left with two inquiries. How should the number of MMBtu's upon which the NGPA "ceiling price" is based be determined: at standard conditions, *i.e.* in the same manner as Btu content had been determined under the NGA for purposes of quality control, or at actual delivery conditions? And, what should the maximum lawful price per MMBtu be for such gas?

With respect to the Btu measurement issue, the Commission determined that the number of MMBtu's accounted for in establishing the "ceiling price" for a first sale of section 104, 106(a) and 109 gas should be the number of MMBtu's actually delivered. We made this decision based on examination of the commodity pricing concepts embodied in the NGPA and the NGA. In the NGPA's incentive pricing categories, heating value is priced on an *as-delivered* basis.[12] Although the commodity priced was volume rather than heating value, the NGA, too, priced the commodity on an as-delivered basis. Therefore, the Commission decided that consistency within the NGPA and continuity with the NGA required that conversion be accomplished so as to preserve the as-delivered pricing concept for sections whose maximum lawful prices are referenced to the NGA just and reasonable rates. (See Section II C for more detailed analysis.)

With respect to the maximum lawful prices for these sections, we did not think it clear from examination of the NGPA and its legislative history that Congress' purpose was to maintain producer revenue levels for NGA gas at pre-NGPA levels.[13] Certainly the language of the statute itself manifests no such intent. Indeed, Congress had implicitly abandoned any goal of maintaining pre-NGPA revenue levels in favor of uniformity when it imposed the same inflation adjustment for NGA-referenced and incentive pricing categories. Had Congress preserved the escalation provision in Opinion 770–A, the maximum lawful price for April, 1981, for that subcategory of section 104 gas referenced to the rate for post-1974 wells in Opinion 770–A (Opinion 770–A rate) would have been $1.61 per MMBtu instead of the $2.011 per MMBtu price that results from substitution of the NGPA monthly inflation adjustment methodology. Comparison of these two prices undermines the petitioners' theory that Congress intended that the NGPA maintain NGA producer revenue levels.[14]

Based on the absence of a direct correlation between the NGPA and NGA pricing schemes, the major alteration in producer revenue levels that Congress itself accomplished by changing the escalation factors for NGA-referenced gas, and the lack of any clear evidence in either the NGPA or its legislative history as to what result Congress would have reached had it resolved the Btu conversion issue itself, we decided to adopt a per-MMBtu maximum lawful price of $1.45 for Opinion 770–A rate gas subject to section 104. By adopting what were essentially the base prices as of April 20, 1977, for section 104 (and section 106(a)), we adapted the NGA's cost-revenue balancing scheme to prices stated on a "per MMBtu delivered" basis in order to promote maximum continuity between the NGA and the NGPA and maintain internal consistency within the Title I pricing scheme. With respect to the latter objective, we note that adoption of the $1.45 base price effects the Congress' intent that the maximum lawful price for the Opinion 770–A subcategory of section 104 be the same as that imposed by Congress for section 109. (*See* discussion in Section II D and Appendix I, "Compatibility of NGA and NGPA Prices.")

C. The Measurement Issue

Like the NGA, the NGPA establishes pricing guidelines for sales of natural gas. The commodity priced under NGA regulations was *volume* units (Mcf's) of natural gas delivered. However, one of the purposes for enacting the NGPA was encouragement of domestic production of natural gas. Congress viewed energy sources as fungible and attempted to encourage domestic production of natural gas by pricing it based on its comparable energy value with respect to alternative fuel sources. In order to encourage certain new production it set a maximum lawful price for section 102 equivalent to the average commodity value of the refiner acquisition cost of domestically produced oil.[15]

Because of a very clear physical difference between natural gas and other fuels, true comparison can only be achieved by applying the prescribed maximum lawful price to the number of MMBtu's in a volume of gas at delivery conditions rather than to some theoretical quantity such as the number of MMBtu's at standard conditions. This is true because, unlike other fuels, which are either liquid or solid as opposed to gaseous, water vapor in natural gas displaces hydrocarbon compounds, resulting in a diminution of the heating value of the natural gas. Measurement at standard conditions understates the heating value of the gas at delivery conditions.[16] Therefore, it is essential that the "ceiling price" be based on the actual heating value of the gas, *i.e.* the number of MMBtu's actually delivered, in order to achieve the Congressional purpose of pricing natural gas by comparison to the heating value of the selected alternative fuel.

Like incentive pricing categories such as section 102, the maximum lawful prices for sections 104, 106(a) and 109 are stated on a "per MMBtu" basis. Although the difference in pricing mechanisms between section 102 and sections 104 and 106(a) make their direct comparison more difficult for purposes of interpreting the phrase "per MMBtu," (sections 104 and 106(a) reference prices extrinsic to the statute itself, while section 102 states a specific monetary amount), direct comparison of the pricing mechanisms in sections 102 and 109 is fairly straightforward because the structure of section 109 is identical to that of section 102, save for the

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maximum lawful prices for section 109 and one subcategory of section 104 are based, are inconsistent and confusing and suggest that neither Congressman was familiar with such intracacies of the regulatory scheme as the interface between volume-referenced pricing and the Btu adjustment procedure.

[12] *See* discussion *infra*.

[13] Examination of the cited portions of the legislative history suggests that neither Congressman was aware of the Btu conversion issue and that both were addressing themselves to the "double dip" issue relating to escalations of the Opinion 770–A rate. *See* note 11, *supra*.

[14] Although the petitioners acknowledged that a change in revenue levels resulted from Congress' replacing the NGA escalation methodology, they argued that Congress intended that no *additional* increases be effected by the Commission. However, the logic and persuasiveness of their argument are seriously impaired when the purported 2 percent increase in producer revenue levels effected by Order No. 93 is compared to the substantial 39 percent increase in the maximum lawful price implemented by Congress itself. (Had Congress not changed the NGA quarterly escalator, the increase in the maximum lawful price would have been 11 percent, rather than 39 percent.)

[15] H. Rep. No. 95–1752 at 67 and 68.

[16] The amount of water vapor contained in natural gas at the standard temperature and pressure conditions greatly exceeds the amount of water vapor that can be contained in natural gas at most pressure and temperature delivery conditions. (*See* note 4, *supra*, and graph in Appendix I.)

differences in the stated monetary amount. This identity suggests that the "ceiling price" for section 109 should also be based on the number of MMBtu's actually delivered.

Although it is not essential that identical provisions in a statute be interpreted consistently, there must be some compelling reason to do otherwise. None exists here. The legislative history indicates clearly that the maximum lawful price for section 109 is the same as the maximum lawful price for the subcategory of section 104 gas that is referenced to the Opinion 770–A rate. However, contrary to the petitioners' arguments, the legislative history provides no conclusive evidence as to what that section 104 rate should be when converted to a "per MMBtu" basis. Thus it fails to provide a compelling basis for disparate interpretations of the phrase "per MMBtu" in sections 102 and 109 such that the number of MMBtu's subject to a first sale of section 102 gas would be accounted for differently from the number of MMBtu's subject to a first sale of section 109 gas.

What the legislative history does provide, given identical interpretations of the phrase "per MMBtu" for sections 102 and 109 and the Congressmen's comments in the legislative history concerning the identity of the maximum lawful prices in section 109 and the Opinion 770–A subcategory of section 104, is a basis for interpreting the phrase "per MMBtu" in section 104 consistently with its interpretation in sections 102 and 109, i.e., as a requirement that the "ceiling prices" for section 104 (and, by implication, section 106(a)) be based on the heating value of the gas at actual delivery conditions.

Requiring that the "ceiling price" for first sales of sections 104, 106(a) and 109 gas be based on the number of MMBtu's actually delivered also promotes continuity with the NGA by preserving the per-unit-delivered commodity pricing concept employed with respect to volume units under the NGA.

For these reasons, the Commission has decided to retain its original position that the NGPA "ceiling price" is dependent upon the number of MMBtu's actually delivered rather than the number of MMBtu's measured at standard conditions.

D. The Maximum Lawful Price Issue

Convinced that the commodity unit priced under the NGPA is an MMBtu and that the NGPA "ceiling prices" are to be determined on an as-delivered basis, the Commission was next required to explore the suggestion made by some petitioners that the NGA's $1.45 per Mcf base price on April 20, 1977 be reduced to $1.42 in order to maintain pre-NGPA producer revenue levels for that subcategory of section 104 gas that was previously priced at the Opinion 770-A rate and the further suggestion that all other NGA-referenced rates be similarily reduced.

There is no technical theory that compels adoption of lower maximum lawful prices such as $1.42 because there is no direct correlation between the NGA and NGPA pricing schemes. Furthermore, as we have already indicated, neither the statutory language nor the legislative history provides any clear indication of what result Congress would have reached had it resolved the conversion problem itself. Faced with the responsiblity of coordinating the disparate pricing schemes imposed under the NGA and the NGPA, the Commission decided to resolve the conversion issue by pursuing a policy of preserving internal consistency within the Title I pricing scheme and ensuring maximum conceptual continuity between the NGPA's per-MMBtu-delivered pricing scheme and the cost-revenue balancing methodology under which the NGA's per-Mcf base prices were originally established. For the reasons stated below, that policy is best promoted by adopting the base prices for the various categories of NGA gas as the maximum lawful prices for sections 104 and 106(a). We find support for this result by noting that Congress intended identity of pricing for section 109 and the Opinion 770-A subcategory of section 104 and that adoption of the $1.45 base price will impose the same maximum lawful price for that subcategory of section 104 as the maximum lawful price Congress *stated* in section 109.

As has been previously noted, the just and reasonable producer rates to which the maximum lawful prices in sections 104 and 106(a) are referenced were not established on a "per MMBtu delivered" basis. Instead, they were based on the number of Mcf's delivered and included a Btu quality adjustment determined by the number of MMBtu's measured at standard conditions. Because the NGA pricing scheme was inconsistent with respect to the methodologies for establishing volume as opposed to Btu content, no direct correlation exists between the NGA just and reasonable rates, in which heating value was an arbitrarily-derived numerical factor used to make a quality adjustment to the volume-referenced price, and the NGPA energy-referenced "ceiling prices" in which heating value is the price determinant.

Although it is mathematically possible to convert the Opinion 770-A rate of $1.45 per Mcf to a rate of $1.42 per MMBtu, in an attempt to maintain NGA producer revenue levels, it cannot be shown that such a procedure would be applicable to all (or any) sales of that subcategory of section 104 gas. This is true because as explained earlier, the number of MMBtu's per Mcf varies with delivery conditions, and delivery conditions vary widely.[17] Furthermore, adoption of the $1.42 price elevates an arbitrarily-derived Btu adjustment factor above the cost-referericed base price as the conceptual vehicle for converting NGA rates to NGPA maximum lawful prices, based on mere semantic happenstance. Although both the maximum lawful prices and this arbitrary adjustment factor are expressed in terms of Btu's, their conceptual underpinnings are entirely different and cannot be reconciled.

Absent a direct correlation between the NGA and NGPA prices, the Commission feels justified in adopting $1.45 (the base price) as the maximum lawful price for the Opinion 770–A subcategory of section 104 gas. Under the NGA pricing scheme, $1.45 was essentially the quotient obtained by dividing projected finding and production costs by the reported number of Mcf's that would ultimately be produced from discovered reserves. The production data were based on the number of Mcf's available at actual delivery conditions. The touchstone for this computation was the concept of an "average Mcf." Such an average Mcf would typically contain approximately seven to seventy pounds of water vapor per MMcf.[18] The adjustment for Btu content, based on standard conditions, was simply superimposed on this per-unit-delivered, cost-referenced rate. It assumed a water vapor content of 820 pounds per MMcf. As a technical matter, its application to the production data would underestimate the average MMBtu content of the reported volumes by about 1.74%.[19]

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[17] Although many interstate contracts limit the water vapor content of natural gas at delivery to seven pounds per MMcf, not all contracts contain such provisions, and not all gas is so composed at delivery.

[18] This assumes a delivery temperature in the range of 50°F to 70°F and delivery pressures in the range of 100 to 1000 pounds per square inch. These ranges of temperature and pressure would likely cover most delivery conditions.

[19] This was no obstacle to its use for quality control purposes, however, and it had the added advantage of conforming to industry quality control practices. However, its acceptance for quality control purposes does not support, and is in fact unrelated to, its adoption as the determining factor

Continued

This inconsistency in measurement methodologies could have been eliminated either by adjusting the production data prior to rate derivation or by keying the Btu adjustment to actual delivery conditions. Had the production data been converted to standard conditions prior to rate derivation, the number of Mcf's would have been reduced commensurate with the reduced heating value of an Mcf at standard conditions. Reduction of the denominator in the cost equation (i.e. the number of Mcf's) would have produced a base price greater than $1.45 per Mcf. Subsequent adjustments to the per-Mcf base price to reflect the Btu content of the gas at standard conditions (which represents a decrease in the number of MMBtu's at actual delivery conditions) would have resulted in a just and reasonable rate of essentially $1.45 per MMBtu actually delivered. (*See* "Sample Computation" in Appendix I.) The Commission has achieved essentially the same result for purposes of establishing the NGPA "ceiling price" for Opinion 770–A rate gas subject to section 104 by adopting $1.45 as the maximum lawful price and requiring that it be applied to the number of MMBtu's actually delivered.

The Commission believes that our conversion policy is reasonable and justified. We note that it effects the Congress' intention that the maximum lawful price stated in section 109 be identical to the maximum lawful price for gas previously subject to the Opinion 770–A rate. We are unpersuaded that we should engender the confusion and uncertainty that would result were we now to alter our decision with respect to this policy and amend the maximum lawful prices.

III. Contractual Provisions and Monitoring

A. Petitioners' Arguments

Every petitioner that filed an application for rehearing, reconsideration, or clarification of Order No. 93 interpreted Order No. 93 as possibly requiring that a purchaser pay the applicable maximum lawful price for each MMBtu actually delivered. Several petitioners noted that the majority of sales contracts price natural gas on an Mcf rather than on an MMBtu basis and provide for adjustment of the volumetric price to reflect the Btu content of the gas. They explained, with regard to this Btu adjustment, that a large number of such contracts require that the Btu content of gas be determined based on measurement at the standard conditions, despite the fact that the actual delivery conditions with respect to temperature and pressure may be different from the standard temperature and pressure conditions and the contract may require delivery of relatively dry gas (e.g. seven pounds of water vapor per MMcf). The petitioners complained that setting a "ceiling price" based on the number of MMBtu's actually delivered might nullify such contractual provisions.

Further, petitioners argued that if "ceiling prices" were based on the number of MMBtu's actually delivered, the cost of continuously monitoring actual delivery conditions would be prohibitively high. Assuming that implementation of Order No. 93 requires measurement of the Btu's actually delivered, petitioners were concerned that specific guidance had not been given as to whether and how to estimate the actual Btu content of gas at delivery conditions, other than the petitioners' inference that continuous monitoring would be required. Petitioners requested specific guidance as to what measurement procedures might be employed.

B. Commission Decision

Given that the NGPA pricing scheme is a significant departure from past Commission and industry practice, it is not surprising that its implementation has created confusion both for sellers and purchasers. Under the NGPA pricing scheme the "ceiling price" permitted under Title I for the sale of natural gas is based on the number of MMBtu's actually delivered. In adopting heating value as a pricing mechanism rather than a quality control index, Congress did not intend to override the terms of any contract unless the contract establishes a price in excess of the Title I "ceiling price." Thus, under the terms of a contract, natural gas may be priced by volume, by heat content, or by any other reasonable means agreed to by the parties so long as the price paid does not exceed the "ceiling price" permitted under Title I.

The Btu rule and explanatory text affect the determination of the "ceiling prices" that can be charged for natural gas under the NGPA. However, they do not require that the industry change its measurement or pricing practices. Temperature and pressure are routinely measured at the orifice meter of a natural gas sales point, and determination of Btu content for pricing purposes (based on chemical analyses or direct measurement with a calorimeter) has been required for years under the NGA pricing scheme. The Commission is aware of no significant problems with obtaining these measurements. As the Commission stated in Order No. 93,[20] we will accept any method accepted in the natural gas industry for determining the Btu content of the gas sold, including measurement procedures and measurement frequency. The Commission will also permit industry-accepted methodologies for converting Btu measurements at standard conditions to Btu content at actual delivery conditions. No further guidance need be given except to say that the method cannot be biased so as to result in prices that exceed the permissible "ceiling prices."

IV. Effective Date and PGA Trackers

A. Petitioners' Arguments

Several petitioners, assuming that Order No. 93 requires a continuous determination of the number of MMBtu's actually delivered, requested that Order No. 93 not apply to sales that occurred prior to the effective date of the order. Two petitioners argued that making Order No. 93 effective retroactive to December 1, 1978, would violate the APA because the language of the interim rule in § 270.204 suggested that the prior Commission practice of adjusting the base price based on the number of MMBtu's measured at standard conditions, rather than the number of MMBtu's actually delivered, was to be continued under the NGPA.

Other petitioners expressed concern that they may owe money to producers for deliveries that have occurred since December 1, 1978, and requested, as an alternative to modifying the effective date of Order No. 93, that the Commission permit a one-time PGA filing to authorize passthrough of any payments required as a result of the Btu rule.

B. Commission Decision

Although the interim Btu rule was vague, contrary to the petitioners' allegations it was not identical to the Btu adjustment provisions contained in §§ 2.56a(c)(1) and 2.56b(d)(1) of the Commission's NGA regulations.[21] The

in changing from a volume-referenced to an energy-referenced pricing scheme.

[20] 45 FR 49077, 49080.

[21] The text of the interim rule in § 270.204 reads as follows:

For purposes of determining the number of Btu's per unit volume of natural gas, the Btu content of one cubic foot of natural gas is the number of Btu's produced by the combustion, at constant pressure, of the amount of gas which would occupy a volume of 1.0 cubic foot at a temperature of 60 degrees Fahrenheit, saturated with water vapor and under a pressure equivalent to that of 30.00 inches of mercury at 32 degrees Fahrenheit, and under standard gravitational force (980.665 centimeters per

Continued

Commission's intent in issuing the interim Btu rule was merely to describe the standard conditions for measuring the Btu content of natural gas. Unlike the Commission's previous policy, this measurement was *not* to be "used in computing [a] rate adjustment." That phrase, which appeared in the NGA regulations, was specifically and intentionally deleted from the interim rule in § 270.204.

Nevertheless, some confusion developed because the interim rule language that replaced that phrase was itself ambiguous. Therefore, the Commission modified the wording of § 270.204 in Order No. 93 and supplied accompanying text explaining the Commission's position with respect to the issue of Btu measurement. Because Order No. 93 is but a clarification of the interim rule, it is effective for all first sales of natural gas made on or after December 1, 1978, the effective date of the interim rule.

With respect to the PGA issue, natural gas pipelines under the Commission's jurisdiction will be permitted to record any necessary retroactive payments in Account 191 ("Unrecovered purchase gas costs"). Such payments should be recorded as a subaccount of Account 191 or should be otherwise separately identified. The pipeline will be afforded the opportunity to demonstrate in its next PGA filing that the claimed amounts are correct and that rate treatment is appropriate for any claimed retroactive payments.

The Commission Orders: The applications for rehearing of Order No. 93 and Natural's petition for rehearing of the Commission's order denying its petition for partial stay of Order No. 93 are denied. The applications for stay filed by Arkla and Transco are also denied. Order No. 93 is clarified as set forth above.

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second squared) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of the gas and air and when the water formed by combustion is condensed to the liquid state.

The text of §§ 2.56a(c)(1) and 2.56b(d)(1) reads as follows:

The Btu content of the natural gas used in computing this rate adjustment shall be the number of British thermal units (Btu) produced by the combustion, at constant pressure, of the amount of the gas which would occupy a volume of 1.0 cubic foot at a temperature of 60°F. saturated with water vapor and under a pressure equivalent to that of 30.00 inches of mercury at 32°F. and under standard gravitational force (980.665 centimeters per second squared) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of the gas and air and when the water formed by combustion is condensed to the liquid state.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix I

Technical Considerations

The Commission has examined, among the other matters discussed in this order, certain fundamental technical considerations pertaining to the Btu Rule. Of particular interest are:

- Features related to the occurrence of water in natural gas;
- Factors which cause variances in the water content of natural gas and attendant changes in the heating value of natural gas; and
- Considerations related to the development of producer just and reasonable rates under the NGA and the degree of compatibility between those rates and the maximum lawful prices established under the NGPA.

The following discussion addresses some of the concerns expressed by the petitioners and helps explain the Commission's rationale in reaching its decision in Order No. 93 with respect to the Btu pricing issue.

Occurrence of Water in Natural Gas

It is important at the outset to recognize that the reasons for the occurrence of water in natural gas relate to expected and natural phenomena. Most geologic formations from which natural gas is produced are the results of fragmented materials or precipitates deposited in ageous environments (e.g., shallow seas, lakes, deltas, streams, etc.). Additionally, the organic material (plant and/or sea life) from which natural gas originated was also deposited and decomposed in ageous environments. Therefore, natural gas that has accumulated in or migrated to the reservoirs from which it is now produced has been, and in most instances still is, in contact with water (i.e., the chemical compound H_2O).

Because of the physical contact of natural gas with water, water is produced along with gas. Water may be present in produced natural gas as a free liquid (i.e., in a liquid phase) or as a vapor (i.e., in a gaseous phase). Most often it is present in produced gas as both a liquid and a vapor. Free liquid water interferes with production and transportation operations and is removed from the natural gas stream. Water vapor reduces the heating value of natural gas, and it is that feature which is central to the considerations in this order and in Order No. 93.

Variance in Water Vapor Content and Heating Value

The extent to which water in any given natural gas sample or natural gas stream exists or remains in a gaseous phase, as opposed to a liquid phase, depends upon the water vapor capacity of the gas. Water vapor capacity of gas is a function of the pressure and temperature to which the gas is subjected. Changes in the pressure and temperature of gas, and resulting changes in its water vapor capacity, can occur within the reservoir; during production, separation, and treating or conditioning operations; and during pipeline entry and transportation.

The relationships between water vapor capacity and temperature and pressure are clearly shown in the graph at the end of this appendix. It is important to understand that at any set of pressure and temperature conditions, gas has a specific water vapor capacity. Once that capacity is obtained, the gas is completely saturated with water vapor. If either pressure or temperature is changed, the water vapor capacity of the gas (i.e., its saturation limit) will change. The gas would then be capable of containing either more water vapor or less water vapor, depending upon the direction of change in pressure or temperature. (See graph.)

Water has no available heat energy. Unlike the hydrocarbon compounds in natural gas, it will not combine with oxygen and generate heat through combustion. The presence of water vapor molecules in natural gas displaces energy-producing hydrocarbon molecules and, therefore, reduces the effective heating value of the gas.

Order No. 93 addressed the water vapor/heating value relationship and, among other things, articulated the standard method for measuring the heating value of natural gas. Specifically, Order No. 93 established the "standard conditions" for measuring the number of British Thermal Units (Btu's) in one cubic foot of gas:

> • • • The gas is saturated with water vapor at 60 degrees fahrenheit under a pressure equivalent to that of 30.00 inches of mercury at 32 degrees fahrenheit, under standard gravitational force (980.665 centimeters per second squared).

In recognition of the fact that the conditions under which gas is actually delivered would vary widely and would likely be different from the standard conditions, Order No: 93 also stated that the heating value of gas determined at standard conditions (or other measurement conditions) must be converted to reflect the heating value at

actual delivery conditions in order to properly price the gas.

The standard conditions established in Order No. 93 are based on long-standing, widely-used standards for natural gas measurement. Standards are necessary in natural gas measurement because of the chemical nature and physical behavior of natural gas. In any given natural gas system (i.e., sample, stream, etc.) the following essential relationships exist:

- Gas volume expands with increased temperature;
- Gas volume shrinks with increased pressure;
- Gas capacity to absorb water vapor increases with higher temperature;
- Gas capacity to absorb water vapor decreases with higher pressure; and
- Gas heating value (i.e., MMBtu's per Mcf) decreases with higher water vapor content, and vice versa.

The standard measurement conditions cited in Order No. 93 recognize the above relationships and their interdependence. The standards, in effect, define both volume and water vapor content. Volume is defined by the prescribed temperature and pressure conditions. Water vapor content is defined as being that quantity of water vapor that would be present in the gas if the gas were fully saturated with water vapor at the defined standard temperature and pressure.

At the defined standard conditions, water-saturated gas will contain approximately 820 pounds of water vapor per million cubic feet of total gas. However, the standard conditions would actually exist in only a very limited number of gas sale-purchase transactions, i.e., only where pressure and temperature conditions at delivery are identical to the standard conditions (30 inches of mercury and 60° F) and where the gas at delivery is saturated with water vapor.[1] Because of contractual provisions, gas delivered to a pipeline will, by comparison, often contain only about seven pounds of water per million cubic feet of total gas.[2] water, at the defined standard pressure and temperature, will occupy about 1.74 percent of the total gas volume, whereas, water vapor in gas containing seven pounds of water vapor per million cubic feet of gas will occupy only about 0.015 percent of the total gas volume. These relationships show that there is little comparability between the amount of water vapor contained in gas at most delivery conditions vis-a-vis the amount contained at the prescribed standard conditions.

Because water vapor displaces energy-producing hydrocarbon molecules, heating value (MMBtu's per Mcf) of natural gas varies inversely with water vapor content. The effect of reducing the water vapor content of natural gas from 820 pounds per MMcf to seven pounds per MMcf is an obvious increase in the heating value (i.e., MMBtu's per Mcf) of the gas stream.

Thus a significant disparity clearly exists between the heating value of gas at the standard conditions and its heating value at actual delivery conditions. The degree of disparity is dependent upon the actual delivery conditions (pressure and temperature). Given the collage of pressure and temperature conditions at which gas sale-purchase transactions occur, there is no known, uncontroverted correction factor that would have universal application for adjusting heating value determinations at the defined standard conditions to the heating value at actual delivery conditions.

Based on this analysis the Commission has stated that the heating value of gas determined at the prescribed standard conditions (or any other test conditions) must be adjusted to reflect the heating value of gas at actual delivery conditions, whatever those conditions are for a particular first sale.

Compatibility of NGA and NGPA Prices

There are several considerations that should be addressed relative to the correlation between the NGA volume-referenced prices and the NGPA energy-referenced prices. Direct correlation is frustrated by an inconsistency between the concept and methodology used to derive the NGA base prices and the concept and methodology underlying Btu adjustments applied to those base prices. The basis for this inconsistency is largely historic. Specific recognition of the inconsistency itself is necessary in order to obtain compatability between the NGA and NGPA pricing schemes.

The Btu adjustment procedure was originally adopted under the Federal Power Commission's (FPC's) in-line pricing system which was based on contract provisions predominant in the producing area. It was designed to encourage producers in certain areas to deliver high Btu gas for mixing with low Btu gas that could not otherwise be brought into the interstate market.[3] In deciding that Btu content should be reported at standard conditions, the FPC noted that this requirement conformed to the requirements of Form 2 and that it was accepted by the scientific community and the natural gas industry. The FPC also noted that the Btu adjustment procedures were actually part of the in-line, contract-pricing concept because they were routinely used in contracts upon which the in-line prices were based.

Later, the FPC established area rates which initially included a rate for "flowing gas" and a rate for "new gas." That pricing approach was later amended to develop a nationwide base price for "new gas;" Still later amendments were made to recognize the "vintage" of the gas. These producer base prices were established for natural gas volumes (Mcf at 14.73 psia an 60° F) delivered to a pipeline. Adjustments to the NGA volume-referenced base prices were permitted in order to recognize variance in the heating value (MMBtu's per Mcf) of gas and were based on the results of Btu measurements at standard conditions.[4] However, as with the in-line pricing methodology, no conversion was permitted to account for the heating value at actual delivery conditions.[5]

Throughout the area and nationwide rate proceedings establishing NGA producer prices, the FPC was dealing with costs and natural gas volumes reported by the industry. The reported costs were in dollars, and the reported volumes were either the quantities of natural gas (Mcf's actually produced on oil and gas leases, in the case of "flowing gas," or the quantities of natural gas that would ultimately be produced from discovered reserves, in the case of "new gas."

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[1] In this regard, it should be noted that the standard pressure, 30 inches of mercury, is approximately the same as atmospheric pressure. Local and regional variances from the 30-inch standard are caused by weather patterns and differences in elevation. Operating pressures near atmospheric pressure may occur on portions of some gas distribution systems, but the pressures encountered in most production and transportation operations greatly exceed atmospheric pressure.

[2] It should be made clear that it is physically impossible under most delivery conditions for natural gas to contain the 820 pounds of water vapor per million cubic feet of total gas that is obtained at "standard conditions." Under most delivery conditions, the maximum amount of water vapor in gas will range from about 7 to 70 pounds per million cubic feet of total gas. (*See* graph.)

[3] *Texaco, Inc.*, Opinion 464, 33 F.P.C. 1228, 1235 (1965).

[4] The first attempts by the FPC at providing for Btu adjustments to volume-referenced area rates had a so-called "Btu Gap." The base price prescribed was applicable to natural gas containing 1000 to 1050 Btu's per Mcf. Adjustments to the base price were made for gas below 1000 Btu's per Mcf and for gas above 1050 Btu's per Mcf. (Permian Basin Area Rate Proceedings Opinion 468 (34 FPC 159 at 223).) No adjustment was applicable for gas in the 1000 to 1050 Btu range. Later FPC action eliminated the Btu-Gap to provide for price adjustments to the NGA base prices for gas above and below 1000 Btu's per Mcf.

[5] The standard conditions used for determining Btu content during the NGA pricing era are essentially the same as those prescribed in Order No. 93.

In an overly simplified explanation, the base prices were the quotient obtained by dividing these costs by these volumes. The prices, in effect, represented the average revenue requirement (within the NGA's just and reasonable standard) for producing an "average Mcf" of gas and making it available for delivery to a pipeline. A cost-revenue balance was implicit in these rates. It should be emphasized, however, that the reported volumes were not adjusted for quality (Btu's or otherwise) prior to rate derivation. The reported volumes were at various pressure and temperature delivery conditions, which varied substantially from the 30 inches of mercury and 60° F standard pressure and temperature conditions. As such, the reported volumes would not contain the 820 pounds of water vapor per MMcf of total gas that exist at standard conditions. Rather, the reported volumes would typically contain approximately seven to seventy pounds of water vapor per MMcf. Therefore, the heating value per Mcf at delivery conditions would be significantly greater than the heating value per Mcf of the same gas if referenced to standard conditions.

In essence, then, imposition of the Btu adjustment procedure on the cost-revenue balancing scheme introduced a foreign element into the pricing methodology employed by the FPC in setting the base prices. That foreign element is the source of the present pricing controversy under the NGPA.

In order to have resolved this inconsistency for purposes of establishing a base price comparable on an energy-equivalent basis to volumes at standard conditions, the delivered volumes would have had to be decreased. The resulting base price would have been correspondingly increased. Subsequent Btu adjustments to the base price (i.e., the price per Mcf of 1 MMBtu per Mcf gas at standard conditions) would have resulted in pricing the gas essentially on an as-delivered-MMBtu basis.[6]

The effect of the failure to resolve this inconsistency is an understatement of the actual number of MMBtu's contained in each Mcf delivered to the buyer. With the relatively low gas prices of the past, the inconsistency apparently was acceptable for quality control and for pricing purposes to both the seller and the buyer.[7] However, the change under the NGPA to reliance on heat content (MMBtu's) of gas as a price determinant rather than a quality control adjustment to a volume-referenced base price, has created a controversy which can be traced to this inconsistency. Under the NGPA, prices are established for the quantity of heat energy (MMBtu's) involved in a first sale. The NGPA pricing structure makes no specific reference to volumes or volume measure. (In actual practice, however, most gas involved in producer-pipeline transactions is still measured on a volumetric basis although it is now priced on an energy basis.) If gas is now to be priced on the basis of the heating energy actually delivered to a buyer, the former NGA adjustment procedures with respect to heating value are not technically correct for use in the energy-referenced pricing scheme. Those procedures evolved from the in-line pricing era, during which natural gas prices were based on contract provisions predominant in the producing area. They made sense for quality control purposes and for encouraging the delivery of high Btu gas. When carried forward to the area and national ratemaking methodologies, which abandoned the in-line, contract-referenced pricing concept, they created a basic technical inconsistency between the base prices and the Btu adjustments made to those base prices. Whatever previous usefulness may have derived for producer ratemaking purposes from the Btu adjustment procedures no longer exists. The procedures have now become a "vestigial organ" and are not an integral component of the NGPA pricing anatomy.

Conclusion

In addition to being technically (and legally) correct, the Btu measurement and pricing procedures should also be administratively efficient. The procedures described in Order No. 93 satisfy those tests. Therefore, to the extent that it is contractually permissible, the actual delivery conditions, whatever they are, should be recognized in determining the quantity of heat energy involved in a gas sales/purchase transaction. Any other approach, as well as a downward adjustment of the maximum lawful prices, would not be technically correct and would likely result in administrative "nightmares" for regulatory agencies and for all segments of the natural gas industry.

Sample Computation Showing Lack of Direct Correlation Between Previously Established NGA Volume-Referenced Prices and NGPA Energy-Referenced Prices

- Assume cash flow of $1 million.
- Assume reported volumes are 1 million Mcf.
- Assume gas is "dry" (i.e., contains no water vapor) and has a heating value of 1 MMBtu per Mcf.
- The correct price under the NGPA pricing procedures should be $1.00 per MMBtu of gas actually delivered.

However, application of the NGA base-price Btu adjustment procedure would produce the following results:

The heating value of the gas would be converted from actual delivery conditions to "standard conditions" and would, therefore, contain:

1 MMBtu/Mcf × (100.00% Total Gas − 1.74% water vapor) = 0.9826 MMBtu/Mcf.

The revenues generated as a result of this Btu adjustment would be determined as follows:

0.9826 MMBtu/Mcf × 1 million Mcf × $1.00/MMBtu = 982,600 MMBtu × $1.00/MMBtu = $982,600

In order to use the NGA base-price Btu adjustment procedure and generate a cash flow equivalent to $1,000,000, the reported volumes would have to be adjusted downward so as to produce a higher "base rate." The adjusted base rate ("B") needed to maintain revenues would be computed as follows:

$$\$1{,}000{,}000 = 0.9826\ \text{MMBtu/Mcf} \times 1\ \text{million Mcf} \times B$$

$$B = \frac{\$1{,}000{,}000}{0.9826\ \text{MMBtu/Mcf} \times 1\ \text{million Mcf}}$$

$$B = \frac{\$1{,}000{,}000}{982{,}600\ \text{MMBtu}}$$

$$B = \$1.017/\text{MMBtu}$$

The downward adjusted volumes needed to derive the $1.0177 per MMBtu rate would be computed as follows:

1 Mcf of gas at actual delivery conditions contains 1 MMBtu. If the gas were converted to standard conditions the same Mcf would contain 0.9826 MMBtu's because water vapor would occupy 1.74% of the total gas volume. The "energy equivalent" volumes at actual delivery conditions would, therefore, have to be reduced by 1.74%:

1 million Mcf × (100.00% − 1.74%) = 982,600 Mcf

The adjusted base rate ("B") would result from the following:

[6] In the alternative, the Btu adjustment could have been based on actual delivery conditions. *See* "Sample Computation Showing Lack of Direct Correlation Between Previously Established NGA Volume-Referenced Prices and NGPA Energy-Referenced Prices."

[7] What support exists for the prescribed NGA Btu adjustment procedure derives from its identity with provisions in most producer-pipeline contracts.

$$B = \frac{\$1.000.000}{982.600\ Mcf \times (1\ MMBtu/Mcf)}$$

$B = \underline{\$1.0177/MMBtu}$

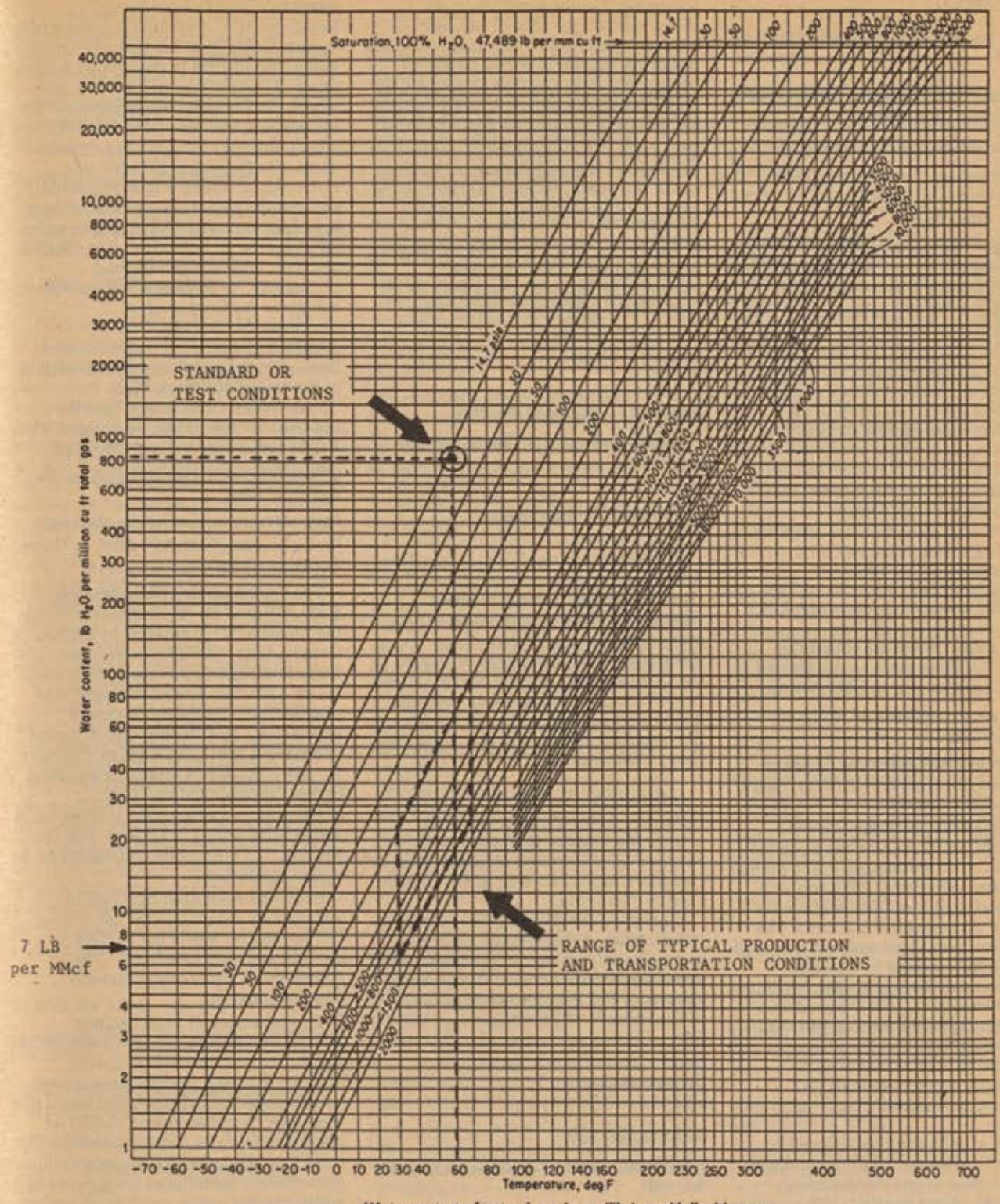
The revenues generated under this procedure would be as follows:

0.9826 MMBtu/Mcf × 1
million Mcf × $1.0177/MMBtu =
982,600 MMBtu × $1.0177/MMBtu = $1,000,000

This example demonstrates that in order to obtain correct pricing for MMBtu's actually delivered, using the NGA base-price Btu adjustment procedures, volumes reported at actual delivery conditions (here assumed to contain no water vapor) would have to be reduced prior to deriving a "base rate" per Mcf. If this is not done, revenues would be less than the requisite cash flow. *Note,* however, that this is only an explanatory computation. The same correct result is obtained under the NGPA pricing procedures if the NGA per Mcf base price is retained and expressed on a per-MMBtu basis and the heating value of the gas is determined based on actual delivery conditions. In this example:

1 MMBtu/Mcf × 1 million Mcf ×
$1.00/MMBtu = $1.000.000

BILLING CODE 6450-85-M



Water content of natural gas in equilibrium with liquid water.

Ref: Adapted from Katz, Cornell, Kobayashi, Poettmann, Vary, Elenbaas and Weinaug, Handbook of Natural Gas Engineering (McGraw-Hill Book Company, Inc., New York, Toronto, London, 1959). Reprinted with permission © 1959 McGraw-Hill Book Company, Inc.

[FR Doc. 81-13263 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-C

18 CFR Part 271

[Docket No. RM79-76 (Colorado-11); Order No. 142]

High-Cost Gas Produced From Tight Formations; Colorado

Issued April 29, 1981.

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 Colorado Oil and Gas Conservation Commission that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective April 29, 1981.

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

The Commission hereby amends § 271.703(d) of its regulations to include the Mancos "B" Formation in Rio Blanco and Garfield Counties, Colorado as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued February 4, 1981 (46 FR 11839, February 11, 1981) [1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Mancos "B" Formation be designated as a tight formation.

Evidence submitted by Colorado supports its assertion that the Mancos "B" Formation meets the guidelines contained in § 271.703(c)(2).[1] The Commission adopts the Colorado 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 establishes 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 April 29, 1981.

By the Commission

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (23) 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.

* * * * *

(23) *The Mancos "B" Formation in Colorado.* RM79-76 (Colorado-11).

(i) *Delineation of formation.* The Mancos "B" Formation is found in the Douglas Creek Arch area in Rio Blanco County, Colorado.

(ii) *Depth.* The Mancos "B" Formation is a member of the Mancos Shale of upper Cretaceous age, occurring in the approximate middle third of the Mancos sequence. The average depth to the top of the Mancos "B" Formation is 3603 feet.

[FR Doc. 81-13101 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Comments on the proposed rule were invited and received. No party requested a public hearing in this matter and no hearing was held.

18 CFR Part 271

[Docket No. RM79-76 (Colorado-13); Order No. 143]

High-Cost Gas Produced From Tight Formations; Colorado

Issued April 29, 1981.

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 Colorado Oil and Gas Conservation Commission that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective April 29, 1981.

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

The Commission hereby amends § 271.703(d) of its regulations to include the Mancos "B" Formation in Rio Blanco County, Colorado, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued February 4, 1981 (46 FR 11840, February 11, 1981) [1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Mancos "B" Formation be designated as a tight formation.

Evidence submitted by Colorado supports its assertion that the Manco "B" Formation meets the guidelines contained in § 271.703(c)(2).[1] The Commission adopts the Colorado 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 establishes 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)

[1] Comments on the proposed rule were invited and received. No party requested a public hearing in this matter and no hearing was held.

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective April 29, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (24) 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

* * * * *

(24) *The Mancos "B" Formation in Colorado.* RM79–76 (Colorado–13).

(i) *Delineation of formation.* The Mancos "B" Formation is found in Rio Blanco County, Colorado, Approximately 70 miles northwest of Grand Junction, Colorado, on the northeast flank of the Douglas Creek Arch in the Piceance Basin.

(ii) *Depth.* The Mancos "B" Formation is a member of the Mancos Shale of upper Cretaceous age, occurring in the approximate upper third of the Mancos sequence. The thickness of the Mancos "B" Formation ranges from 400 to 700 feet. The depth to the top of the Mancos "B" Formation ranges from 1,500 to 8,400 feet and averages 3,500 feet.

[FR Doc. 81-13162 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79–76 (Louisiana–2); Order No. 141]

High-Cost Gas Produced From Tight Formations; Louisiana

Issued April 29, 1981.

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 State of Louisiana Office of Conservation that the Haynesville Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective April 29, 1981.

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

The Commission hereby amends § 271.703(d) of its regulations to include the Haynesville Formation in Louisiana as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued January 21, 1980 (46 F.R. 8568, January 27, 1981) [1] based on a recommendation by the State of Louisiana Office of Conservation (Louisiana) in accordance with § 271.703(c), that the Haynesville Formation be designated as a tight formation.

Evidence submitted by Louisiana supports its assertion that the Haynesville Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Louisiana 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 establishes 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 April 29, 1981.

[1] Comments on the proposed rule were invited and none were received. No party requested a public hearing in this matter, and no hearing was held.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (22) 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.

* * * * *

(22) *The Haynesville Formation in Louisiana.* RM79–76 (Louisiana–2)

(i) *Delineation of formation.* The Haynesville Formation is found in the northern portion of Bossier Parish, Louisiana, on the Arkansas border.

(ii) *Depth.* The top of the Haynesville Formation is located at a depth of 10,360 feet and the base is located at 10,845 feet. In the Arkana Field, the Haynesville Formation consists of three members. The upper member is predominantly shale, 120 feet to 220 feet thick; the middle member is a sand, 120 feet to 220 feet thick with shale stringers varying from 2 feet to 15 feet in thickness; and the lower member is 200 feet to 400 feet thick, consisting of shale and anhydrite.

[FR Doc. 81-13163 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 282

[Docket No. RM79–14]

Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply.

Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 (202) 357-8500.

SUPPLEMENTARY INFORMATION:

In the matter of publication of prescribed incremental pricing acquisition cost threshold of the NGPA of 1978.

Order of the Director, OPPR

Issued: April 22, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Tile II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of May 1981, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I.—*Incremental Pricing Acquisition Cost Threshold Prices*

Calendar Year 1980

	January	February	March	April	May	June	July	August	September	October	November	December
Incremental pricing threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA section 102 threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA section 109 threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 fuel oil in New York City threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580

Calendar Year 1981

	January	February	March	April	May
Incremental pricing threshold	$1.891	$1.908	$1.925	$1.942	$1.954
NGPA section 102 threshold	2.667	2.698	2.729	2.761	2.787
NGPA section 109 threshold	1.957	1.975	1.993	2.011	2.024
130% of No. 2 fuel oil in New York City threshold	7.610	7.960	8.260	9.010	9.510

[FR Doc. 81-13164 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 294

[Docket RM 79-52]

Interim Procedures for Shortages of Electric Energy and Capacity Under Section 206 of the Public Utility Regulatory Policies Act of 1978; Extension

Issued April 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Amendment to Extend Interim Regulation.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts regulations which extend, through April 30, 1982, its interim regulations implementing accommodation and reporting procedures for shortages of electric energy and capacity under section 206 of the Public Utility Regulatory Policies Act of 1978. This rulemaking extends the effectiveness of the interim regulations, and make no other changes. Under the extended regulations, each public utility now serving firm power wholesale customers must report any shortages of electric energy or capacity anticipated to occur prior to April 30, 1982, to the Commission, the utility's customers, and appropriate State authorities. Also, the regulations require each public utility to report any modifications of its plans for accommodating shortages which may occur before April 30, 1982.

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Bernard B. Chew, Office of Electric Power Regulation, 825 North Capitol Street, NE., Room 504RB, Washington, D.C. 20426 (202) 376-9264

Christine P. Benagh, Office of the General Counsel, 825 North Capitol Street, NE., Room 8104-B, Washington, D.C. 20426 (202) 357-8606

SUPPLEMENTARY INFORMATION: Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

I. Background

On June 15, 1979, the Commission issued interim regulations implementing, in part, section 206 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[1] Section 206 of PURPA directs the Commission to require public utilities to report anticipated shortages of electric energy or capacity to the Commission and to appropriate State authorities. Section 206 also requires public utilities to submit contingency plans to accommodate any shortages of electric energy or capacity to the Commission and to appropriate State authorities.

Paragraph (b) of the interim regulations requires each public utility serving firm power wholesale customers to submit by July 23, 1979, "a brief statement indicating how it would accommodate any shortages of electric energy or capacity affecting its firm power customers, should such a shortage occur prior to September 30, 1979." [2]

Paragraph (c) of the interim regulations requires each utility to

[1] Interim Regulations, 18 CFR 294.101 (1979), Docket No. RM79-52 (issued June 15, 1979).

[2] This language was adopted by an Amendment to Interim Regulations, 18 CFR 294.101, Docket No. RM79-52 (issued August 1, 1979) in order to make clear the Commission's intent that all public utilities serving firm customers must submit statements concerning the methods by which they accommodate possible shortages. Before this amendment, the language appeared to suggest that only those utilities which anticipated shortages prior to September 30, 1979, were obliged to file accommodation reports under section 206(a) of PURPA.

report immediately any shortage of electric energy or capacity which the utility anticipates will occur. In that report the utility must provide the Commission with certain information, including information regarding any procedures for accommodating a particular shortage, if they differ from the procedures set out in the utility's statement submitted pursuant to paragraph (b) of the interim regulations.

Prior to this amendment, paragraph (a) defined "anticipated shortages of electric capacity or energy" as those situations which would result in shortages "anticipated to occur prior to April 30, 1981." [3] The purpose of this amendment is to extend the reporting requirements through April 30, 1982, so that the Commission will be advised of any anticipated shortages which may occur during the coming year while the Commission considers appropriate action in view of the responses received to the Notice of Inquiry issued in this docket on April 1, 1980.[4]

Accordingly, the Commission hereby amends the interim regulations. First, the reporting requirements of paragraph (c) are extended through April 30, 1982 by amending the definition of "anticipated shortages of electric energy or capacity" in paragraph (a) to include those situations anticipated to occur prior to April 30, 1982. Second, if a plan to accommodate a shortage occurring prior to April 30, 1982, differs from the plan submitted pursuant to paragraph (b) of the interim regulations, the utility is hereby required to file a supplemental statement setting forth those changes. A utility need not file a statement of its plan to accommodate shortages prior to April 30, 1982, if that plan does not vary from that set out in the statement already filed pursuant to paragraph (b).

II. Effective Date

Since the Commission is mandated by statute to have in effect rules regarding the continuance of electric service, good cause exists for the immediate effectiveness of this amendment. Therefore, the Commission finds it to be in the public interest to dispense with notice and comment under 5 U.S.C. 553(b) and to make this rule effective immediately.

[3] This date was initially September 30, 1979, but was extended to April 30, 1980, by Interim Regulations, 18 CFR 294.101, Docket No. RM79-52 (issued Oct. 23, 1979). It was extended to April 30, 1981, by Amendment to Extend Interim Regulations, 18 CFR 294.101, Docket No. RM79-52 (issued Apr. 1, 1980).

[4] Inquiry Implementing Section 206 of the Public Utility Regulatory Policies Act of 1978, Continuance of Service, Docket No. RM79-52, issued April 22, 1980, 45 Fed. Reg. 28,162 (April 28, 1980).

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 (1978); Federal Power Act, 16 U.S.C. 792-828c; Exec. Order No. 12,009, 3 CFR 142 (Comp. 1977); Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 294 of Subchapter K, Chapter I, Title 18 of the Code of Federal Regulations is amended as set forth below, effective April 23, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

§ 294.101 [Amended]

1. Section 294.101 of title 18, *Code of Federal Regulations,* is amended in paragraphs (a)(1), (a)(2), and (b)(4) to remove the date "1981" each time it appears and to insert in lieu thereof the date "1982".

[FR Doc. 81-13165 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 401

42 CFR Part 401

Disclosure of Official Records and Information About Individuals; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Final Rule; Correction.

SUMMARY: On November 13, 1980 we published final regulations on the disclosure of official records and information about individuals (45 FR 74906). In that document we transferred the Social Security Administration's interim regulations on this subject to 42 CFR Part 401 and made them the Health Care Financing Administration's (HCFA) rules on disclosure of official records and information about individuals. Several technical errors were made in redesignating and naming the new HCFA material. This notice corrects the redesignation and naming of the transferred material.

FOR FURTHER INFORMATION CONTACT: Armand Esposito, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7455.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 13, 1980 on pages 45 FR 74913 and 74914, item 1 of the amendatory language is changed from:

"1. Subpart A is transferred to 42 CFR Chapter IV and redesignated as Subpart A in new Part 401. A heading is added for 42 CFR 401 Subpart B. The headings for 42 CFR 401 and for Subparts A and B of 401 read as follows:

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Subpart A—General Provisions

* * * * *

Subpart B—Confidentiality and Disclosure [Reserved]"

To

"1. Subpart A is transferred to 42 CFR Chapter IV and redesignated as Subpart B in new Part 401. A heading is added for 42 CFR 401 Subpart B. The headings for 42 CFR 401 and for Subparts A and B of 401 read as follows:

PART 401—GENERAL ADMINISTRATIVE REQUIREMENTS

Subpart A—[Reserved]

Subpart B—Confidentiality and Disclosure"

Dated: April 14, 1981.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 81-13197 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-07-M

Food and Drug Administration

21 CFR Part 109

[Docket No. 77N-0080]

Polychlorinated Biphenyls (PCB's) in Fish and Shellfish; Reduction of Tolerances; Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice of hearing on objection to final rule.

SUMMARY: The Food and Drug Administration (FDA) announces a formal evidentiary public rulemaking hearing and a prehearing conference for the purpose of resolving a factual issue raised by objections that stayed the final rule reducing the tolerance for polychlorinated biphenyls (PCB's) in fish and shellfish.

DATES: Notices of participation must be received by June 1, 1981. Prehearing conference June 3, 1981, beginning at 10 a.m. Participants other than the Bureau of Foods shall make all submissions required by 21 CFR 12.85 by June 30, 1981.

ADDRESSES: The prehearing conference will be held in the Food and Drug Administration hearing room, 4A–35, 5600 Fishers Lane, Rockville, MD 20857. Written notices of participation should be submitted 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: Theodore E. Herman, Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 29, 1979 (44 FR 38330), FDA issued a final regulation reducing the tolerances for unavoidable residues of the industrial chemicals, PCB's, in several classes of food. Under the final regulation, the reduced tolerances for PCB's were 1.5 parts per million (ppm) in milk (fat basis), 1.5 ppm in dairy products (fat basis), 3 ppm in poultry (fat basis), 0.3 ppm in eggs, and 2 ppm in fish and shellfish (edible portion).

FDA received over 20 objections to the final regulation, all of which dealt with the tolerance for fish and shellfish (21 CFR 109.30(a)(7)). Only one objection, submitted by the National Fisheries Institute, Inc., (NFI) in concert with several other organizations, was coupled with a request for a formal hearing as provided for in 21 U.S.C. 371(e)(2).

NFI objected that the projected $5.7 million worth of fish loss that FDA relied on as part of the basis for reducing the fish tolerance from 5 ppm to 2 ppm understated the amount of food loss that will actually occur under a 2 ppm tolerance. FDA's alleged understatement of fish loss is the sole basis upon which NFI requested a hearing. NFI contended that the actual loss will range from $7.3 million to $10.1 million, as compared to FDA's estimate of $5.7 million.

In the **Federal Register** of October 5, 1979 (44 FR 57389), FDA announced that, as provided by statute, the NFI objection and request for hearing automatically stayed the effective date of the tolerance for fish and shellfish. The agency also announced that, because no objections or requests for hearing had been filed on other provisions of the final regulation, the other reduced tolerances had become effective, as scheduled, on August 28, 1979.

Hearing Issue

A formal evidentiary public hearing is being granted on NFI's objection. The hearing will consider the following factual issue only: what is the magnitude of the human food loss (in terms of dollars, poundage, percentage of catch, etc.) that would result from lowering the tolerance of PCB's in fish from 5 ppm to 2 ppm?

Evidence may not be presented at the hearing on other issues, as on no others were there requests for a hearing. The Administrative Law Judge shall decide only the single hearing issue and shall not decide what the tolerance should be.

Hearing Record, Rulemaking Record, and § 12.85 Submissions

Because other questions related to the tolerance, including the toxicity of PCB's, are not to be considered at the hearing, data and information on such questions are not to be made part of the administrative record of the hearing (hearing record) but will remain part of the entire administrative record of the rulemaking proceeding (rulemaking record). Toxicity data and information that are not in the rulemaking record and that were not reasonably available at the time of the notice-and-comment portion of this proceeding may nevertheless be submitted for the rulemaking record and commented on to the Commissioner of Food and Drugs in the post-hearing briefs described below if the Commissioner finds good cause for their late inclusion in the rulemaking record.

All data and information on the subject of human food loss that would result from lowering the tolerance from 5 ppm to 2 ppm shall be made part of the hearing record pursuant to 21 CFR 12.85 whether or not they are now a part of the rulemaking record.

The portions of the present rulemaking record that FDA's Bureau of Foods (the Bureau) considers relevant at this time are the economic data and evaluations already gathered, prepared, and included in this record.

Pursuant to 21 CFR 12.85, the Bureau has filed with the Dockets Management Branch a narrative statement of its position on the hearing issue and a summary of the evidence it intends to introduce at the hearing in support of that position. Interested persons may obtain a copy of this narrative statement and summary of the evidence from the Dockets Management Branch (address above). Participants other than the Bureau shall make all submissions required by 21 CFR 12.85 by June 30, 1981. Interested persons may also examine the rulemaking record, including the hearing record, in that office from 9 a.m. to 4 p.m., Monday through friday.

Hearing Procedure

Because this matter is a rulemaking hearing pursuant to 5 U.S.C. 553, 556(d), and 557, the hearing shall consist of the submission of evidence in written form only, unless otherwise ordered by the Administrative Law Judge. If the hearing is to include any oral testimony, that testimony shall be taken at the FDA hearing room (address above). The presiding Administrative Law Judge will be Daniel J. Davidson. Parties to the hearing shall be the Bureau and NFI. Parties and others who wish to be participants must file written notices of participation with the Dockets Management Branch (address above) not later than June 1, 1981. Written notices of participation should be identified by the docket number found in brackets in the heading of this document; also, to aid in identification, the envelope containing notices of participation should be clearly labeled "PCB in Fish Hearing."

The hearing will be open to the public. Any participant may appear in person, or by or with counsel or other qualified representatives, and may make known his or her views on matters relevant to the issue under consideration.

In the **Federal Register** notice announcing the stay of the tolerance for PCB's in fish (44 FR 57389), FDA reported that one of the objections expressed a concern that not all persons interested in commercial or sport fishing had had an opportunity to comment on the final regulation reducing the tolerances during the 30 days allowed for the filing of objections. The objection requested that FDA hold a hearing, in the Great Lakes region if possible, "to give the people most directly affected a chance to participate." FDA stated in the stay notice that it does not interpret this request as a request for the formal, trial-type hearing provided for in 21 U.S.C. 371(e)(2), but rather as a request that FDA (1) extend the period for filing objections and (2) hold informal hearings as a mechanism for receiving additional comments and objections on the final rule. The agency stated that it would respond to this request at the same time it responds to NFI's request for a formal hearing.

FDA believes that ample time has been provided for the filing of comments on the proposed regulation and objections and requests for a hearing on the final regulation. The proposal to reduce the tolerance from 5 ppm to 2 ppm, which was published on April 1, 1977, contained an official 60-day comment period, and the agency accepted all relevant information

received during the 2 years that elapsed before the final rule published on June 29, 1979. Most of the correspondence received in response to the final rule during the 30-day period for objections repeated the comments received in 1977, and there is no indication that extending opportunity for public participation would produce new information. Therefore, the agency is not extending the comment period or allowing time for additional objections or requests for a hearing. Because the opportunities for public participation that FDA has already provided and will provide under this notice are sufficient and appropriate, the agency is denying the request for an oral hearing, preferably in the Great Lakes region. Although FDA is not holding the requested hearing in the Great lakes region, the agency will take steps to publicize in affected regions the hearing announced in this notice.

Post-Hearing Briefs

Participants may argue in post-hearing briefs to the Commissioner that, based on the rulemaking record including the hearing record, the same or a different tolerance should be set. These briefs are to be due on the same date that exceptions to the Initial Decision are due under 21 CFR 12.125. Reply briefs are also authorized and are to be submitted on the same date as replies to exceptions under 21 CFR 12.125.

FDA has established a pilot program for financial assistance to participants in certain agency proceedings, including hearings under Part 12. This program is described in regulations published in 21 CFR Part 10, Subpart C. Subject to the availability of funds and other factors, FDA may reimburse participants meeting the criteria set forth in these regulations for certain costs of participating in this proceeding. For more information regarding the reimbursement program, contact Alexander Grant, Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 701(e), 52 Stat. 1049 as amended, 70 Stat. 919 as amended (21 U.S.C. 346, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), FDA orders that a public hearing be held on the issue set forth in this notice.

Dated: April 21, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-13160 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Methocarbamol Injection

Correction

In FR Doc. 81–9307 appearing on page 18964 in the issue of Friday, March 27, 1981 make the following correction:

On page 18964, first column, in the second line under **"FOR FURTHER INFORMATION CONTACT:"** the bracketed material reading "(HFB–112)" should have read "(HFV–112)".

BILLING CODE 1505-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing a revised cautionary statement for use of a complete swine feed containing lincomycin hydrochloride.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is sponsor of an NADA (97–505) providing for use of a 20-gram-per-pound lincomycin premix to manufacture complete swine feeds. The feeds are indicated for treatment and control of swine dysentery at drug levels of 100 grams and 40 grams per ton of feed, respectively. The supplemental NADA does not change the approved use of the feed. It merely revises the cautionary statement by including a restriction that the feed may be used only in swine weighing no more than 250 pounds. The approval deletes the prior restriction which provided that the feed was not for use in breeding swine. This change should not be interpreted as permitting the use of the feed in breeding swine. It does not permit such use. The revision is acceptable and not misleading because, as producers are well aware, breeding swine all weigh more than 250 pounds.

Approval of this supplemental NADA poses no increased human risk from exposure to residues of the new animal drug, lincomycin hydrochloride, because the revised cautionary statement will not change the premix's approved conditions of use. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval.

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

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

§ 558.325 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.325 *Lincomycin* by removing from paragraph (f)(2)(i)(*b*), and (ii)(*b*), and (iii)(*b*) the statement "not for use in breeding swine" and inserting in its place "not to be fed to swine that weigh more than 250 pounds."

Effective date. May 1, 1981.

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

Dated: April 24, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-12983 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 35

[T.D. 7773]

Temporary Employment Tax Regulations Under the Act of December 24, 1980 (Pub. L. 96–601); Voluntary Withholding From Sick Pay

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations governing voluntary withholding from sick pay. Changes to the applicable tax law were

made by the Act of December 24, 1980 (Pub. L. 96-601). These regulations affect third party payors of sick pay, payees of sick pay, and employers of payees, and provide them with the guidance needed to comply with the law. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register.**

DATE: The regulations apply to sick pay payments made by someone other than the payee's employer on or after May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to voluntary withholding from sick pay under sections 3402(o) and 6051(f) of the Internal Revenue Code of 1954, as amended by the Act of December 24, 1980 (Pub. L. 96-601, 94 Stat. 3495). These statutory changes are effective with respect to sick pay payments made on or after May 1, 1981. Further, a new Part 35, Temporary Employment Tax Regulations under the Act of December 24, 1980 (Pub. L. 96-601), is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

General Rule

The temporary regulations would permit a payee of sick pay to request that the payor (other than his employer) of his sick pay withhold a specific whole dollar amount from each sick pay payment. The payor must comply with this request until the payee terminates the request. The payor must furnish written statements to the employer for all sick pay paid. The employer must furnish a written statement to each employee who receives a sick pay payment.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public. These regulations will not impose substantial new reporting or recordkeeping requirements.

Drafting Information

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

Adoption of amendments to the regulations

Accordingly, a new Part 35, Temporary Employment Tax Regulations under the Act of December 24, 1980 (Pub. L. 96-601), is added to Title 26 of the Code of Federal Regulations. Part 35 reads as follows:

PART 35—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE ACT OF DECEMBER 24, 1980 (PUB. L. 96-601)

Sec.

35.1 Extension of withholding to sick pay.

35.2 Statements required in case of sick pay paid by third parties.

Authority: Secs. 3402(o) and 7805 Internal Revenue Code of 1954 (94 Stat. 3495, 26 U.S.C. 3402(o); 68A Stat. 917; 26 U.S.C. 7805).

§ 35.1 Extension of withholding to sick pay.

(a) *In general.* Under section 3402(o) of the Internal Revenue Code of 1954 and this section, the payee (as defined in subparagraph (h)(2) of this section) of sick pay (as defined in subparagraph (h)(1) of this section) may request the payor (as defined in subparagraph (h)(3) of this section) of the sick pay to withhold income tax with respect to payments of sick pay made on or after May 1, 1981. If such a request is made, the payor must deduct and withhold as requested.

(b) *Manner of making request.* A payee who wishes a payor to deduct and withhold income tax from sick pay shall file a written request with the payor to deduct and withhold a specific whole dollar amount (subject to the limitations of paragraph (c) of this section) from each sick pay payment. The request shall be made on Form W-4P in accordance with the instructions applicable thereto, and shall set forth fully and clearly the data therein called for. In lieu of Form W-4P, payors may prepare and use a form the provisions of which are identical to those of Form W-4P. The payee must include his social security account number in the request.

(c) *Amount requested to be withheld.* The payee shall request that the payor withhold a specific whole dollar amount. The specific whole dollar amount shall be at least $20 per weekly payment of sick pay. If the payee is paid sick pay computed on a daily basis, the specific whole dollar amount shall be at least $4 per daily payment of sick pay. If the payee is paid sick pay on a biweekly basis, the specific whole dollar amount shall be at least $40 per 2 week payment of sick pay. If the payee is paid sick pay on a basis other than weekly, daily, or biweekly, the specific whole dollar amount shall be the equivalent of at least $4 per day, assuming a 5 day work week of 8 hours per day (40 hours total) in each 7 day calendar week. In the case of a payment which is greater or less than a full payment, the amount withheld is to bear the same relation to the specific whole dollar amount requested to be withheld as such payment bears to a full payment. For example, assume an individual receives sick pay of $100 per week and requests that $25 per week be withheld for taxes. After 4 full weeks of absence, the individual returns to work on a Wednesday (having been absent on sick leave Monday and Tuesday). For the week the individual returns to work, the individual would be entitled to $40 of sick pay, $10 of which would be withheld for taxes. If the amount requested to be withheld reduces the net amount of a sick pay payment received by the payee to below $10, no income tax shall be withheld from that payment by the payor.

(d) *When request takes effect.* The payor must deduct and withhold the amount specified in the request with respect to payments made more than 7 days after the date on which the request is received by the payor. At the election of the payor, the request may take effect before this deadline.

(e) *Duration and termination of request.* A request under this section shall continue in effect until changed or terminated. The payee may change the request by filing a new written request that meets all of the requirements of paragraphs (b) and (c) of this section. The new request shall take effect as specified in paragraph (d) of this section and the old request shall be deemed terminated when the new request takes effect. The payee may terminate the request by furnishing the payor a signed written notice of termination containing both a request to terminate withholding and all the information contained in the request to withhold. This written notice of termination shall take effect with respect to payments made more than 7 days after the date on which the notice of termination is received by the payor. At the election of the payor, the request may take effect before this deadline.

(f) *Special rules.* For purposes of chapter 24 of subtitle C of the Internal Revenue Code of 1954 (relating to collection of income tax at source on wages) and of subtitle F of the Code (relating to procedure and administration), and the regulations thereunder—

(1) An amount which is requested to be withheld pursuant to this section shall be deemed a tax required to be deducted and withheld under section 3402.

(2) An amount deducted and withheld pursuant to this section shall be deemed an amount deducted and withheld under section 3402.

(3) The term "wages" includes the gross amount of a sick pay payment with respect to which there is in effect a request for withholding under this section. However, references to the definition of wages in section 3401(a) which are made in section 6014 (relating to election by the taxpayer not to compute the tax on his annual return) and section 6015(a) (relating to declaration of estimated tax by individuals) shall not be deemed to include any portion of such a sick pay payment.

(4) The term "employer" includes a payor with respect to whom a request for withholding is in effect under this section.

(5) The term "employee" includes a payee with respect to whom a request for withholding is in effect under this section.

(6) The term "payroll period" includes the period of accrual with respect to which payments of sick pay which are subject to withholding under this section are ordinarily made.

(g) *Statements required to be furnished to payees.* See section 6051(f) and the regulations thereunder for requirements relating to statements required to be furnished to payees.

(h) *Definitions.* (1)(i) The term "sick pay" means any payment made to an individual which does not constitute wages (determined without regard to section 3402(o) and this section), which is paid to an employee pursuant to a plan to which the employer is a party, and which constitutes remuneration or a payment in lieu of remuneration for any period during which the employee is temporarily absent from work on account of sickness or personal injuries. An employee is temporarily absent if his absence is not described in section 105(d)(4) (relating to the definition of permanent and total disability) and the regulations thereunder. An employer is not a party to the plan if the plan is a contract between only employees and a third party payor and the employer makes no contributions to the plan, even if the employer withholds amounts from the employees' salaries and pays the amounts over to the third party payor.

(ii) This subparagraph (1) may be illustrated by the following examples:

Example (1). Employee A works for P Company and Employee B work for Q Company. P Company has contracted with R Insurance Company for R to pay P's employees the equivalent of their normal wages when they are temporarily absent from work because of sickness or personal injury. Q Company has neither entered into such a contract, nor will it make such payments directly from its own funds. B consequently goes to S Insurance Company and purchases directly an insurance policy which will pay him the equivalent of his normal wages when he is unable to work because of sickness or personal injury. Both A and B are subsequently temporarily absent from work on account of sickness or personal injuries. A receives payments from R and B receives payments from S. Neither the payments made by R to A nor the payments made by S to B constitute wages (determined without regard to section 3402(o) and this section). A may request that R withhold income taxes under section 3402(o) and this section from the payments he receives because the payments are sick pay as defined in section 3402(o) and this section. B may not request that S withhold income taxes under section 3402(o) and this section from the payments he receives because the payments are not paid pursuant to a plan to which Q Company is a party and thus are not sick pay as defined in section 3402(o) and this section.

Example (2). Employees C and D both work for T Company, which has contracted with U Insurance Company for U to pay T's employees for all sickness or injury claims. Employee C is sick and out from work for a month. U pays C the equivalent of C's regular pay. Employee D loses his arm in an accident and U pays D $10,000. C may request that U withhold income taxes under section 3402(o) and this section from the payments he receives because the payments constitute remuneration or a payment in lieu of remuneration for any period during which the employee is temporarily absent from work on account of sickness or personal injuries. D may not request that U withhold taxes from the payments he receives because the payments do not constitute remuneration or a payment in lieu of remuneration for any period during which the employee is temporarily absent from work on account of sickness or personal injuries.

(2) The term "payee" means an individual who is a citizen or resident of the United States and who receives a sick pay payment.

(3)(i) The term "payor" means any person making a sick pay payment who is not the employer (as defined in section 3401 and the regulations thereunder) of the payee. If however the person making the payment is acting solely as an agent for another person, the term "payor" shall mean the other person and not the person actually making the payment.

(ii) This subparagraph (3) may be illustrated by the following examples:

Example (1). X Company contracts with Y Insurance Company for Y to pay X's employees the equivalent of their normal wages when they are temporarily absent from work because of sickness or personal injury. Y computes the amount to be paid and determines the date payment is to be made for each of X's employees. Y then instructs Z Bank to issue a check for that amount on that date. Y reimburses Z for the amount of the check plus Z's administrative costs. Under these circumstances, Z is the agent of Y and Y is the payor under section 3402(o) and this section.

Example (2). V Company contracts with W Company for W to pay V's employees the equivalent of their normal wages when they are temporarily absent from work on account of sickness or personal injury. Under the contractual arrangement, V advises W of the wages normally paid to each of V's employees. V tells W when an employee of V is temporarily absent from work on account of sickness or personal injury, and W computes the amount to be paid the employee and makes payments of sick pay to the employee during the period of the employee's absence. V subsequently reimburses W for the amount of those payments and pays W a fee for W's services. Under these circumstances, W is acting solely as the agent of V, and a payee may not request under section 3402(o) and the regulations thereunder that W withhold income taxes from his payments. However, see section 3401 and the regulations thereunder for the obligation of V to withhold income taxes from the payments that W makes as the agent of V, which are income under section 105 and the regulations thereunder and which are wages under section 3401 and the regulations thereunder.

Example (3). Assume the same facts as in Example (2), except that the consideration for W's services is a set insurance premium paid in advance rather than reimbursement for costs plus a fee. Under these circumstances, W is the payor and is not acting solely as the agent of V. An employee of V to whom W makes payments under the agreement may request under section 3402(o) and the regulations thereunder that W withhold income taxes from those payments.

(i) *Special rules for sick pay paid pursuant to certain collective-bargaining agreements.* (1) Special rules (enumerated in subparagraph (2)) apply to sick pay where all of the following tests are met.

(i) The sick pay must be paid pursuant to a collective-bargaining agreement between employee representatives and one or more employers.

(ii) The agreement must contain a provision that section 3402(o)(5) is to apply to sick pay paid pursuant to the agreement.

(iii) The agreement must contain a provision for determining the amount to be deducted and withheld from each payment of sick pay.

(iv) The social security number of the payee must be furnished to the payor. The agreement may provide that the employer will furnish this or the payee may furnish his social security number directly to the payor.

(v) The payor must be furnished with information that is necessary for the payor to determine whether the payment is pursuant to the agreement and to determine the amount to be deducted and withheld. The agreement may provide that the employer will furnish this information directly to the payor.

(2) The following special rules apply to sick pay where all of the tests of subparagraph (1) are met.

(i) The requirement of section 3402(o)(1)(c) and this section that a request for withholding be in effect does not apply.

(ii) The amount to be deducted and withheld from the sick pay shall be determined according to the provisions of the agreement and not according to this section. This rule shall not however apply to payments enumerated in section 3402(n) (relating to employees incurring no income tax liability) and the regulations thereunder.

§ 35.2 Statements required in case of sick pay paid by third parties.

(a) *Statements required from payor.* Every payor of sick pay shall furnish to the employer of the payee of sick pay a written statement. The written statement must contain the following information:

(1) The name and, if there is withholding from sick pay under section 3402(o) and the regulations thereunder, the social security account number of the payee,

(2) The total amount of sick pay paid to the payee during the calendar year, and

(3) The total amount (if any) deducted and withheld from sick pay under section 3402(o) and the regulations thereunder.

The statement must be furnished to the employer on or before January 15 of the year following the calendar year in which any sick pay was paid. These reporting requirements are in lieu of the requirements of sections 6051(a) (relating to written statements for employees) and 6041 (relating to information returns). Statements required to be furnished by this paragraph shall be treated as statements required under section 6051 to be furnished to employees for purposes of sections 6674 (relating to fraudulent statement or failure to furnish statement to employee) and 7204 (relating to fraudulent statement or failure to make statement to employees).

(b) *Information required to be furnished by employer.* Every employer of a payee of sick pay who receives a statement under paragraph (a) from a payor of sick pay shall furnish to each payee of sick pay a written statement, which must be furnished on Form W–2. The written statement must contain the following information:

(1) All of the information required to be furnished under paragraph (a),

(2) The name, the address, and the Employer Identification Number (EIN) of the employer,

(3) The words "sick pay", which shall be written in the box labelled "Employer's use", and

(4) If any portion of the sick pay is excludable from gross income under section 104(a)(3), the amount of the portion which is not so excludable and of the portion which is so excludable. Only sick pay payments includable in gross income shall be reported in the box labelled "Wages, tips, other compensation" on Form W–2. Any amount excludable from gross income under section 104(a)(3) shall be reported in the box labelled "Employer's use" on Form W–2.

To the extent practicable, this statement should be furnished to the payee along with the statement (if any) required under section 6051(a) (relating to written statements for employees). The statement must be furnished to the payee on or before January 31 of the year following the calendar year in which any sick pay was paid. The employer shall file copy A of Form W–2 and Form W–3 with the Social Security Administration in accordance with section 6051(d) (relating to statements to constitute information returns) and the regulations thereunder.

(c) *Definitions.* For purposes of this section, the terms "payor", "payee", and "sick pay" shall have the same meaning as ascribed thereto in section 3402(o) and the regulations thereunder. For purposes of this section, the term "employer" shall have the same meaning as ascribed thereto in section 3401(d) and the regulations thereunder.

(d) *Additional requirements.* (1) Statements furnished to payees under this section must also comply with all requirements of section 6051 (c) and (d) and the regulations thereunder.

(2) The provisions of § 1.9101–1 (relating to permission to submit information required by certain returns and statements on magnetic tape) shall be applicable to the information required by this section to be furnished on Form W–2 if the employer properly complies with those provisions.

(3) The provisions of section 6109 (relating to identifying numbers) and the regulations thereunder shall be applicable to Form W–2 and to any payee of sick pay to whom a statement on Form W–2 is required by this section to be furnished. Thus the employer must include the social security account number of the payee on all Forms W–2.

(e) *Effective date.* The provisions of this section shall apply to payments of sick pay made on or after May 1, 1981.

(f) *Transitional rule.* Payors may report all sick pay paid to a payee after December 31, 1980, and before May 1, 1981, on the same Form W–2 as is used to report sick pay paid to a payee on or after May 1, 1981. If the payor reports on Form W–2, he shall not report sick pay paid after December 31, 1980, and before May 1, 1981, on Form 1099, if otherwise required to do so. If no sick pay is paid on or after May 1, 1981, the payor may report all sick pay paid to a payee after December 31, 1980, and before May 1, 1981, on Form W–2. If he reports on Form W–2, he shall not report sick pay paid on Form 1099, if otherwise required to do so.

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

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: April 27, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81–12344 Filed 4–29–81; 11:33 am]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Safety and Health Standards—Fire Protection; Means of Egress; Hazardous Materials; Corrections

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final Rule; Corrections.

SUMMARY: This notice announces corrections to the Fire Protection; Means

of Egress; Hazardous Materials final rule of General Industry Safety Standards which appeared in the **Federal Register** on September 12, 1980 (45 FR 60656).

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Navin D. Mehta, Directorate of Safety Standards Programs, Office of Fire Protection Engineering and Systems Safety Standards, Occupational Safety and Health Administration, Department of Labor, 200 Constitution Avenue, NW., Room N3463, Washington, D.C. 20210. Telephone: 202–523–7225.

SUPPLEMENTARY INFORMATION: On September 12, 1980, the Final Rule on Fire Protection; Means of Egress; Hazardous Materials was published in the **Federal Register** (45 FR 60656). The effective date of the Final Rule was December 11, 1980. There were a number of inadvertent errors and omissions in the September 12, 1980, documents. This document corrects those errors.

Accordingly FR Doc. 80–27781, appearing in the issue of September 12, 1980, 29 CFR Part 1910 is corrected as follows:

1. Page 60707, column 3, § 1910.156 (e)(4)(i)(A), line 4, ".025 mm (.001 in)", is corrected to read, ".001 inch (.0025 cm)".

2. Page 60707, column 3, § 1910.156 (e)(4)(i)(A), line 5, "7.2 kg (16 pounds)", is corrected to read, "16 lbf (72 N)".

3. Page 60707, column 3, § 1910.156 (e)(4)(i)(A), line 7, "2.5 cm/sec (60 in/min)", is corrected to read, "60 in/min (2.5 cm/sec)".

4. Page 60707, column 3, § 1910.156 (e)(4)(i)(B), line 5, "6 kg (13.2 pounds)", is corrected to read, "13.2 lbf (60 N)".

5. Page 60707, column 3, § 1910.156 (e)(4)(i)(B), line 6, ".85 cm/sec (20 in/min)", is corrected to read, "20 in/min (.85 cm/sec)".

6. Page 60707, column 3, § 1910.156 (e)(4)(i)(C), line 3, "57°C (135°F)", is corrected to read, "135°F (57°C)".

7. Page 60707, column 3, § 1910.156 (e)(4)(i)(C), line 5, "500°C (932°F)", is corrected to read, 932°F (500°C)".

8. Page 60707, column 3, § 1910.156 (e)(4)(i)(C), line 6, "28 kPa (4 psi)", is corrected to read, "4 psi (28 kPa)".

9. Page 60710, column 1, § 1910.157 (f)(15)(i), line 7, "0.1 cc", is corrected to read, ".1 cc (.1 mL)".

10. Page 60711, column 2, § 1910.159 (c)(10), line 10, "18 inches is", corrected to read, "18 inches (45.7 cm)".

11. Page 60712, column 2, § 1910.162 (a)(2), line 3, "(b)(7)", is corrected to read, "(b)(6)".

12. Page 60717, column 3, fifth paragraph, line 3, "OSHA standard", is corrected to read, "OSHA section".

13. Page 60718, column 3, fifth paragraph, line 3 "2½" hose", is corrected to read, "2½ inches (6.3 cm) hose".

14. Page 60719, column 1, sixth paragraph, line 5, "100 psi", is corrected to read, "100 psi (700 kPa)".

15. Page 60719, column 2, first paragraph, line 3, "No. 14—1976", is corrected to read, "No. 14".

16. Page 60721, column 3, second paragraph, line 10, "200 feet", is corrected to read, "200 feet (61 m)".

17. Page 60724, column 1, Appendix E, line 11, "¼ inch per minute", is corrected to read, "¼ inch/min (.01 cm/sec)".

18. Page 60724, column 1, Appendix E, line 20, "½ inch", is corrected to read, "½ inch (1.3 cm)".

19. Page 60724, column 2, third paragraph, line 2, "3-inches by 6-inches", is corrected to read, "3-inches by 6-inches (7.6 cm by 15.2 cm)".

20. Page 60724, column 2, third paragraph, line 11, "3 inches", is corrected to read, "3 inches (7.6 cm)".

21. Page 60724, column 2, third paragraph, lines 11 and 12, "1 and 4 inches", is corrected to read, "1 inch (2.5 cm) and 4 inches (10.2 cm)".

22. Page 60724, column 2, third paragraph, lines 14 and 15, "⅜-inch", is corrected to read, "⅜-inch (1 cm)".

23. Page 60724, column 2, third paragraph, line 16, "1-inch", is corrected to read, "1-inch (2.5 cm)".

24. Page 60724, column 2, fourth paragraph, line 1, "Six-ounce" is corrected to read, "Six-ounce (.17 kg)".

25. Page 60724, column 2, fourth paragraph, lines 2 and 3, "six ounces", is corrected to read "six ounces (.17 kg)".

26. Page 60724, column 2, seventh paragraph, line 3, "12±10.5 inches per minute", is corrected to read, "12±0.5 inches/min (0.5±.02 cm/sec)".

27. Page 60724, column 3, first paragraph, line 4, "1/64-inch", is corrected to read, "1/64-inch (.04 cm)".

28. Page 60724, column 3, fourth paragraph, line 2, "50-pound", is corrected to read, "50-pound (22.6 kg)".

29. Page 60724, column 3, fourth paragraph, line 3, "50-pound", is corrected to read, "50-pound (22.6 kg)".

30. Page 60724, column 3, seventh paragraph, line 5, "12 inches±0.5 inch per minute", is corrected to read, "12±0.5 inches/min (0.5±.02 cm/sec)".

31. Page 60724, column 3, ninth paragraph, line 3, "3 inches", is corrected to read, "3 inches (7.6 cm)".

32. Page 60724, column 3, eleventh paragraph, line 5, "0.1-pound", is corrected to read, "0.1 pound (.05 kg)".

33. Page 60725, column 1, third paragraph, line 3, "⅜-inch (9.5 mm)", is corrected to read, "⅜-inch (1 cm)".

34. Page 60725, column 1, fourth paragraph, line 2, "⅜-inch (9.5 mm)", is corrected to read, "⅜-inch (1 cm)".

35. Page 60725, column 1, fourth paragraph, line 3, "3±¼ inches (76.2±6.4 mm)", is corrected to read, "3±¼ inches (7.6±.6 cm)".

36. Page 60725, column 1, fifth paragraph, line 2, "1/16-inch (1.6 mm)", is corrected to read, "1/16-inch (.2 cm)".

37. Page 60725, column 1, fifth paragraph, line 3, "⅛-inch (3.2 mm)", is corrected to read, "⅛-inch (.3 cm)".

38. Page 60725, column 1, fifth paragraph, lines 4 and 5, "⅛-inch (3.2 mm)", is corrected to read, "⅛-inch (.3 cm)".

39. Page 60725, column 1, seventh paragraph, line 3, "⅛-inch (3.2 mm)", is corrected to read, "⅛-inch (.3 cm)".

40. Page 60725, column 1, seventh paragraph, line 4, "½-inch (12.7 mm)", is corrected to read, "½-inch (1.3 cm)".

41. Page 60725, column 1, seventh paragraph, line 6, "5/16-inch (7.9 mm)", is corrected to read, "5/16-inch (.8 cm)".

42. Page 60725, column 1, seventh paragraph, line 7, "¾-inch (19 mm)", is corrected to read, "¾-inch (1.9 cm)".

43. Page 60725, column 1, seventh paragraph, line 8, "1½ inches (38.1 mm)", is corrected to read, "1½ inches (3.8 cm)".

44. Page 60725, column 1, ninth paragraph, lines 3 and 4, "2½±¼ pounds (1.1 kg±0.1 kg) per square inch", is corrected to read, "2½±¼ pounds per square inch (psi) (17.5±1.8 kPa)".

45. Page 60725, column 1, tenth paragraph, line 8, "BTU content of 540±20 per cubic foot", is corrected to read, "BTU content of 540±20 per cubic foot (20.1±3.7 kJ/L)".

46. Page 60725, column 2, first paragraph, line 5, "3-inch (76.2 mm)", is corrected to read, "3-inch (7.6 cm)".

47. Page 60725, column 2, first paragraph, line 6, "½-inch (12.7 mm)", is corrected to read, "½-inch (1.3 cm)".

48. Page 60725, column 2, third paragraph, line 2, "0.1-inch (1 mm)", is corrected to read, "0.1 inch (.3 cm)".

49. Page 60725 column 2, sixth paragraph, lines 4 and 5, "¾-inch (19 mm)", is corrected to read, "¾-inch (1.9 cm)".

50. Page 60725, column 2, seventh paragraph, line 3, "⅛-inch (3.2 mm)", is corrected to read, "⅛-inch (.3 cm)".

51. Page 60725, column 2, eighth paragraph, lines 3 and 4, "1½ inches (38.1 mm)", is corrected to read, "1½ inches (3.8 cm)".

52. Page 60725, column 2, eighth paragraph, line 6, "1½ inches (38.1 mm)", is corrected to read, "1½ inches (3.8 cm)".

53. Page 60725, column 3, line 9, "¼-inch (6.4 mm)", is corrected to read, "¼-inch (.6 cm)".

54. Page 60725, column 3, line 11, "¼-inch (6.4 mm)", is corrected to read, "¼-inch (.6 cm)".

55. Page 60725, column 3, third paragraph, lines 3 and 4, "0.1-inch (1 mm)", is corrected to read, "0.1 inch (.3 cm)".

56. Page 60725, column 3, fifth paragraph, line 3, "0.1-inch (1 mm)", is corrected to read, "0.1 inch (.3 cm)".

57. Page 60725, column 3, the following foot note is added to Table L–2: "To change into S.I. (System International) units, 1 ounce = 28.35 grams, 1 pound = 453 grams, 1 yard = .91 metre".

58. *Figure L–1,* change the title "Verticle flame resistance textile apparatus." to read, "Vertical flame resistance textile apparatus. All given dimensions are in inches. System International (S.I.) Unit: 1 inch = 2.54 cm".

59. *Figure L–2,* change the title "Vertical flame resistance textile apparatus, door and top view w/baffle". to read, "Vertical flame resistance textile apparatus, door and top view w/baffle. All given dimensions are in inches. System International (S.I.) Unit: 1 inch = 2.54 cm".

60. *Figure L–3,* change the title "Verticle flame resistance textile apparatus, views and details." to read, "Vertical flame resistance textile apparatus, view and details. All given dimensions are in inches. System International (S.I.) Unit: 1 inch = 2.54 cm".

61. *Figure L–4,* change the title "Vertical flame resistance textile apparatus." to read, "Vertical flame resistance textile apparatus. All given dimensions are in inches. System International (S.I.) Unit: 1 inch = 2.54 cm".

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C., this 27th day of April 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-13281 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1910

[Docket No. H–004M]

Occupational Exposure to Lead, New Trigger Levels for Medical Removal Protection; Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of further deferral of effective date of new trigger levels for medical removal protection for primary smelters and secondary smelters.

SUMMARY: For primary and secondary lead smelters only, OSHA is delaying the effective date of the new trigger levels for medical removal protection under the lead standard (29 CFR 1910.1025(k)) from the May 1, 1981 date previously announced in the **Federal Register** (46 FR 18974) to June 1, 1981. This action is taken to allow the Agency more time to evaluate evidence in the record, which closed on April 15, 1981, concerning industry's request for a one-year stay of the effective date of the new trigger levels, and to make a final determination regarding what relief, if any, to grant the primary and secondary smelter industries.

Since no significant evidence justifying relief was presented to OSHA by the vast majority of companies and industries affected by the new trigger levels, OSHA has concluded that the segments of the lead industry other than primary and secondary smelting industries do not have serious problems in meeting the new levels. The new trigger levels will therefore go into effect for these other industries on May 15, 1981.

DATES: For the primary and secondary lead smelters, the temporary stay of the new trigger levels is extended to June 1, 1981. For all other industries in which there is lead exposure, the effective date of the new trigger levels is May 15, 1981. The effective date of this deferral notice is April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert P. Beliles, Occupational Safety and Health Administration, Room N–3718, U.S. Department of Labor, Washington, D.C. 20210; telephone (202) 523–7081.

SUPPLEMENTARY INFORMATION:

A. Background

On November 13, 1978, OSHA issued a new standard on occupational exposure to lead under the authority of section 6(b) of the Occupational Safety and Health Act, 29 U.S.C. 655(b). The standard was published in the **Federal Register** on November 14 and 21, 1978 (43 FR 52952; 43 FR 54354) and codified at 29 CFR 1910.1025.

The standard, in addition to requiring reduction of airborne lead exposures, monitoring, protective equipment, training, medical surveillance, and other protective measures, also requires the removal of employees whose blood lead levels exceed specified values and their transfer to lower exposure positions or, in the absence of such positions, their removal from the workplace. While employees are transferred or removed from the workplace, the employer must maintain their earnings and other employment rights. These employees are then to be returned to employment when their blood lead levels drop below lower specified levels. This provision, known as the medical removal protection ("MRP") requirement, is contained in paragraph (k) of § 1910.1025.

To assure the feasibility of this provision and in recognition of the existing elevated blood lead levels of many exposed employees, the standard provided for a progressive phase-in of the levels that would trigger the removal and subsequent return of employees to lead-exposed positions. During the first year of the standard, beginning March 1, 1979, employees had to be removed if the concentration of lead in their blood was at or above 80 micrograms of lead per 100 grams of whole blood (80 μg/100g). These employees could be returned when their blood lead levels dropped to 60 μg/100g. Starting March 1, 1980, employees with blood lead levels at or above 70 μg/100g had to be removed and could not be returned until blood leads dropped to 50 μg/100g. Beginning March 1, 1981, the third year of the standard, the trigger levels for removal and return were scheduled to drop to a 60 μg/100g removal level and a 40 μg/100g return level.

Several employers and industry groups representing major segments of the industries affected by the lead standard petitioned OSHA prior to March 1, 1981 for a one-year delay in the March 1, 1981 effective date of the new trigger levels. They alleged that the application of the new trigger levels on March 1 would necessitate the removal of so many skilled and supervisory employees, including supervisors, foremen and maintenance workers, whose blood lead levels currently exceed 60 μg/100g, as to be infeasible. They further stated that these employees would have to be on removal status for lengthy periods of time until their blood leads dropped to or below 40 μg/100g, and that because of their skills and experience they could not be easily replaced. The result, they claimed, would be seriously adverse to the continued operation and productivity of their plants, including health and safety controls.

Since the allegations by major segments of the lead industry raised serious questions concerning the feasibility of the new trigger levels and what relief would be appropriate to protect employees, OSHA decided, and

announced in notices published in the **Federal Register** (46 FR 14897 and 18974), to delay the effective date of the new trigger levels for all segments until April 1, 1981, and subsequently until May 1, 1981, to enable the Agency to obtain and consider the necessary evidence. In these notices, OSHA specifically invited comments and data to support or refute the need for a stay of the new trigger levels or, alternatively, for plant-by-plant variances. OSHA allowed approximately six weeks for the submission of comments and evidence by all companies and industries that considered themselves affected by the new trigger levels and wished to submit evidence on this matter.

B. Basis in the Record for Further Delay of Effective Date Regarding the Primary and Secondary Smelting Industries

By contrast to the other lead industries (See C., below), the primary and secondary smelting industries have submitted data, and conclusions drawn from that data, which are voluminous and detailed, if of varying quality.

Both the Lead Industries Association, Inc., which represents primary smelters, and the Secondary Lead Smelters Association have made major submissions (H–004M, 8–9 and 8–13, respectively), amounting to hundreds of pages, in support of their applications for a postponement of the effective date of the new trigger levels. In addition to these submissions by the respective trade associations, very lengthy and complex data submissions also have been made by individual members of these smelting industries (for example, by St. Joe Minerals Corporation (H–004M, 8–8); by Bunker Hill (H–004M, 8–12); and by AMAX, Inc. (H–004M, 8–14)).

These submissions include summary memoranda; hundreds of pages of raw, individual employee data concerning blood lead measurements, pre-employment blood lead levels, dates and lengths of MRP removals, and air lead levels; general information on respirator usage and in-plant environmental improvements; statistical analyses predicting the length of removal time required to reduce blood leads from 60 to 40 μg/100g; and various recommendations.

These submissions justify extending the temporary stay for primary and secondary smelting until June 1, 1981, to permit OSHA sufficient time to complete its analysis of the record, which closed on April 15, 1981, and to determine what relief, if any, is appropriate.

C. Summary of Comments From Industries Other Than Primary and Secondary Smelting

Only a very limited number of comments and almost no raw data that could be evaluated were received from lead industry segments other than primary and secondary smelters. For example, although the original stay application of the Lead Industries Association, Inc. (H–004M, 2) presented fragmentary statistics suggesting serious feasibility problems in a handful of the many storage battery plants covered by the lead standard, no plant data in fact were submitted in support of those claims either by the Association or by members of the battery industry. Moreover, the sparse statistical evidence of the Association concerning the battery industry was contradicted by other statistics presented by the UAW (H–004M, 8–11). And a recent letter (H–004M, 8–21) from the president of Gates Energy Products, Inc., a small manufacturer of lead-acid batteries, while requesting relief from other aspects of the lead standard, emphasized that in its plant, "through the coordinated use of personal protective devices, proper personal hygiene, and through housekeeping procedures, our production employees' average blood lead levels are kept below 30 μ/100g * * *." From this record, OSHA has no basis to conclude that the battery industry as a whole, or even a significant number of battery plants, has a feasibility problem in meeting the new MRP trigger.

The few other such industry submissions were similarly fragmentary and unsupported by data. Thus, for instance, Associated Lead Inc. (H–004M, 8–6), which manufactures lead chemicals (lead oxide, lead stabilizers, lead solder and casting) claimed that it would be very difficult, if not impossible, to reduce employees' blood lead levels to 40 μ/100g even after 18 months on removal; and that removal at the 60 μ/100g level would cause disruption in production because 21 employees (18 skilled) out of 150 in one plant will be affected by the new trigger level. However, it submitted no blood lead series data to substantiate these claims.

American Cyanamid Co. (H–004M, 8–7) which manufactures litharge and lead stabilizers, also expressed opposition to the 60 μg/100g blood lead trigger level but provided little factual data on the company's MRP experience. Instead, several suggestions were offered. Employees, it was suggested, should be allowed to return to work when blood leads drop below 60 μg/100g. A further suggestion was that employee exposure to lead should be permitted to be reduced below the action level by means of respirators.

The Association of Brass and Bronze Ingot Manufacturers (ABBIM) (H–004M, 8–2), whose members produce brass and bronze ingots, likewise was in favor of a one-year delay of the 60 μg/100g trigger level. Their comments, however, were confined to general remarks that there is a positive correlation between job tenure and blood lead levels. They also stated that long-tenured employees are usually supervisors and skilled technicians, who will therefore be disproportionately affected by the new trigger level and whose removal could disrupt the operation of the industry.

In none of the above submissions was supporting data made available to the agency. Because of this lack of specific supporting data OSHA cannot, on the basis of the evidence provided, conclude that a feasibility problem exists which necessitates relief for particular companies. In any event, the submissions were too few in number for OSHA to conclude that they are symptomatic of widespread feasibility problems within the relevant industries.

Comments, mostly from unions, opposing a delay of the effective date of the new trigger levels also were received. The United Steelworkers (H–004M, 4 and 8–17), the International Brotherhood of Teamsters (H–004M, 8–3), the International Chemical Workers Union (H–004M, 8–18), and the United Auto Workers (H–004M, 5 and 8–11) agreed generally on the following points: (1) that the original Lead Industries Association petition provided an inadequate factual and legal basis for either an industry-wide stay or a stay to individual plants; and (2) that temporary relief for individual plants which documented the infeasibility of applying the new trigger levels should be granted by means of temporary variance procedures. Another commenter (Dr. Ziem) opposed to the delay submitted evidence in support of the strong health need for removing workers at or above 60 μg/100g (H–004M, 8–10 and 8–10A).

D. Other Evidence of Low Blood Leads in These Same Lead Industries

Little or no evidence has thus been submitted in response to the recent **Federal Register** notices indicating serious feasibility problems in segments of the lead industry other than primary and secondary smelting. Moreover, evidence previously submitted by companies in some of these other segments, when they participated in OSHA's remand hearings in October

1980, confirms the absence of generalized problems in reducing employees' blood levels. Chrysler Corporation (H–004M, 9), whose employees use paints containing lead, has achieved blood lead levels of about 20 μg/100g. Also, as indicated in the remand record, and summarized by the United Steelworkers of America's Supplemental Memorandum (H–004M, 8–17), neither the steel industry, the copper smelting industry, nor the shipbuilding industry appear to have feasibility problems with the new MRP trigger levels.

In addition, several articles in the scientific literature (H–004M, 19, 21, 23, and 26) and NIOSH's Health Hazard Evaluation Reports (H–004M, 20, 22, 24, 25 and 27) further confirm that most employees in lead-utilizing industries have blood leads well below the 60 μg/100g trigger level.

Consequently, although OSHA originally granted a temporary deferral of the effective date of the new trigger levels to all segments of the lead industry to enable manufacturers from any segment to submit comments and evidence sufficient to justify relief, OSHA now concludes that the evidence on the record justifies further temporary delay of that date only for members of the primary and secondary smelting segments of the lead industry.

Therefore, the 60/40 MRP triggers will go into effect for all other segments of the industry on May 15, 1981. If any member of these industries is experiencing feasibility problems, that member, of course, retains the right to apply individually, and prove its need, for a variance. OSHA by the decision herein in no sense intends to foreclose or limit that right.

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

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–13372 Filed 4–29–81; 1:14 pm]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 1800–6]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On November 26, 1980 (45 FR 78730), the U.S. Environmental Protection Agency (USEPA) proposed approval of and solicited public comment on a revision to the Michigan State Implementation Plan (SIP). The revision, in the form of a Final Order (APC No. 6–1979) was issued by the Michigan Air Pollution Control Commission (Commission) to the Consumer Power B. C. Cobb plant. The Order requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitations in Michigan Rule 336.1401. Prior to January 1, 1980, the B. C. Cobb plant was operating under a Voluntary Agreement for Air Pollution Abatement (No. 13–1973) issued by the Commission, and was not subject to any specific emissions limitation as long as they complied with the terms of the agreement. The agreement required B. C. Cobb to construct taller stacks and submit a control strategy and final schedule date to achieve compliance with Table 3, Rule 336.49 not later than January 1, 1980. No comments were received during the public comment period, which ended on December 26, 1980. This notice announces USEPA's final rulemaking action approving this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on June 1, 1981.

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking (45 FR 78730), and USEPA's evaluation and response to comments are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6029.

SUPPLEMENTARY INFORMATION: On December 10, 1979 the State of Michigan submitted to USEPA, as a revision to its SIP, a Final Order (APC No. 6–1979) issued to the Consumers Power Company's B. C. Cobb plant in Muskegon, Michigan.

The Order requires the B. C. Cobb plant to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitations in Michigan Rule 336.1401. Any Order which changes emission limitation for a major source must be approved by USEPA before it becomes effective as a SIP revision under the Clean Air Act.

USEPA has reviewed the state's submittal and determined that approval of the SIP revision for the B. C. Cobb plant will not cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS), and that the B. C. Cobb SIP revision is not subject to the PSD increment consumption review. USEPA also determined that fluid modeling is not required to support the SIP revision, since no additional stack height credit is necessary to demonstrate attainment of the SO_2NAAQS. Copies of EPA's evaluation of the SIP revision are available at the addresses listed at the beginning of this notice.

On November 26, 1980 (45 FR 78730), USEPA proposed approval of and invited public comment on the SIP revision. No comments were received during the 30 day public comment period which ended on December 26, 1980.

The State of New York filed comments on this SIP revision after the closing of the comment period. The comments alleged that neither the State of Michigan nor USEPA adequately considered the interstate transport problem even though there are long range air quality models available. New York also discussed the transport of sulfates and their contribution to primary and secondary TSP NAAQS violations in the State of New York. Finally, New York requested that EPA consider the cumulative impact on New York's air quality of several pending and final sulfur dioxide SIP revisions for sources in Ohio, Michigan, Indiana, West Virginia and Tennessee.

New York indicated that it also intended its comments to be considered as a section 126 petition. USEPA has decided not to respond to New York's comments in the context of this rulemaking as the comments primarily concern the aggregate air quality impact of several sources, rather than the impact of this individual SIP revision. USEPA will, however, consider New York's concerns as part of its determination on the section 126 petition. USEPA plans to hold a section 126 hearing on New York's petition in the near future.

The Order (APC No. 6–1979) requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the SO_2 emission limitations in Michigan Rule

336.1401, and contains the following provisions:

A. Sulfur Dioxide Emission Limitations

(1) Beginning on January 1, 1980 and continuing to January 1, 1985 fuel burned at the Cobb Plant shall not:

(a) On an annual average exceed 2.5 percent sulfur content by weight at 12,000 Btu/pound of coal (27912 kilojoules/kilogram).

(b) Result in sulfur dioxide emissions not greater than 386 tons on any calendar day. This emission limitation is the equivalent of burning coal which averages 3.5 percent sulfur content by weight at 12,000 Btu/pound of coal (27912 kilojoules/kilograms) and 510 megawatts net load for 24 hours.

(c) On a daily average result in emissions of sulfur dioxide not greater than a rate of 7.0 pounds per million Btu (3010 nanograms/Joule) heat input.

(2) After January 1, 1985 emissions of sulfur dioxide from the Cobb Plant shall not exceed the levels prescribed in Tables 3 and 4 of Rule 336.49 (Tables 41 and 42 of revised Rule 336.1401, effective January 17, 1980), unless an alternate date for compliance with the levels is established by the Commission.

B. Sulfur Dioxide Control Program

(1) By January 1, 1980 the Company shall submit to the Commission an acceptable control strategy which shall provide for compliance with Section A(2) of the Order.

(2) If the Company elects to burn low sulfur coal as the method of control, the Company shall by January 1, 1981 and by each January 1 for the following three (3) years:

(a) Notify the Commission that it has under contract or contract option the low sulfur coal necessary to meet the requirements of Section A(2) of the Order; or

(b) Notify the Commission, with acceptable explanation, that adequate quantities of low sulfur coal are available for acquisition for use in the Cobb Plant by January 1, 1985.

(3) If low sulfur coal is chosen as the method of control, the Company shall notify the Commission of the signing of any contracts for such coal within thirty (30) days of their signing.

(4) If the Company elects a control strategy other than low sulfur coal burning, a report on the method of control (including increments of progress) shall be provided to the Commission by January 1, 1980. If a control strategy other than low sulfur coal burning is submitted, it is the intent of the Company and the Commission to incorporate the elements of the control strategy into either a new or amended order.

(5) By January 1, 1981 and by each January 1 for the following three (3) years, the Company shall submit to the Commission a report of the Company's progress toward complying with the Order. Any developments which would preclude compliance with any provision of the Order shall be immediately reported in writing to the Commission.

C. Monitoring and Data Reporting

(1) The Company shall operate four (4) ambient sulfur dioxide monitors around the Cobb Plant in such manner and at such locations as reasonably specified by the Chief of the Air Quality Division of the Department of Natural Resources (hereinafter "Staff").

(2) The Company shall perform a weekly sulfur analysis of fuel burned in the Cobb Plant in accordance with the procedures specified in Appendix A.

(3) The Company shall by January 1, 1980 install and place in operation stack gas emission monitor(s) for measuring sulfur dioxide that meets the performance specifications of Appendix B of 40 CFR Part 60 (1977).

(4) The Company shall demonstrate the adequacy of the stack gas sulfur dioxide monitor(s) in accordance with the procedures specified in Appendix B of 40 CFR Part 60 (1977).

(5) For each calendar day during which the stack gas sulfur dioxide monitor(s) has been inoperative for 12 consecutive hours, the Company shall conduct a daily analysis of the coal burned at the Cobb Plant according to the procedures specified in Appendix A. This daily analysis shall be discontinued only after the stack gas sulfur dioxide monitor(s) has operated acceptably for 12 consecutive hours during a calendar day.

(6) The Company shall report to the Staff sulfur dioxide emissions in terms of pounds of sulfur dioxide per million Btu heat input in accordance with the procedures specified in Appendix B of 40 CFR Part 60 (1977).

(7) The Company shall submit to the Staff data from the aforementioned ambient air quality monitors, stack gas monitor(s), and fuel sulfur analysis in such format and at such intervals as reasonably specified.

(8) During the first quarter of 1980 and at approximately 18-month intervals thereafter the Company shall conduct periodic particulate emission tests for each unit of the Cobb Plant. The tests shall be conducted in accordance with Commission approved procedures.

(9) The monitoring and reporting requirements specified in or pursuant to Subsections C (1) through (8) shall be, upon request of the Company, reviewed by the Commission and modified if the Commission finds such modifications are justified.

The Final Order contained the following appendix:

Appendix A.—Fuel Analysis Procedures

1. Weekly Fuel Analysis

a. A minimum of three equally spaced grab samples of the coal burned at the Cobb Plant shall be taken each calendar day.

b. A weekly composite coal sample shall be prepared for analysis from the grab samples according to ASTM or equivalent methods for each calendar day that the daily fuel analysis is required.

c. The composite coal sample shall be analyzed for sulfur and heat (BTU) content according to ASTM or equivalent methods approved by the Chief of the Air Quality Division.

The state has indicated that it is relying on continuous emissions monitoring and fuel analysis to determine the Company's compliance with the Order. This is acceptable to USEPA.

USEPA approves Michigan's Final Order (APC No. 6–1979) as a revision to Michigan's State Implementation Plan. Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements. Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This SIP approval announced today it not major because it only approves state action. It imposes no new regulatory requirements. In addition, this action applies to only one facility.

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

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

only approves state actions. It imposes no new requirements. In addition, this action only applies to one facility.

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

(Sec. 110 of the Clean Air Act, as amended)

Dated: April 21, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

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

1. Section 52.1170(c) is amended by adding subparagraph (33) as follow:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(33) On December 10, 1979, the State of Michigan submitted to USEPA a Final Order (APC No. 6–1979) issued by the Michigan Air Pollution Control Commission to the Consumers Power Company B.C. Cobb Plant. The Order requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitation in Michigan Rule 336.1401.

2. Section 52.1175(e) is amended by revising the entry for Consumers Power Company (Cobb plant) under Muskegon County as follows:

§ 52.1175 Compliance schedules.

* * * * *

(e) * * *

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
* *	*	*	*	*
	MUSKEGON COUNTY			
Consumers Power Company (B. C. Cobb).	Muskegon	336.1401 (336.49)	Dec. 10, 1979	Jan. 1, 1985
* *	*	*	*	*

[FR Doc. 81-13218 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1792-4]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In the October 31, 1980 **Federal Register** (45 FR 72215, 72217) EPA proposed to approve the deadlines by which the State of Ohio committed itself to remedy the conditionally approved items in the ozone and carbon monoxide portions of its State Implementation Plan (SIP). A thirty day public comment period was provided until December 1, 1980. During that time, EPA received comments only from the State. Summarized below are the State's comments and EPA's final rulemaking on the scheduled dates.

EFFECTIVE DATE: This rulemaking is effective on April 14, 1981.

ADDRESSES: Copies of the Ohio SIP and the comments received on the proposed deadlines are available for inspection at the following addresses:

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

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

Copies of the Ohio SIP are also available at:

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

Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6035.

SUPPLEMENTARY INFORMATION: On October 31, 1980 EPA announced final rulemaking on revisions to the ozone and carbon monoxide portions of the Ohio State Implementation Plan (45 FR 72119, 72143). The State submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977 (Act). In the final rulemaking, EPA conditionally approved certain revisions to the Ohio SIP. A conditional approval requires the State to remedy identified deficiencies by specified deadlines. A discussion of conditional approval and its practical effect appears in the July 2, 1979 **Federal Register** (44 FR 67182).

During negotiations with EPA, the State of Ohio committed itself to remedy the conditionally approved portions of the SIP on a specific schedule. EPA proposed approval of the deadlines in that schedule on October 31, 1980 (45 FR 72115, 72117). A thirty day public comment period was provided. During the public comment period the State submitted comments on the proposed schedule. In particular, the State commented on the Dayton and Steubenville carbon monoxide schedules.

In the October 31, 1980 **Federal Register**, EPA proposed to approve the State's commitment to submit by November 1, 1980 an analysis of the carbon monoxide hot spot areas in the Dayton urban area and a revised reasonable further progress (RFP) demonstration. The analysis is to include an evaluation of the control measures which are to be implemented at the identified hot spots, a schedule for the implementation of these measures and, if necessary, evidence of priority funding for the implementation of the hot spot measures. On October 21, 1980, the State indicated that progress was being made in identifying the measures to be implemented to eliminate the carbon monoxide hot spots. However, additional time was requested so that local approval could be procured prior to submission to EPA of the complete carbon monoxide hot spot analysis. EPA has reviewed the request and believes that it is reasonable. Therefore, the date for submission of the carbon monoxide hot spot analysis and the RFP demonstration for the Dayton urban area is March 1, 1981.

For the Steubenville area, in the October 31, 1980 **Federal Register**, EPA proposed to approve the commitment made by the State in its August 6, 1980 letter. In that letter the State committed itself to submit the carbon monoxide study by January 1, 1981. In the October 31, 1980, **Federal Register**, EPA incorrectly cited the date as November 1, 1980. The correct date should have been January 1, 1981.

On November 21, 1980, the State indicated that due to limited staff resources, the complexity of the problem, and the modeling approach proposed for the area, additional time would be needed to complete the Steubenville carbon monoxide study. The State requested a five week extension, from January 1, 1981 to February 6, 1981 for submission to EPA

of the Steubenville carbon monoxide study. This was the only extension requested by the State for the Steubenville area. EPA has reviewed the request and believes that it is reasonable. Therefore, the date for submission for the Steubenville carbon monoxide study is February 6, 1981.

In summary, EPA is extending to March 1, 1981 the date for submission of the Dayton carbon monoxide analysis and RFP demonstration and to February 6, 1981 the date for submission of the Steubenville carbon monoxide study. All other dates listed in the October 31, 1980 **Federal Register** are approved as proposed.

EPA is taking final action on these deadlines without additional notice and comment. The State is the party responsible for meeting the deadlines and the State has demonstrated that it cannot meet the earlier deadlines. In addition, the public has had an opportunity to comment generally on what deadlines were appropriate and no comment except the State's was received.

EPA finds good cause for making this rule immediately effective since no party will be harmed by this action. Further, some of the dates in the schedules promulgated today for the correction of deficiencies in the conditionally approved portions of the Ohio SIP have passed or will pass shortly.

Under Executive Order 12291 EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely approves a deadline extension requested by the State. It imposes no new regulatory requirements.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before June 30, 1981. 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.

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

Dated: April 14, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

(1) Section 52.1870(c) is amended by adding paragraph (27) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(27) On October 21 and November 21, 1980 the State submitted comments on, technical support for, and commitments to correct the deficiencies cited in the March 10, 1980 Notice of Proposed Rulemaking.

* * * * *

(2) Section 52.1885(b) is amended by revising subparagraphs (b)(1) and (b)(2) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(b) * * *

(1) For Rule 09(M)(2) of Chapter 3745–21 of the Ohio Administrative Code the State must promulgate and submit to EPA by February 15, 1981 regulations which meet the RACT requirements for waste water separators. If these regulations contain exemptions which are not supported by the control technique guidelines (CTGs) then the State must demonstrate that the resultant emissions differ from the CTG allowable emissions by not more than five percent.

(2) For Rule 09(R) of Chapter 3745–21 of the Ohio Administrative Code the State must submit to EPA by October 1, 1980 either a demonstration that allowable emissions resulting from the application of its existing rule with a 240,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of the CTG presumptive norm or if the demonstration indicates otherwise then the State must submit to EPA by February 15, 1981 a rule with a 120,000 gallon per year throughput exemption for gasoline dispensing facilities.

* * * * *

(3) Section 52.1886 is amended by removing subparagraph (e)(2) and by revising subparagraphs (a)(1), (a)(2), (b)(1), (b)(2), (b)(3), (c)(1), (d) and (e)(1) to read as follows:

§ 52.1886 Ozone attainment and reasonable further progress.

(a) * * *

(1) The State must submit to EPA by August 1, 1981, either technical support for the 100% VOC emission reduction estimate from the cutback asphalt category; or a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from the category.

(2) The State must submit to EPA by August 1, 1981 a revised RFP demonstration line to account for any changes made in the attainment demonstrations.

(b) * * *

(1) The State must submit to EPA by August 1, 1981 either technical support for the 100% VOC emission reduction estimate from the cutback asphalt category; or a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from this category.

(2) The State must submit to EPA by November 1, 1981 a list of the additional Transportation Systems Management Strategies to be implemented with the additional point source regulations which will demonstrate attainment of the ozone standard.

(3) The State must submit to EPA by November 1, 1981 a schedule which delineates the dates on which the additional point source controls will be developed and implemented.

(c) * * *

(1) The State must submit to EPA by August 1, 1981, either technical support for the 100% VOC emission reduction estimate from the cutback asphalt category; or a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from this category.

(d) Part D—Conditional Approval—The State must submit to EPA by August 1, 1981 the reasonable further progress demonstration for the Canton urban area.

(e) * * *

(1) The State must submit to EPA by August 1, 1981 either technical support for the 100% VOC emission reduction estimate from the cutback asphalt category or a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from

this category. The State must also submit a revised RFP demonstration line to account for any changes made in the attainment demonstrations.

(4) Section 52.1887 is amended by removing subparagraph (b)(4); by revising to read as follows subparagraphs (b)(1) and (b)(2) and by adding subparagraph (b)(3) to read as follows:

§ 52.1887 Control strategy: Carbon monoxide.

* * * * *

(b) * * *

(1) For the Dayton urban area carbon monoxide attainment and reasonable further progress demonstrations the State must submit to EPA by March 1, 1981 the following:

(i) A schedule for the study, evaluation and implementation of control measures at the identified carbon monoxide hot spot;

(ii) Evidence of priority funding, if proven necessary; and

(iii) A revised carbon monoxide reasonable further progress demonstration.

(2) For the Steubenville urban area carbon monoxide attainment and reasonable further progress demonstrations the State must submit to EPA the following:

(i) The results of the carbon monoxide study by February 6, 1981,

(ii) Either regulations or additional TSMs by August 1, 1981. These measures are to provide for attainment of the standard by December 31, 1982,

(iii) A revised attainment demonstration by August 15, 1981, and

(iv) A revised carbon monoxide reasonable further progress demonstration by August 15, 1981.

(3) For the Youngstown transportation control plan the State must submit to EPA by November 3, 1980 the commitments of the Regional Policy Board to meet specific annual emission reduction goals.

[FR Doc. 81-13196 Filed 4-30-81; 8:45 am]
BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Technical Amendments on Reconsiderations and Appeals Under the Hospital Insurance Program: Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final regulations.

SUMMARY: This document corrects two technical errors in final regulations, published in the **Federal Register** on November 7, 1980 (45 FR 73931), that consisted of amendments to our regulations on the reconsiderations and appeals process under the Hospital Insurance Program.

EFFECTIVE DATE: November 7, 1980.

FOR FURTHER INFORMATION CONTACT: Jack Wasserman, 301-594-9300.

SUPPLEMENTARY INFORMATION: On November 7, 1980, we published final regulations to make technical changes in the Medicare regulations on reconsiderations and appeals under the hospital insurance program (42 CFR Part 405, Subpart G). One cross-reference is incorrect, and in reorganizing the material in former section 405.704, we failed to reprint the new section in its entirety. Therefore, in document FR Doc. 80-34899, Filed 11-6-80, published on 11-7-80 at 45 FR 73931, we are making the following corrections:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart G—Reconsiderations and Appeals Under the Hospital Insurance Program

1. The authority citation for Subpart G reads as follows:

Authority: Secs. 1102, 1811-1817, 1869, 1871, 1872, 42 Stat. 647, as amended; 79 Stat. 291-301, 79 Stat. 330-332; 42 U.S.C. 1302, 1395 et seq.

2. On page 73932, in the center column, item three is corrected as follows:

3. Section 405.704 is revised to read as follows:

§ 405.704 Actions which are initial determinations.

(a) *Applications and entitlement of individuals.* An initial determination with respect to an individual includes the following—

(1) A determination with respect to entitlement to hospital insurance or supplementary medical insurance;

(2) A disallowance of an individual's application for entitlement to hospital or supplementary medical insurance, if the individual fails to submit evidence requested by SSA to support the application. (SSA will specify in the initial determination the conditions of entitlement that the applicant failed to establish by not submitting the requested evidence);

(3) A denial of a request for withdrawal of an application for hospital or supplementary medical insurance;

(4) A denial of a request for cancellation of a "request for withdrawal"; and

(5) A determination as to whether an individual, previously determined to be entitled to hospital or supplementary medical insurance, is no longer entitled to such benefits, including a determination based on nonpayment of premiums.

(b) *Requests for payment by or on behalf of individuals.* An initial determination with respect to an individual includes any determination made on the basis of a request for payment by or on behalf of the individual under Part A of Medicare, including a determination with respect to:

(1) The coverage of items and services furnished;

(2) The amount of an applicable deductible;

(3) The application of the coinsurance feature;

(4) The number of days of inpatient hospital benefits utilized during a spell of illness or for purposes of the inpatient psychiatric hospital 190-day lifetime maximum;

(5) The number of days of the 60-day lifetime reserve utilized for inpatient hospital coverage;

(6) The number of days of posthospital extended care benefits utilized;

(7) The number of home health visits utilized;

(8) The physician certification requirement;

(9) The request for payment requirement;

(10) The beginning and ending of a spell of illness;

(11) The medical necessity of services, except when the determination has been made by a Professional Standards Review Organization in accordance with the applicable provisions of Part 463 of this chapter (see § 463.26(e));

(12) When items or sevices are excluded from coverage pursuant to § 405.310(g) or § 405.310(k), whether such individual or the provider of services who furnished such items or services, or both, knew or could reasonably have been expected to know that such items or services were excluded from coverage (see § 405.332); and

(13) Any other issues having a present or potential effect on the amount of benefits to be paid under Part A of Medicare, including a determination as to whether there has been an overpayment or underpayment of benefits paid under Part A, and if so, the amount thereof; and

(14) Whether a waiver of adjustment or recovery under sections 1870(b) and (c) of the Act is appropriate when an overpayment of hospital insurance benefits or supplementary medical insurance benefits (including a payment under section 1814(e) of the Act) has been made with respect to an individual.

(c) *Initial determination with respect to a provider of services.* An initial determination with respect to a provider of services shall be a determination made on the basis of a request for payment filed by the provider under Part A of Medicare on behalf of an individual who was furnished items or services by the provider, but only if the determination involves the following:

(1) A finding by the intermediary that such items or services are not covered by reason of § 405.310(g) or § 405.310(k), and

(2) A finding by the intermediary that either such individual or such provider of services, or both, knew or could reasonably have been expected to know that such items or services were excluded from coverage under the program.

§ 405.705 [Corrected]

3. On page 73933, at the top of the page in the left column in § 405.705(d), the cross-reference to § 405.462 in line two should be § 405.962.

(Secs. 205, 1102, 1842, 1869 and 1871 of the Social Security Act (42 U.S.C. 405, 1302, 1395u, 1395ff and 1395hh))

(Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance)

Approved: April 14, 1981.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 81-13194 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[General Order 16; Amdt. 38]

Rules of Practice and Procedure; Date of Filing of Complaints and Protests

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rule 114 of the Commission's Rules of Practice and Procedure specifies the date of filing of documents in proceedings except with respect to filing of formal complaints (Rule 62) and protests (Rule 67). This amendment specifies that the date required for filing under the latter two rules and, similarly, with respect to the filing of small claims under Rule 302 shall be the date received by the Secretary of the Commission. This clarification is necessary because of uncertainty on this point.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The filing of formal complaints and small claims for reparations are made pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821), which specifies that they be filed within two years after the cause of action accrues. Some uncertainty has arisen with respect to the effective date of the filing of formal complaints, small claims for reparations and protests in domestic rate proceedings. Accordingly, the Commission is clarifying its rules to specify these effective dates.

Therefore, pursuant to sections 18, 22, and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 821, and 843), and 5 U.S.C. 553, Title 46 of the Code of Federal Regulations is amended as follows.

1. Section 502.63 is amended by the addition of the following sentence:

§ 502.63 [Amended]

* * * A complaint is deemed filed on the date it is received by the Secretary of the Commission.

* * * * *

2. Section 502.67(b)(2) is amended by the addition of the following sentence:

§ 502.67 [Amended]

* * * * *

(b) * * *

(2) * * * A protest is deemed filed on the date it is received by the Secretary of the Commission.

3. Section 502.114 is amended by the revision of the third sentence to read:

§ 502.114 [Amended]

* * * Except with respect to filing of complaints pursuant to §§ 502.62 and 502.63, protests pursuant to § 502.67 and claims pursuant to § 502.302, the date of filing shall be either the date on which the pleading, document, or paper is physically lodged with the Secretary by a party or the date which a party certifies it to have been deposited in the mail.

4. Section 502.302 is amended by the addition of the following sentence:

§ 502.302 [Amended]

* * * A claim is deemed filed on the date it is received by the Secretary of the Commission.

By the Commission, April 22, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-13152 Filed 4-30-81; 8:45 am]

BILLING CODE 6730-01-M

46 CFR Part 510

[General Order 4, Revised; Docket 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is revising its General Order 4 (46 CFR 510) which governs the licensing and operations of independent ocean freight forwarders. Ocean freight forwarders, oceangoing common carriers and the Commission have agreed that General Order 4 needs to be substantially revised, updated and clarified. The Commission also wishes to minimize its regulation of this business activity, to the extent its statutory duties permit. This revision of the Order is intended to accomplish those purposes and, at the same time, balance the differing interests of freight forwarders, export shippers, and oceangoing common carriers and where possible, eliminate unnecessary, ineffective or unduly burdensome regulation. The major changes include: a requirement for the licensing of separately incorporated branch offices, increased bond amounts to cover branch office operations, establishment of a minimum period of experience for qualifying individuals, elimination of the so-called payover rule, an increase in fees for licenses, and new anti-rebate certification requirements.

EFFECTIVE DATES: October 1, 1981, is the general effective date of these revised rules. However, persons who on October 1, 1981, hold valid independent ocean freight forwarder licenses need not comply with the surety bond requirements contained in § 510.15(a) of these revised rules until March 1, 1982. With respect to such persons, the surety bond requirements of the present rules will continue to apply until March 1, 1982. Licensees who fail to comply with the revised surety bond requirements by March 1, 1982, will be issued a notice that their licenses will be suspended effective May 1, 1982, in the absence of compliance by that date. Failure to achieve compliance with the bond requirements by July 1, 1982, will result in automatic revocation of the license. This rule is being submitted to the Office of Management and Budget pursuant to

the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

FOR FURTHER INFORMATION CONTACT: Mr. Jeremiah D. Hospital, Chief, Office of Freight Forwarders, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573 (202-523-5843).

SUPPLEMENTARY INFORMATION: Sections 18, 21, 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 817, 820, 841a, 841b), and section 4 of the Administrative Procedure Act (5 U.S.C. 553) authorize the Federal Maritime Commission to make rules and regulations affecting oceangoing common carriers and the licensing, activities, obligations and responsibilities of independent ocean freight forwarders engaged in carrying on the business of forwarding in commerce from the United States.

The current rules, General Order 4, were originally issued in December 1961. Commission and industry experience has indicated a need for updating, clarifying and changing many provisions of the Order. Accordingly, on March 17, 1980, the Commission issued a notice of proposed rulemaking (45 FR 17029) requesting comments from interested parties with respect to proposed revisions of General Order 4.

Written comments were received from 30 commentators,[1] some of whom also provided oral comments to the Commission on September 16, 1980. On the basis of the written and oral comments, a number of changes to the rules as proposed on March 17, 1980, are now being adopted by the Commission. A brief section-by-section discussion of the newly adopted revisions to General Order 4 follows:[2]

§ 510.1 *Scope.* This section describes the scope of the entire part and reflects present §§ 510.1 and 510.20. No comments on this section were received but changes have been made to reflect the changes adopted in other sections.

§ 510.2 *Definitions.* This section collects the definitions contained in present §§ 510.2 and 510.21.

Proposed § 510.2(b) changed the definition of "beneficial interest" from present § 510.21(l) for purposes of clarification only. One commentator (17), however, recommended that the definition be substantively revised to include the rental, leasing or other furnishing of containers. The Commission does not believe such a change should be made, and only minor editorial changes have been adopted.

A number of commentators raised points in regard to proposed § 510.2(h), their definition of "freight forwarding services." One commentator (16) asked that a provision be added to proposed § 510.2(h)(3) dealing with export declarations, which would make it clear that forwarders are required to file shippers' export declarations in accordance with U.S. Customs Service regulations. The Commission, however, believes that such revision would be superfluous. Commentators 9 and 15 suggested clarification in regard to proposed § 510.2(h)(14) dealing with the advancement of funds by forwarders. The Commission is in general agreement with those suggestions and has revised the definition accordingly. See combined definition in § 510.2(h)(11).

One commentator (23) suggested that proposed § 510.2(j), the definition of an "independent ocean freight forwarder," be revised to exclude from the definition any person connected to "any" shipper (e.g., by rail, air or motor). The Commission, however, believes it was the intent of Congress to prescribe only those shipper connections involving oceangoing common carriers as defined in § 510.2(n) of these final rules.

§ 510.3 *License; when required.* This section, as proposed, incorporated the requirements of present § 510.3(a), but also included a requirement that every branch office be separately licensed and bonded. In the "Supplementary Information" section of its notice of proposed rulemaking, the Commission stated that one alternative would be graded levels of surety bonds depending on the number of a forwarder's branch offices. Proposed § 510.3 also deleted the obsolete grandfather provisions of present § 510.3(b).

The commentators were divided in their opinions as to whether separate licenses and bonds should be required for each branch office.

In order to minimize the impact of its regulations on the forwarding industry while increasing the protection to the shipping industry, the Commission has decided to require a separate license and bond only for branch offices which are separately incorporated. At the same time $10,000 in additional bond coverage will be required for each unincorporated branch office operated by a licensee. For example, a forwarder operating out of its home office and two unincorporated branch offices would be required to maintain on file with the Commission one surety bond in the amount of $50,000 (i.e., the basic $30,000 bond plus an additional $10,000 for each branch office). The full amount of such coverage (i.e., $50,000) would be available with respect to any obligation of the forwarder originating at any location from which it operates. Thus, branch office coverage under a bond will not be limited to just $10,000.

§ 510.4 *License; when not required.* This proposed section combined various provisions of the present rules.

One commentator (17) suggested that nonvessel operating common carriers by water be prohibited from engaging in forwarder activity. Another commentator (23) suggested that vessel operating common carriers by water and their agents be denied licenses as there are sufficient forwarders to perform the services on behalf of shippers.

The Commission does not believe sufficient grounds exist for adopting those suggestions. The final rule has been modified, but only to clarify the rule with respect to ocean freight brokers.

§ 510.11 *Basic requirements for licensing; eligibility.* This proposed section retained substantially the same requirements as the present rules, except that a specific minimum experience requirement was prescribed

[1] (1) B. F. Goodrich Company; (2) North Carolina State Ports Authority; (3) Fritz Companies; (4) South Carolina State Ports Authority; (5) American Council of Voluntary Agencies for Foreign Service, Inc.; (6) Casey Overseas Corp.; (7) Joint Association—South Atlantic Marine Terminal Conference Terminal Operators Conference of Hampton Roads; (8) Emerson Electric Co.; (9) The Far East Conference; (10) Associated Latin American Freight Conferences; (11) McGregor, Swire Air Services (America) Inc.; (12) Foreign Shipowners Association of the Pacific Coast; (13) Pacific Coast European Conference, Latin America-Pacific Coast Steamship Conference, and Pacific Coast River Plate Brazil Conference; (14) National Customs Brokers and Forwarders Association of America, Inc.; (15) Inter-American Freight Conference; (16) West Gulf Maritime Association; (17) Pacific Westbound Conference, Pacific-Straits Conference, and Pacific Indonesian Conference; (18) Behring International, Inc.; (19) International Freight Forwarders and Customs Brokers Association of New Orleans, Inc.; (20) The "8900" Lines, North Atlantic Mediterranean Freight Conference, U.S. Atlantic & Gulf/Australia-New Zealand Conference, U.S. North Atlantic Spain Rate Agreement, and U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement (except Lykes Bros. Steamship Co., Inc.; (21) Transoceanic Shipping Co., Inc.; (22) Fillette, Green & Co. of Tampa, Smith and Kelly Co., Southern Overseas Corporation, Southern Shipping Company, and Waters Shipping Company; (23) Independent Customs Brokers and Freight Forwarders Association of Savannah, Inc.; (24) The North European Conferences; (25) Interconex, Inc.; (26) Dorf International, Ltd.; (27) The Roanoke Companies; (28) Association of Forwarding Agents and Foreign Freight Brokers of Mobile, Inc.; (29) Georgia Ports Authority; and (30) Customs Brokers and Forwarders Association of Miami, Inc. These 30 commentators are comprised of shippers, freight forwarders, common carriers by water, port/terminal interests, surety companies, and charitable institutions.

[2] Written and oral comments not mentioned in the section-by-section discussion have nevertheless been considered by the Commission. Further, it should be clearly understood that failure to address or refute a particular comment in no way implies Commission agreement with the comment. This is especially true with respect to commentators' assertions as to the proper interpretation of law, court decisions, and Commission rules, findings or actions.

to assure that each applicant has a basic level of expertise to operate an independent ocean freight forwarding business.

Commentators generally supported the minimum experience requirement, but one commentator (11) was opposed to requiring a minimum level of experience for managers of branch offices. One commentator (30) suggested that prospective forwarders should be required to pass a test as the three year experience requirement may not adequately ensure that newly licensed forwarders will have an adequate level of expertise.

The Commission has decided not to impose a specific experience requirement for managers of unincorporated branch offices. The proper operation of an unincorporated branch office is the responsibility of the licensee who will be held strictly responsible for the activities of all its employees. Since, under these revised rules, a separately incorporated branch office must be separately licensed, an applicant for such a license must meet the same minimum experience requirements as any other applicant. In addition, the Commission has decided that an examination for applicants will not be required. Minor clarifications to this section also have been made.

§ 510.12 *Persons not eligible.* No change was made to this proposed section.

§ 510.13 *Application for license.* The license application form is deleted from the body of the rules to enable revisions to be made to the form when necessary without republication of the rule. While not contained in the proposed rule, the requirement to publish notice of applications in the **Federal Register** as provided in present section 510.6 is restored pending its consideration in Docket 80–44.

§ 510.14 *Investigation of applicants.* No major change was made to this proposed section.

§ 510.15 *Surety bond requirement.* This proposed section incorporated provisions of present § 510.5 (f), (g), (h) and the provisos in present § 510.9, with some changes for clarification and flexibility.

Many of the commentators expressed the view that the bond should be increased either by a sliding scale based on the volume of cargo handled by the forwarder or by the number of branch offices operated. As mentioned earlier, the Commission has decided to require $10,000 additional bond coverage for each unincorporated branch office.

§ 510.16 *Denial of license.* Proposed paragraph (b) of this section, "Reapplication within one year prohibited," is deleted. That subject matter is covered under new § 510.18 of the final rules.

§ 510.17 *Revocation or suspension of license.* This proposed section (originally proposed as § 510.50) retained the criteria of present § 510.9, but added a proposed paragraph (b) which provided for assessment of civil penalties for violations in any proceeding involving the suspension or revocation of a license. In addition, under proposed paragraph (c), the Commission addressed the matter of rejecting an application submitted within one year from the date of revocation of the applicant's previous license.

One commentator (18) urged the deletion of proposed § 510.50(a)(1) which provided for the suspension or revocation of a license for failure to conduct forwarding business consistent with the national maritime policies stated in the Merchant Marine Act of 1936. That provision, as well as proposed paragraph (c), is deleted in the final rules. The subject matter of proposed paragraph (c) is covered under new § 510.18.

§ 510.18 *Application after revocation or denial.* This section covers the subject matter of originally proposed §§ 510.16(b) and 510.50(c).

§ 510.19 *Issuance and use of license.* This section was originally proposed as § 510.17. It contains provisions of present §§ 510.5(a)(3), 510.8(b) and 510.8(d) and reflects changes made to other sections of the final rules.

§ 510.20 *Changes in organization.* This section, originally proposed as § 510.18, includes various provisions in the present rules plus codification of existing policy concerning the conduct of operations in the event of the death of a sole proprietor licensee.

Three commentators (14, 23 and 30) opposed the requirement in proposed subparagraph (a)(5) that prior approval be required for the transfer of 5% or more of the stock of a corporate licensee. The Commission has decided to retain this requirement in order to better ensure that licensees remain independent of shipper connections, a primary reason for the enactment of section 44 of the Act. A new paragraph (d) specifies the conditions under which newly incorporated branch offices may operate until they are independently licensed.

§ 510.21 *Branch offices; interim operation.* This section, originally proposed as § 510.19, provides for an orderly system of transition from an existing separately incorporated branch office status to a separately licensed status.

This grandfather provision is necessary to cover a separately incorporated branch office during the interim period from the effective date of these rules until it is granted its individual license.

§ 510.31 *General duties.* This section incorporates the provisions of prior §§ 510.5(e) and 510.23 (a), (b), (d) and (l), and adds a new provision (paragraph (h)) requiring anti-rebate certifications on invoices and other documents as provided in section 21(b) of the Shipping Act, 1916.

Three commentators (11, 18 and 23) objected to the requirement in proposed paragraph (b) that the name and license number of all related forwarders be included on a licensee's stationery and billing forms as such information would take too much room. The Commission agrees and has deleted the requirement.

Two commentators (14 and 18) objected to the new requirement in proposed paragraph (h) for an anti-rebating statement on forwarders' certifications and invoices, while one commentator (20) supported the proposed requirement. The Commission believes that, consistent with the intent of section 21(b) of the Act, forwarders should certify continuously that they have a policy against rebates, and has retained the certification requirement.

In agreement with a commentator (18) who objected to proposed § 510.31(d)(5) as being unfair and unnecessarily restrictive, the Commission deleted that provision from the final rule. It would have required forwarders to obtain Commission approval before employing persons whose licenses have been revoked or suspended.

§ 510.32 *Forwarder and principal; fees.* With slight changes, this proposed section incorporated several provisions of the existing rules and, in order to avoid discrimination between shippers, deleted the exemption contained in current § 510.24(b), which allowed a forwarder to perform forwarding services for relief or charitable agencies free of charge or at a reduced rate.

Several commentators (14, 18 and 30) objected to the language of proposed § 510.32(e) as it affects a forwarder's obligation for its principal's actions. A new subpart (k) has been added requiring forwarders to account to their principals for certain overpayments and adjustments, and other language in this section has been revised to clarify the fact that a forwarder will not automatically be held responsible for the actions of its principal.

§ 510.33 *Forwarder and carrier; compensation.* This proposed section included a number of provisions from

the current rules and proposed, in paragraph (b), to change the maximum allowable time period for a forwarder to pay over freight monies to a carrier from seven days to twenty days and, in paragraph (c), proposed a new provision to prohibit a carrier from requiring a licensee to assume the obligation of paying freight charges before such sums are advanced by the shipper to the forwarder. A provision in paragraph (d) proposed to require ocean carriers to pay compensation to forwarders within 30 days after the payment of ocean freight charges.

Numerous comments were received both for and against the three new proposals. After fully considering all of the concerns, the Commission has decided to delete all three of the new proposals as well as the existing payover rule. The matters addressed in the new proposals in proposed § 510.33 (c) and (d) are best left to the parties' own determination. With respect to the payover rule, ocean freight payments are governed by tariff and bill of lading provisions, and the Commission is of the opinion that any type of payover rule tends to confuse the legal rights and obligations of the parties under such governing provisions. In short, the Commission is of the view that all of these financial arrangements should not be governed by Commission regulations, but instead should be left to the competitive controls of the market place.

§ 510.34 *Records required to be kept.* This proposed section contained provisions of present §§ 510.23 (k) and (l), 510.25(a), and 510.26(b). No comments were received in regard to these provisions and no significant changes were made in the final rule.

§ 510.35 *Reports required to be filed.* This section includes the reporting requirements of present §§ 510.5(c) and 510.26(a). A new provision (paragraph (a)) would require the filing of samples of office stationery and invoice forms within sixty days of changes in organization. Proposed new paragraph (c) requires an annual filing of an anti-rebate certification pursuant to section 21(b) of the Act.

One commentator (18) opposed the filing of the annual anti-rebate certification. The Commission believes that it is important and consistent with the intent of section 21(b) that the requirement be retained and does not believe that an annual certification will cause any undue burden on licensees.

§ 510.36 *Section 15 agreements.* This proposed section tracks the present § 510.26.

One commentator (14) objected to the requirement that a copy of non-exclusive working agreements be kept in a licensee's file, while another commentator (17) suggested that the Commission should require the filing of such agreements with the Commission. The Commission has decided to adopt the rule as proposed with a slight modification to cover agreements which have been exempted from the requirements of section 15.

Therefore, 46 CFR Part 510 is revised to read as follows:

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart A—General

Sec.

510.1 Scope.
510.2 Definitions.
510.3 License, when required.
510.4 License, when not required.

Subpart B—Eligibility and Procedure for Licensing; Bond Requirements

510.11 Basic requirements for licensing; eligibility.
510.12 Persons not eligible.
510.13 Application for license.
510.14 Investigation of applicants.
510.15 Surety bond requirements.
510.16 Denial of license.
510.17 Revocation or suspension of license.
510.18 Application after revocation or denial.
510.19 Issuance and use of license.
510.20 Changes in organization.
510.21 Branch offices; interim operation.

Subpart C—Duties and Responsibilities of Freight Forwarders; Forwarding Charges; Reports to Commission

510.31 General duties.
510.32 Forwarder and principal; fees.
510.33 Forwarder and carrier; compensation.
510.34 Records required to be kept.
510.35 Reports required to be filed.
510.36 Section 15 agreements.

Authority: Secs. 18, 21, 43 and 44, as amended; 46 U.S.C. 817, 820, 841a and 841b.

Subpart A—General

§ 510.1 Scope.

This part sets forth regulations providing for the licensing as independent ocean freight forwarders of persons, including individuals, corporations and partnerships, who wish to carry on the business of freight forwarding. This part also prescribes the bonding requirements and the duties and responsibilities of independent ocean freight forwarders, regulations concerning practices of freight forwarders and common carriers by water, and the grounds and procedures for revocation and suspension of licenses.

§ 510.2 Definitions.

The terms used in this part are defined as follows:

(a) "Act" means the Shipping Act, 1916 (46 U.S.C. 801 *et seq.*), as amended.

(b) "Beneficial interest" includes any lien or interest in or right to use, enjoy, profit, benefit, or receive any advantage, either proprietary or financial, from the whole or any part of a shipment of cargo where such interest arises from the financing of the shipment or by operation of law, or by agreement, express or implied. The term "beneficial interest" shall not include any obligation in favor of a freight forwarder arising solely by reason of the advance of out-of-pocket expenses incurred in dispatching a shipment.

(c) "Branch office" means any office established and maintained by or under the control of a licensee for the purpose of rendering freight forwarding services, which office is located at an address different from that of the licensee's designated home office. This term does not include a separately incorporated entity.

(d) "Brokerage" refers to payment by an oceangoing common carrier to an ocean freight broker for the performance of services as specified in § 510.2(m) of this part.

(e) "Compensation" means payment by an oceangoing common carrier to a freight forwarder for the performance of services as specified in § 510.33(c) of this part.

(f) "Freight forwarder" is anyone who performs, or holds itself out to perform, the dispatching of a shipment of cargo for another by rendering any one or more of the services enumerated in § 510.2(h) of this part.

(g) "Freight forwarding fee" means charges billed by a freight forwarder to a shipper, consignee, seller, purchaser, or any agent thereof, for the performance of freight forwarding services as specified in § 510.2(h) of this part.

(h) "Freight forwarding services" refers to the dispatching of shipments on behalf of others, in order to facilitate shipment by an oceangoing common carrier, which may include, but is not limited to, the following:

(1) Ordering cargo to port;

(2) Preparing and/or processing export declarations;

(3) Booking, arranging for or confirming cargo space;

(4) Preparing or processing delivery orders or dock receipts;

(5) Preparing and/or processing ocean bills of lading;

(6) Preparing or processing consular documents or arranging for their certification;

(7) Arranging for warehouse storage;

(8) Arranging for cargo insurance;

(9) Clearing shipments in accordance with United States Government export regulations;

(10) Preparing and/or sending advance notifications of shipments or other documents to banks, shippers, or consignees, as required;

(11) Handling freight or other monies advanced by shippers, or remitting or advancing freight or other monies or credit in connection with the dispatching of shipments;

(12) Coordinating the movement of shipments for origin to vessel; and

(13) Giving expert advice to exporters concerning letters of credit, other documents, licenses or inspections, or on problems germane to the cargos dispatch.

(i) "In commerce from the United States" means oceanborne export commerce from the United States, its Territories, or possessions to foreign countries, or oceanborne commerce between the United States and its Territories and possessions, or between such Territories and possessions.

(j) "Independent ocean freight forwarder" refers to a person performing freight forwarding services for a consideration, either monetary or otherwise, who is not a shipper or consignee or seller or puchaser of property in commerce from the United States and who has no beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest.

(k) "Licensee" is any person licensed by the Federal Maritime Commission as an independent ocean freight forwarder.

(l) "Nonvessel operating common carrier by water" is a common carrier by water as defined in section 1 of the Act, which does not operate the vessels by which its ocean transportation is provided but which holds itself out, by the establishment and maintenance of tariffs, by advertisment, solicitation, or otherwise, to provide transportation of property for hire by water in commerce from the United States; which assumes responsibility or has liability imposed by law for the safe transportation of such property; and which arranges in its own name for the performance of such transportation by underlying water carriers.

(m) "Ocean freight broker" is an entity which is engaged by a carrier to secure cargo for such carrier and/or to sell or offer for sale ocean transportation services and which holds itself out to the public as one who negotiates between shipper or consignee and carrier for the purchase, sale, conditions and terms of transportation.

(n) "Oceangoing common carrier" is a common carrier by water as defined in section 1 of the Act, including a nonvessel operating common carrier by water, engaged in transportation for hire by water of property in commerce from the United States, as defined in § 510.2(i) of this part.

(o) "Principal", except as used in Surety Bond Form FMC 59 Rev., refers to the shipper, consignee, seller, or purchaser of property, and to anyone acting on behalf of such shipper, consignee, seller, or purchaser of property, who employs the services of a licensee to facilitate the ocean transportation of such property.

(p) "Reduced forwarding fees" means charges to a principal for forwarding services that are below the licensee's usual charges for such services.

(q) "Small shipment" refers to a single shipment sent by one consignor to one consignee on one bill of lading which does not exceed the underlying oceangoing common carrier's minimum charge rule.

(r) "Special contract" is a contract for freight forwarding services which provides for a periodic lump sum fee.

(s) "Territory or possession" includes the Commonwealth of the Northern Marianas, the Commonwealth of Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and any other Territory or possession of the United States.

§ 510.3 License, when required.

Except as otherwise provided in this part, a person must hold a valid independent ocean freight forwarder license in order to perform freight forwarding services, and, except as provided in § 510.4 of this part, no person shall perform, or hold out to perform, such services unless such person holds a valid license issued by the Commission to engage in such business. A separate license is required for each branch office that is separately incorporated.

§ 510.4 License, when not required.

A license is not required in the following circumstances:

(a) *Shipper.* Any person whose primary business is the sale of merchandise may, without a license, dispatch and perform freight forwarding services on behalf of its own shipments or on behalf of shipments or consolidated shipments of a parent, subsidiary, affiliate, or associated company. Such person shall not receive compensation from the oceangoing common carrier for any services rendered in connection with such shipments.

(b) *Employee or branch office of licensed forwarder.* An individual employee or unincorporated branch office of a licensed independent ocean freight forwarder is not required to be licensed in order to act solely for such licensee, but each licensed independent ocean freight forwarder will be held strictly responsible hereunder for the acts or omissions of any of its employees rendered in connection with the conduct of the business.

(c) *Oceangoing common carrier.* An oceangoing common carrier, or agent thereof, may perform ocean freight forwarding services without a license only with respect to cargo carried under such carrier's own ocean bill of lading. Charges for such forwarding services shall be assessed in conformance with the carrier's published tariffs on file with the Commission.

(d) *Ocean freight broker.* An ocean freight broker is not required to be licensed to perform those services specified in § 510.2(m) of this part.

Subpart B—Eligibility and Procedure For Licensing; Bond Requirements

§ 510.11 Basic requirements for licensing; eligibility.

(a) *Necessary qualifications.* To be eligible for an independent ocean freight forwarder's license, the applicant must demonstrate to the Commission that:

(1) Its proposed forwarding business will be consistent with the national maritime policies declared in the Merchant Marine Act, 1936;

(2) It will meet the definition of an independent ocean freight forwarder;

(3) It is fit, willing and able properly to carry on the business of freight forwarding and to conform to the provisions of the Shipping Act, 1916, as amended, and the requirements, rules and regulations of the Commission issued thereunder;

(4) Its qualifying individual has a minimum of three (3) years of experience in ocean freight forwarding duties in the United States;

(5) It has obtained and filed with the Commission a valid surety bond in conformance with § 510.15 of this part; and

(6) It and its qualifying individual are otherwise qualified within the provisions of the Shipping Act, 1916 and the requirements, rules and regulations of the Commission.

(b) *Qualifying individual.* The following individuals must qualify the applicant for a license:

(1) *Sole proprietorship*—The applicant sole proprietor.

(2) *Partnership*—At least one of the active managing partners, but all partners must execute the application.

(3) *Corporation*—At least one of the active corporate officers.

(c) *Affiliates of forwarders.* An independently qualified applicant may be granted a separate license to carry on the business of forwarding even though it is associated with, under common control with, or otherwise related to another independent ocean freight forwarder through stock ownership or common directors or officers, if such applicant submits (1) a separate application and fee, and (2) a valid surety bond in the form and amount prescribed under § 510.15 of this part. The proprietor, partner or officer who is the qualifying individual of one active licensee shall not also be designated the qualifying proprietor, partner or officer of an applicant for another independent ocean freight forwarder license.

(d) *Oceangoing common carriers.* An oceangoing common carrier or agent thereof which meets the requirements of this part may be licensed to dispatch shipments moving on other than such carrier's own bill of lading, subject to the provisions of § 510.33(g) of this part.

§ 510.12 Persons not eligible.

No person is eligible for a license who is a shipper, consignee, seller, or purchaser of shipments in commerce from the United States, or who has any beneficial interest therein, or who directly or indirectly controls or is controlled by such shipper, consignee, seller, or purchaser of shipments or by any person having a beneficial interest in such shipment.

§ 510.13 Application for license.

(a) *Application and forms.* Any person who wishes to obtain a license to carry on the business of forwarding shall submit, in duplicate, to the Director of the Commission's Bureau of Certification and Licensing, a completed application Form FMC–18 Rev. ("Application for a License as an Independent Ocean Freight Forwarder") and a completed anti-rebate certification in the format prescribed under § 510.35(c) of this part. Copies of Form FMC–18 Rev. may be obtained from the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, or from any of the Commission's offices at other locations. Notice of filing of such application shall be published in the **Federal Register** and shall state the name and address of the applicant. If the applicant is a corporation or partnership, the names of the officers or partners thereof shall be published.

(b) *Fee.* The application shall be accompanied by a money order, certified check or cashier's check in the amount of $350 made payable to the "Federal Maritime Commission."

(c) *Rejection.* Any application which appears upon its face to be incomplete or to indicate that the applicant fails to meet the licensing requirements of the Shipping Act, 1916, or the Commission's regulations, shall be returned by certified U.S. mail to the applicant without further processing, together with an explanation of the reason(s) for rejection, and the application fee shall be refunded in full. All other applications will be assigned an application number, and each applicant will be notified of the number assigned to its application. Persons who have had their applications returned may reapply for a license at any time thereafter by submitting a new application, together with the full application fee.

(d) *Investigation.* Each applicant shall be investigated in accordance with section 510.14 of this part.

(e) *Changes prior to licensing.* Each applicant shall submit to the Commission, in duplicate, an amended Form FMC–18 Rev., advising of any changes in the facts submitted in the original application, within thirty (30) days after such change(s) occur. Any unreported change will delay the processing and investigation of the application and may result in rejection or denial of the application. No fee is required when reporting changes to an application for initial license under this section.

§ 510.14 Investigation of applicants.

The Commission shall conduct an investigation of the applicant's qualification for a license. Such investigations may address:

(a) The accuracy of the information submitted in the application;

(b) The integrity and financial responsibility of the applicant;

(c) The character and independence of the applicant and its qualifying individual;

(d) The length and nature of the qualifying individual's experience in handling freight forwarder duties; and

(e) Such further evidence of the fitness, willingness, and ability of the applicant to carry on the business of forwarding as the Commission may require.

§ 510.15 Surety bond requirements.

(a) *Form and amount.* No license shall be issued to an applicant who does not have a valid surety bond (FMC–59 Rev.) on file with the Commission in the amount of $30,000. The amount of such bond shall be increased by $10,000 for each of the applicant's unincorporated branch offices. Surety companies must be certified by the U.S. Department of the Treasury in order to execute Federal bonds. Surety Bond Form FMC–59 Rev. can be obtained in the same manner as Form FMC–18 Rev. under § 510.13(a) of this part, and shall read as follows:

(Form FMC–59 Rev.)
Bond No. _____
FMC License No. _____

Federal Maritime Commission, Independent Ocean Freight Forwarder's Bond

(Section 44, Shipping Act, 1916)

Know all men by these presents, That , as Principal (hereinafter called Principal), and , as Surety (hereinafter called Surety) are held and firmly bound into the United States of America in the sum of $ for the payment of which sum we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, Principal has applied for, is about to apply for, or holds a license as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, and has elected to file this bond with the Federal Maritime Commission;

Now, therefore, the condition of this obligation is such that if the Principal shall, while this bond is in effect, supply the services of an independent ocean freight forwarder in accordance with the contracts, agreements, or arrangements made therefor, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the Surety's total obligation hereunder exceed said penalty.

This bond shall inure to the benefit of any and all persons for whom the Principal shall have undertaken to act as an independent ocean freight forwarder.

This bond is effective the day of , 19 , and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, D.C. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any contracts, agreements, or arrangements made by the Principal after the expiration of said thirty (30) day period but such termination shall not affect the liability of the Principal and Surety for any breach of the condition hereof occurring prior to the date when said termination becomes effective.

The underwriting Surety will promptly notify the Director, Bureau of Certification and Licensing, Federal Maritime Commission.

Washington, D.C. 20573, of any claims against this bond.

Signed and sealed this day of 19

(Please type name of signer under each signature.)

(Individual Principal or Partner)
(Business Address)
(Individual Principal or Partner)
(Business Address)
(Individual Principal or Partner)
(Business Address)
Corporate Principal
Business Address
(Affix Corporate Seal)
By
Title
Corporate Surety
Business Address
(Affix Corporate Seal)
By
Title

(b) *Filing of bond.* Upon notification by the Commission by certified U.S. mail that the applicant has been approved for licensing, the applicant shall file with the Director of the Commission's Bureau of Certification and Licensing, a surety bond in the form and amount prescribed in § 510.15(a) of this part. No license will be issued until the Commission is in receipt of a valid surety bond from the applicant. If more than six (6) months elapse between issuance of the notication of qualification and receipt of the surety bond, the Commission shall, at its discretion, undertake a supplementary investigation to determine the applicant's continued qualification. The fee for such a supplementary investigation shall be $100, payable by money order, certified check or cashier's check to the "Federal Maritime Commission." Should the applicant not file the requisite surety bond within two years of notification, the Commission will consider the application to be invalid.

(c) *Branch offices.* A new surety bond, or rider to the existing bond, increasing the amount of the bond in accordance with § 510.15(a) of this part, shall be filed with the Commission prior to the date the licensee commences operation of any branch office. Failure to adhere to this requirement may result in revocation of the license.

(d) *Termination of bond.* No license shall remain in effect unless a valid surety bond is maintained on file with the Commission. Upon receipt of notice of termination of a surety bond, the Commission shall notify the concerned licensee by certified U.S. mail, to its last known address, that the Commission shall, without hearing or other proceeding, revoke the license as of the termination date of the bond unless the licensee shall have submitted a valid replacement surety bond before such termination date. Replacement surety bonds must bear an effective date no later than the termination date of the expiring bond.

§ 510.16 Denial of license.

If the Commission determines, as a result of its investigation, that the applicant:

(a) Will not conduct its forwarding business in a manner consistent with the national maritime policies declared in the Merchant Marine Act, 1936;

(b) Fails to meet the definition of an independent ocean freight forwarder as set forth in section 1 of the Act and § 510.2(j) of this part;

(c) Is not fit, willing, and able properly to carry on the business of forwarding, or to conform to the provisions of the Act or the requirements, rules and regulations of the Commission issued thereunder;

(d) Has failed to respond to any lawful inquiry of the Commission; or

(e) Has made any willfully false or misleading statement to the Commission in connection with its application;

a letter of intent to deny the application shall be sent to the applicant by certified U.S. mail, stating the reason(s) why the Commission intends to deny the application. If the applicant submits a written request for hearing on the proposed denial within twenty (20) days after receipt of notification, such hearing shall be granted by the Commission pursuant to its Rules of Practice and Procedure contained in Part 502 of this Chapter. Otherwise, denial of the application will become effective and the applicant shall be so notified by certified U.S. mail. Civil penalties for violations of the Act or any Commission order, rule, or regulation may be assessed in any proceeding on the proposed denial of a license or may be compromised for any such violation when a proceeding has not been instituted in accordance with Part 505 of this Chapter.

§ 510.17 Revocation or suspension of license.

(a) *Grounds for revocation.* Except for the automatic revocation for termination of a surety bond under § 510.15(d) of this part, or as provided in § 510.15(c) of this part, a license may be revoked or suspended after notice and hearing for any of the following reasons:

(1) Violation of any provision of the Act, as amended, or any other statute or Commission regulation related to carrying on the business of forwarding;

(2) Failure to respond to any lawful inquiry by the Commission;

(3) Making a willfully false or misleading statement to the Commission in connection with an application for a license or its continuance in effect;

(4) Change of circumstances whereby the Commission determines that the licensee no longer qualifies to be an independent ocean freight forwarder; or

(5) Conduct which the Commission determines renders the licensee unfit or unable to carry on the business of forwarding.

(b) *Civil penalties.* As provided for in Part 505 of this Chapter, civil penalties for violations of the Act on any Commission order, rule, or regulation may be assessed in any proceeding to revoke or suspend a license and may be compromised when such a proceeding has not been instituted.

(c) *Notice of Revocation.* The Commission shall publish in the **Federal Register** its order or revocation.

§ 510.18 Application after revocation or denial.

Whenever a license has been revoked or an application has been denied because the Commission has found the licensee or applicant to be unfit, any further application within 3 years of the date of the most recent conduct on which the Commission's notice of revocation or denial was based, made by such former licensee or applicant or by another applicant employing the same qualifying individual or controlled by persons on whose conduct the Commission based its determination of lack of fitness, shall be reviewed directly by the Commission.

§ 510.19 Issuance and use of license.

(a) *Qualification necessary for issuance.* The Commission will issue a license if it determines, as a result of its investigation, that the applicant is fit, willing, and able properly to carry on the business of ocean freight forwarding, and is otherwise qualified within the provisions of applicable statutes and the requirements, rules, and regulations of the Commission.

(b) *To whom issued.* The Commission will issue a license only in the name of the applicant, whether the applicant be a sole proprietorship, a partnership, or a corporation, and the license will be issued to only one legal entity. A license issued to a sole proprietor doing business under a trade name shall be in the name of the sole proprietor, indicating the trade name under which the licensee will be conducting business. Only one license shall be issued to any applicant regardless of the number of names under which such applicant may be doing business.

(c) *Use limited to named licensee.* Except as otherwise provided in this

part, such license is limited exclusively to use by the named licensee and shall not be transferred to another person.

§ 510.20 Changes in organization.

(a) The following changes in an existing licensee's organization require prior approval of the Commission:

(1) Transfer of a corporate license to another person;

(2) Change in ownership of an individual proprietorship;

(3) Addition of one or more partners to a licensed partnership;

(4) Change in the business structure of a licensee from or to a sole proprietorship, partnership, or corporation, whether or not such change involves a change in ownership;

(5) Sale or transfer of five (5) percent or more of stock of a licensed corporation to new stockholder interests;

(6) Acquisition of one or more additional licensees, whether for purposes of merger, consolidation, or control (see section 15 of the Act);

(7) Any change in a licensee's name; or

(8) Change in the identity or status of the designated qualifying individual, except as discussed in paragraphs (b) and (c) of this section.

(b) *Operation after death of sole proprietor.* In the event the owner of a licensed sole proprietorship dies, the licensee's executor, administrator, heir(s), or assign(s) may continue operation of such proprietorship solely with respect to shipments for which the deceased sole proprietor had undertaken to act as an independent ocean freight forwarder pursuant to the existing license, if the death is reported within thirty (30) days to the Commission and to all principals for whom services on such shipments are to be rendered. The acceptance or solicitation of any other shipment is expressly prohibited until a new license has been issued. Applications for a new license by the said executor, administrator, heir(s), or assign(s) shall be made on Form FMC–18 Rev., and shall be accompanied by the transfer fee set forth in § 510.20(e) of this part.

(c) *Operation after retirement, resignation, or death of qualifying individual.* When a partnership or corporation has been licensed on the basis of the qualifications of one or more of the partners or offices thereof, and such qualifying individual(s) shall no longer serve in a full-time, active capacity with the firm, the licensee shall report such change to the Commission within thirty (30) days. Within the same 30-day period, the licensee shall furnish to the Commission the name(s) and detailed ocean freight forwarding experience of other active managing partner(s) or officer(s) who may qualify the licensee. Such qualifying individual(s) must meet the applicable requirements set forth in § 510.11(a) of this part. The licensee may continue to operate as an independent ocean freight forwarder while the Commission investigates the qualifications of the newly designated partner or officer.

(d) *Incorporation of branch office.* In the event a licensee's validly operated branch office undergoes incorporation as a separate entity, the licensee may continue to operate such office pending receipt of a separate license, provided that:

(1) The separately incorporated entity applies to the Commission for its own license within ten (10) days after incorporation, and

(2) The continued operation of the office is carried on as a bona fide branch office of the licensee, under its full control and responsibility, and not as an operation of the separately incorporated entity.

(e) *Application form and fee.* Applications for Commission approval of status changes or for license transfers under § 510.20(a) of this part shall be filed in duplicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, on Form FMC–18 Rev., together with a processing fee of $100, made payable by money order, certified check, or cashier's check to the "Federal Maritime Commission."

§ 510.21 Branch offices; interim operation.

A licensee operating a separately incorporated, but not separately licensed, branch office approved by the Commission prior to the effective date of this rule, may continue to operate such office while the application by the branch office for an individual license is pending. No such branch office may continue in operation unless it files an application for an individual license with the Commission within one year after the effective date of this rule.

Subpart C—Duties and Responsibilities of Freight Forwarders; Forwarding Charges; Reports to Commission

§ 510.31 General duties.

(a) *License; name and number.* Each licensee shall carry on the business of forwarding only under the name in which its license is issued and only under its license number as assigned by the Commission. Wherever the licensee's name appears on shipping documents, its FMC license number shall also be included.

(b) *Stationery and billing forms.* The name and license number of each licensee shall be permanently imprinted on the licensee's office stationery and billing forms. The Commission may temporarily waive this requirement for good cause shown if the licensee rubber stamps or types its name and FMC license number on all papers and invoices concerned with any forwarding transaction.

(c) *Use of license by others; prohibition.* No licensee shall permit its license or name to be used by any person who is not a *bona fide* individual employee of the licensee. Unincorporated branch offices of the licensee may use the license number and name of the licensee if such branch offices (1) have been reported to the Commission in writing and (2) are covered by an increased bond in accordance with § 510.15(c) of this part.

(d) *Arrangements with forwarders whose licenses have been revoked.* Unless prior written approval from the Commission has been obtained, no licensee shall, directly or indirectly, (1) agree to perform forwarding services on export shipments as an associate, correspondent, officer, employee, agent, or sub-agent of any person whose license has been revoked or suspended pursuant to § 510.17 of this part; (2) assist in the furtherance of any forwarding business of such person; (3) share forwarding fees or freight compensation with any such person; or (4) permit any such person directly or indirectly to participate, through ownership or otherwise, in the control of direction of the freight forwarding business of the licensee.

(e) *Arrangements with unauthorized persons.* No licensee shall enter into an agreement or other arrangement with a person not authorized by this part to transact forwarding business for others so that any resulting fee, compensation, or other benefit inures to the benefit of the unlicensed person. When a licensee is employed for the transaction of forwarding business by an unlicensed person who is not the actual shipper, the licensee must transmit to the actual shipper of the cargo a copy of the invoice for services rendered.

(f) *False or fraudulent claims, false information.* No licensee shall prepare or file or assist in the preparation or filing of any claim, affidavit, letter of indemnity, or other paper or document concerning a forwarding transaction which it has reason to believe is false or fraudulent, nor shall any such licensee knowingly impart to a principal, oceangoing common carrier or other

person, false information relative to any forwarding transaction.

(g) *Response to requests of Commission.* Upon the request of any authorized representative of the Commission, a licensee shall make available promptly for inspection or reproduction all records and books of account in connection with its forwarding business, and shall respond promptly to any lawful inquires by such representative.

(h) *Policy against rebates.* The following declaration shall appear on all invoices and certifications under §§ 510.32(h) and 510.33(c) of this part:

(Name of Firm) has a policy against payment, solicitation, or receipt of any rebate, directly or indirectly, which would be unlawful under the United States Shipping Act, 1916, as amended.

§ 510.32 Forwarder and principal; fees.

(a) *Beneficial interest.* No licensee shall act in the capacity of a shipper, consignee, seller or purchaser of any shipment in commerce from the United States, nor have any beneficial interest in such a shipment.

(b) *Compensation or fee sharing.* No licensee shall share, directly or indirectly, any compensation or freight forwarding fee with a shipper, consignee, seller, or purchaser, or an agent, affiliate, or employee thereof; nor with any person advancing the purchase price of the property or guaranteeing payment therefor; nor with any person having a beneficial interest in the shipment.

(c) *Withholding information.* No licensee shall withhold any information concerning a forwarding transaction from its principal.

(d) *Due diligence.* Each licensee shall exercise due diligence to ascertain the accuracy of any information it imparts to a principal concerning any forwarding transaction.

(e) *Errors and omissions.* Each licensee shall comply with the laws of the United States and any involved State, Territory, or possession thereof, and shall assure that to the best of its knowledge there exists no error, misrepresentation in, or omission from any export declaration, bill of lading, affidavit, or other document which the licensee executes in connection with a shipment. A licensee who has reason to believe that its principal has not, with respect to a shipment to be handled by such licensee, complied with the laws of the United States or any State, Commonwealth or Territory thereof, or has made any error or misrepresentation in, or omission from, any export declaration, bill of lading, affidavit, or other paper which the principal executes in connection with such shipment, shall advise its principal promptly of the suspected noncompliance, error, misrepresentation or omission, and shall decline to participate in any transaction involving such document until the matter is properly and lawfully resolved.

(f) *Express written authority.* No licensee shall endorse or negotiate any draft, check, or warrant drawn to the order of its principal without the express written authority of such principal.

(g) *Receipt for cargo.* Each receipt issued for cargo by a licensee shall be clearly identified as "Receipt for Cargo" and be readily distinguishable from a bill of lading.

(h) *Invoices; list of charges; exceptions.*

(1) Each licensee shall use an invoice which lists separately for each shipment:

(i) The actual amount of ocean freight assessed by the oceangoing common carrier;

(ii) The actual amount of consular fees paid;

(iii) The insured value, the actual insurance rate, and the actual premium paid the insurance company for insurance arranged;

(iv) The actual cost to the licensee for each accessorial service arranged by the licensee to be performed by others in connection with the shipment; and,

(v) The total service fee charged by the licensee unless the licensee has a special contract arrangement with the principal.

(2) Exceptions:

(i) The licensee need not list separately its costs for services set forth under §§ 510.32(h)(1)(ii), 510.32(h)(1)(iii) and 510.32(h)(1)(iv) of this part if the licensee has provided its principal with a prior written quotation of total charges for shipment(s), a copy of which it retains in the shipment file, and has received written authorization from the principal to forward the shipment(s) for that total charge.

(ii) Licensees who offer to forward small shipments for uniform charges available to the public at large and duly filed with the Commission shall not be required to itemize the components of such uniform charges on shipments so long as the charges have been quoted in writing to the shipper prior to the time of shipment.

(iii) Licensees who maintain a uniform schedule of fees for placing insurance and for performing accessorial services (stated by dollar amount and/or percentage of markup) need not itemize the components of such charges in their invoices. Licensees who elect to maintain such uniform pricing schedules must make the current schedule and every superseded schedule available upon request, and shall not assess fees different from those specified in the effective schedule. Such a schedule shall be filed with the Commission, posted in a conspicuous place in the forwarder's office, and shall be mailed request to shippers.

(i) *Special contracts.* To the extent that special arrangements or contracts are entered into by a licensee, the licensee shall not deny equal terms to other shippers similarly situated.

(j) *Reduced forwarding fees.* Except as otherwise provided in this part, no licensee shall render, or offer to render, any forwarding service free of charge or at a reduced fee in consideration of receiving compensation from oceangoing common carriers on the relevant shipment or for any other reason.

(k) *Accounting to principal.* Each licensee shall account to its principal(s) for overpayments, adjustments of charges, reductions in rates, insurance refunds, insurance monies received for claims, proceeds of c.o.d. shipments, drafts, letters of credit, and any other sums due such principal(s). These sums shall be forwarded promptly to the principal or, with the principal's written consent, may be used to offset the licensee's outstanding receivables due from such principal.

§ 510.33 Forwarder and carrier; compensation.

(a) *Disclosure of principal.* No licensee, acting in the capacity of an independent ocean freight forwarder, shall identify itself as the shipper on the shipper identification line which appears above the cargo description data on the bill of lading. The actual shipper must always be disclosed thereon. The forwarder's name may appear *after* the name of the actual shipper but the forwarder must be identified as agent.

(b) *Certification required for compensation.* An oceangoing common carrier may pay compensation to a licensee pursuant to such carrier's tariff provisions. If the carrier's tariff so provides, such compensation shall be paid for any shipment forwarded on behalf of others when, and only when, such carrier is in possession of a certification in the form prescribed in § 510.33(c) of this part, and the actual shipper has been disclosed on the bill of lading as provided for in § 510.33(a) of this part. The oceangoing common carrier shall be entitled to rely on such certification unless it knows that the certification is incorrect, and shall retain such certification for a period of five (5) years.

(c) *Form of certification.* Prior to receipt of compensation, the licensee shall file with the carrier, in addition to the anti-rebate certification required by § 510.31(h) of this part, a signed certification as set forth below on one copy of the relevant ocean bill of lading which indicates performance of at least two of the listed services in addition to arranging for space:

The undersigned hereby certifies that it is the holder of valid FMC License No. ——, issued by the Federal Maritime Commission and has, in addition to soliciting and securing the cargo specified herein or booking or otherwise arranging for space for such cargo, performed at least two (2) of the following services, as indicated:

(1) Coordinated the movement of the cargo to shipside.

(2) Prepared and processed the ocean bill of lading.

(3) Prepared and processed dock receipts or delivery orders.

(4) Prepared and processed consular documents or export declarations.

(5) Paid the ocean freight charges.

A copy of such certificate shall be retained by the licensee pursuant to section 510.34 of this part.

(d) *Compensation pursuant to tariff provisions.* No licensee, or employee thereof, shall accept compensation from an oceangoing common carrier which is different than that specifically provided for in the carrier's effective tariff(s) lawfully on file with the Commission.

(e) *Compensation; services performed by underlying carrier; exemptions.* No licensee shall charge or collect compensation in the event the underlying oceangoing common carrier, or its agent, has, at the request of such licensee, performed any of the forwarding services set forth in § 510.2(h) of this part, unless no other licensee is willing and able to perform such services, or unless the Commission has granted a port-wide exemption from this rule to oceangoing common carriers or their agents in the port of loading. Such exemptions may be granted by the Commission upon (1) application of any licensed forwarder, (2) publication of notice of application for such exemption in the **Federal Register** with a twenty (20) day public comment period, and (3) a finding by the Commission that an insufficient supply of forwarding services is being offered by licensees domiciled at the port of loading. Exemptions shall remain in effect until rescinded by the Commission.

(f) *Duplicative compensation or brokerage.* Where an oceangoing common carrier has paid or has incurred an obligation to pay either brokerage to an ocean freight broker or compensation to a licensee, such carrier shall not be obligated to pay additional compensation to any other person for forwarding services rendered on behalf of the same cargo.

(g) *Licensed oceangoing common carriers; compensation.* An oceangoing common carrier, agent, or person related thereto, acting as an independent ocean freight forwarder, may collect compensation when, and only when, the following certification is made on the "line copy" of the underlying carrier's bill of lading, in addition to all other certifications required by this part:

The undersigned certified that neither it, nor any related person, has issued a bill of lading covering the ocean transportation of the shipment covered by this bill of lading or otherwise undertaken common carrier responsibility therefor.

Whenever a person acts in the capacity of an oceangoing common carrier or agent thereof as to any shipment, such person shall not be entitled to collect compensation nor shall any underlying carrier pay such compensation to such oceangoing common carrier or agent thereof for such shipment.

§ 510.34 Records required to be kept.

Each licensee shall maintain in an orderly and systematic manner, and keep current and correct, all records and books of account in connection with its business of forwarding. These records must be kept in the United States in such manner as to enable authorized Commission personnel to readily determine the licensee's cash position, accounts receivable and accounts payable, and to verify information submitted under § 510.35 of this part. The licensee must maintain the following records for a period of five years:

(a) *General financial data.* A current running account of all receipts and disbursements, accounts receivable and payable, and daily cash balances, supported by appropriate books of account, bank deposit slips, cancelled checks, and a monthly reconciliation of bank statements.

(b) *Types of services by shipment.* A separate file for each shipment which includes a copy of each document prepared, processed, or obtained by the licensee with respect to such shipment.

(c) *Receipts and disbursements by shipment.* A record of all sums received and/or disbursed by the licensee for services rendered and out-of-pocket expenses advanced in connection with each shipment, including specific dates and amounts.

(d) *Special contracts.* A true copy, or if oral, a true and complete memorandum, of every special arrangement or contract with a principal, or modification or cancellation thereof, to which it may be a party. Authorized Commission personnel and *bona fide* shippers shall have access to such records upon reasonable request.

(e) *Exempt non-exclusive cooperative working arrangements.* As provided in section 510.36(b) of this part.

§ 510.35 Reports required to be filed.

Each licensee shall file with the Commission information and reports as follows:

(a) *Samples of office stationery and invoice forms.* Within sixty (60) days after licensing or approval of a change in business name or organization.

(b) *Non-exempt section 15 agreements.* As provided in § 510.36 of this part.

(c) Anti-rebate certification. By March 1st of each year, the Chief Executive Officer of every licensee shall certify that it has a policy against rebates, that it has promulgated such policy to all appropriate individuals in the firm, that it has taken steps to prevent such illegal practices which measures must be fully described in detail, and, that it will cooperate with the Commission in any investigation of suspected rebates. This certification shall be in accordance with the following format:

(Name of Filing Firm)

Certification of Policies and Efforts to Combat Rebating in the Foreign Commerce of the United States

Pursuant to the provisions of section 21(b) of the Shipping Act, 1916, as amended, and Federal Maritime Commission regulations promulgated pursuant thereto, 46 CFR parts 510 and 552,

I, ————, Chief Executive Officer of (Name of firm), holder of valid, independent ocean freight forwarder license #————, state under oath that:

1. It is the policy of (name of firm) to prohibit the participation of said freight forwarder in the payment, solicitation, or receipt of any rebate, directly or indirectly, to or by any carrier or shipper, which is unlawful under the provisions of the Shipping Act of 1916, as amended.

2. Each owner, officer, employee and agent of (name of firm) was notified or reminded of this policy on or before ———— of the present year.

3. (Set forth the details of measures instituted within the filing firm or otherwise to prohibit participation in the payment of illegal rebates in the foreign commerce of the United States.)

4. (Name of firm) affirms that it will fully cooperate with the Commission in its investigation of suspected rebating in United States foreign trades.

———————

Signature

Subscribed to and sworn before me this —— day of ————, 19 ——.

Notary Public

§ 510.36 **Section 15 Agreements.**

(a) *Filing for approval.* A copy of each written agreement and a true and complete memorandum of each oral agreement between a licensee and any other licensee, common carrier, or other person subject to the Act, and modifications or cancellations thereof, must be filed with the Commission for approval in accordance with Part 522 of this Chapter, if they are subject to section 15 of the Act and have not been exempted from the requirements of that section. Such submissions shall clearly show the nature of the agreement, the parties thereto, the port(s) involved, and subject matter in detail, and shall refer to any previously filed agreements to which they may relate. Except as provided for in paragraph (b) of this section, no agreements, or modifications or cancellations thereof, shall be implemented without prior approval of the Commission.

(b) *Exemptions.* Nonexclusive cooperative working agreements between licensed independent ocean freight forwarders, which provide for the completion of documentation and performance of other forwarder services on behalf of the parties to the agreements, are exempt from the provisions of section 15 of the Act, and need not be filed with the Commission for approval, but shall be retained in the files of the licensees. Such agreements shall be in the following format:

NONEXCLUSIVE COOPERATIVE WORKING AGREEMENT

Parties to the agreement are:

(a) (Company name) ———— (Street address) ———— (City, State, Zip)

FMC No. ——

(b) (Company name) ———— (Street address) ———— (City, State, Zip)

FMC No. ——

Terms of the agreement:

1. This is a cooperative, nonexclusive working arrangement (exempted under 46 CFR 510.36(b)) in which either party may complete documentation and perform other freight forwarder functions on behalf of the other party. Either of the parties may engage or be engaged by other forwarder(s) under a similar nonexclusive working agreement or pursuant to an agreement approved by the Federal Maritime Commission under the provisions of section 15 of the Shipping Act, 1916, as amended.

2. Forwarding fees are to be divided between the parties as follows:

3. Ocean freight compensation is to be divided between the parties as follows:

4. This agreement shall not be terminated on less than 15 days' notice to the other party.

(Signature) (Official Title) ————

(Date) ————

(Type in company name) ————

(Signature) (Official Title) ————

(Date) ————

(Type in company name) ————

By the Commission.

Joseph Polking,

Acting Secretary.

[FR Doc. 81-13153 Filed 4-30-81; 8:45 am]

BILLING CODE 6730-01-M

46 CFR Part 525

[Docket No. 80-82; General Order 44]

Exemption of Collective Bargaining Agreements From Filing and Approval Requirements; Removal

AGENCY: Federal Maritime Commission.

ACTION: Removal of exemption—final rule.

SUMMARY: The Commission's existing rule exempting collective bargaining agreements from the filing and approval requirements of section 15, Shipping Act, 1916, has been superseded by the Maritime Labor Agreements Act of 1980. The Commission's rule, 46 CFR Part 525, therefore is unnecessary and is removed by this action.

DATE: Effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. (202) 523-5725

SUPPLEMENTARY INFORMATION: On December 23, 1980, the Commission gave Notice in the **Federal Register** (45 FR 84832) of its intention to revoke 46 CFR 525 (Commission General Order 44), providing for the exemption of collective bargaining agreements from the filing and approval requirements of section 15, Shipping Act, 1916, 46 U.S.C. 814. That Notice was prompted by the enactment of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021, which removes collective bargaining agreements from the requirements of section 15. The American Trucking Associations, Inc. (ATA) filed comments, which do not oppose the proposed revocation of 46 CFR 525, but rather focus on the scope of the Maritime Labor Agreements Act of 1980.

Generally, ATA points out that the Maritime Labor Agreements Act of 1980 does not affect the Commission's responsibility to ensure that carriers provide services and facilities, including access to and the use of containers, to all persons on a nondiscriminatory basis. The Commission does not disagree with this assessment but is of the view that it is not relevant to the matter at issue. The fact is that the types of agreements, *i.e.*, those arising from collective bargaining, which 46 CFR 525 exempts from regulation under section 15, have since been statutorily removed altogether from Commission jurisdiction under that section. It follows therefore that the administrative exemption provided by 46 CFR 525 is no longer necessary or appropriate.

PART 525—[REMOVED]

Therefore, it is ordered, That effective May 1, 1981, Part 525 of Title 46 of the Code of Federal Regulations is removed.

By the Commission.

(Secs. 15, 35 and 43; 46 U.S.C. 814, 833 and 841a)

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-13200 Filed 4-30-81; 8:45 am]

BILLING CODE 6730-01-M

Proposed Rules

Federal Register
Vol. 46, No. 84
Friday, May 1, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Petitions for Rulemaking; Issuance of Quarterly Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of quarterly report.

SUMMARY: The Nuclear Regulatory Commission has issued the March 31, 1981, Quarterly Report on Petitions for Rulemaking. This report is issued in accordance with 10 CFR 2.802 and is a quarterly summary of petitions for rulemaking that are pending final action.

ADDRESSES: A copy of this report, designated NRC Petitions for Rulemaking—March 31, 1981, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Requests for single copies of this report, or a request to be placed on an automatic distribution list for single copies for future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, Telephone 301–492–7086.

Dated at Bethesda, Maryland, this 29th day of April, 1981.

For the Nuclear Regulatory Commission.

J. M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 81-13289 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 210

[Docket No. R-0357]

Collection of Checks and Other Items and Transfer of Funds; Regulation J

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rules.

SUMMARY: The Board proposes to make several technical amendments to Subpart A of Regulation J, governing the collection of checks and other items by Reserve Banks, in order to implement the Monetary Control Act of 1980 and for other purposes. First, the proposal would define both a "sender" and a "bank" to include a depository institution as defined in section 19(b) of the Federal Reserve Act, as amended by the Monetary Control Act of 1980. Second, the proposal would impose upon a paying bank that returns an item an indemnity for loss or expense resulting from return of the item beyond the deadlines provided in the regulation. Third, the proposal would incorporate in Subpart A provisions for the collection of coupons and other securities similar to the provisions with respect to payment and return of cash items, other than the deadlines for payment and return. Fourth, the proposal would impose a warranty, and a related indemnity, upon a paying bank when it returns a cash item. The paying bank would warrant that it gave wire advice of nonpayment, if such wire advice was required by the Federal Reserve Bank operating circulars.

DATE: Comments must be received by June 19, 1981.

ADDRESS: Comments, which should refer to Docket No. R–0357, may be mailed to James McAfee, Assistant Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Lee S. Adams, Senior Counsel (202/452–3623), or Joseph R. Alexander, Attorney (202/452–2489), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The following technical amendments to Subpart A of Regulation J, governing the collection of checks and other items by Reserve Banks, are proposed by the Board to implement the Monetary Control Act of 1980 and as technical improvements to the regulation. The Monetary Control Act amendment would extend access to Reserve Bank collection services to all depository institutions on an equal basis. The technical proposals generally strengthen and clarify the protections provided by the regulation to the senders of items and enable sending banks to make credit more readily available for cash items and securities deposited by customers for collection. The proposals do not impose additional operating burdens on paying banks with respect to either cash or noncash items. The four proposals are further described as follows:

1. *Expanded Access to Collection Services.* The Monetary Control Act of 1980 (Pub. L. 96–221, Title I) expands access to Reserve Bank check collection, wire transfer and other services to all depository institutions and requires that charges be imposed for such services. Expanded access and pricing for wire transfers of funds, governed by Subpart B of Regulation J, became effective January 29, 1981; amendments to Subpart B of Regulation J were not necessary to implement this expanded service. It is intended that expanded access for Reserve Bank automated clearing house services will be covered by a uniform operating circular to be issued by the Reserve Banks.

Expanded access and pricing for cash and non cash item collection services are currently scheduled for August and October of 1981, respectively, and the proposed amendments to Subpart A of Regulation J are intended simply to implement this expanded access by broadening the definition of "sender" in Subpart A to include a "depository institution" as defined in section 19(b) of the Federal Reserve Act. Charges for collection services are being published separately.

The proposed amendments would also clarify that the term "bank" includes a depository institution as defined in

section 19(b). The Consumer Checking Account Equity Act of 1980 (Pub. L. 96–221, Title III) authorizes depository institutions (as defined in 12 U.S.C. 1832(b)) to offer NOW accounts and credit unions to offer share draft accounts beginning December 31, 1980. The Board believes depository institutions (including credit unions) should be considered "banks", at least to the extent they offer third-party payment accounts equivalent to checking accounts, for purposes of Article 4 of the Uniform Commercial Code ("UCC") and Subpart A of Regulation J. If a depository institution is not a "bank" for purposes of Article 4 of the UCC and Subpart A, it would not have deferred posting rights and would have to pay or return items by the close of business on the day of presentment.

2. *Late Return of Cash Items.* Section 210.9 of Regulation J now provides that a paying bank is accountable for the amount of the cash item for which it has made provisional payment unless it returns the item within a specified time, generally referred to as the midnight deadline. Section 210.12 now provides that a paying bank warrants to the Reserve Bank and all other prior parties in the chain of collection that the paying bank returned a cash item in timely fashion. Section 210.12 also provides that the paying bank indemnifies the Reserve Bank for any loss or expense sustained (including attorney's fees and expenses of litigation) resulting from a breach of this paying bank's warranty. The proposal would extend the benefit of the indemnity by the paying bank to the sender and all parties prior to the paying bank, and would thereby conform the scope of the indemnity to the scope of the warranty of timely return.

In 1975, the Reserve Banks included in their cash item operating circulars a procedure whereby a sender could challenge the timeliness of return of an item by a paying bank, and this procedure was recently revised. The current procedure provides for the issuance of a certificate by the sender alleging late return by the paying bank and for the giving of a provisional credit by the Reserve Bank to the sender on the basis of that certificate. The provisional credit will be revoked if a Reserve Bank received from the paying bank, within 15 days after having sent the sender's certificate to it, a certificate by the paying bank that it did all that was necessary to return the item in a timely manner under Regulation J. Despite this procedure, sending banks continue to complain that paying banks sometimes return items in an untimely manner. Sending banks also complain that it is not financially feasible to bring suit in a distant jurisdiction against the paying bank on the basis of an alleged untimely return, particularly where the amount of the item is rather small. The Board believes that if senders are indemnified by paying banks for attorneys' fees and expenses of successful litigation, they may be encouraged to enforce the timely return requirements, and payors might be less willing to assume the business risk of returning items late and breaching their warranty.

The Board also believes that this amendment and the recently revised procedure in the operating letters should enhance the ability of senders to rely upon returns being made within certain periods of time, depending upon the location of the paying bank with respect to the sender, and accordingly should permit senders to shorten the time by which they defer credit to their customers for items deposited. The regulatory provisions of course only apply to items handled by Reserve Banks.

3. *Handling of Coupons and Other Securities by Reserve Banks as Noncash Items.* In 1975, the Reserve Banks implemented the first phase of a reformation of their noncash collection operations by refusing to handle many noncash items other than securities (such as drafts drawn upon nonbank payors), and by requiring that coupons be enclosed in window envelopes for handling on a "said to contain" basis without examination of the coupons by the Reserve Banks. On October 1, 1979, the Reserve Banks implemented "cash" treatment of coupons and certain other securities by granting credit for these securities according to an availability schedule, subject to receipt of final payment from the payor. Thereafter, the Reserve Banks implemented automatic charge arrangements with payors, whereby the payors pay for such securities through a charge to an account on the Reserve Bank's books. These changes have resulted in the narrowing of differences between Reserve Bank handling of cash items (such as checks) and securities, which are classified as noncash items because they require special handling. For example, coupons and certain other securities, like cash items, now have credit given for them according to an availability schedule, rather than upon receipt of final payment as was formerly the case. In addition, these securities are now paid under automatic charge agreements, like cash items.

Because of the erosion of differences between cash items and security noncash items, the Board is proposing certain amendments to its Subpart A of Regulation J to parallel, with respect to securities, the provisions relating to payment and return of cash items. For example, it is proposed to amend § 210.9 to impose accountability upon the payor of a security for securities received by it unless it pays or returns the security within a stated deadline. The deadline for payment and return of securities, previously specified in Reserve Bank operating letters, has been the banking day following either the day of maturity of the security or the day on which the payor receives the security, whichever is later. This deadline is not changed and is carried over into the regulation. Similarly, § 210.12 is proposed to be amended to specify that the security must be returned by the payor prior to this deadline in order to avoid accountability and to recover any payment that may have been made under an automatic charge agreement. In addition, § 210.12 would be amended to provide that a Reserve Bank has no responsibility for determining whether a payor returned a security in timely fashion. The regulation would not specify the availability schedule for credit to sending banks for securities deposited for collection. Such availability schedules would continue to be found in the Reserve Bank operating letters as in the case of cash items. The Board believes that the proposed amendments are necessary in order to more clearly reflect the new operational reality. In addition the provisions would underline the responsibility of payors to pay or return within the specified deadline, and would provide for automatic charge as the expected means of payment by all payors of securities.

4. *Wire Advice of Nonpayment for Cash Items.* Currently, the Reserve Bank cash item operating letters, with certain exceptions, impose a uniform instruction calling for wire advice of nonpayment of cash items being returned for credit if the cash item is $2,500 or more. The wire advice requirement is intended to speed up the notice of dishonor or nonpayment to the sender of the cash item, and is an additional requirement imposed upon the paying bank. The circulars do not make the paying bank accountable if wire advice is not given, and the courts (see *Bank of Wyandotte* v. *Woodrow*, 394 F. Supp. 550 (W.D. Mo. (1975)), have generally held that if wire advice is not given, damages may be recovered by the sender only if the damages would have been averted if wire advice had been given. With faster clearing by Reserve

Banks, the return item itself sometimes is received by the sender as soon as the wire advice is or would have been received, and as a result, a recent Bank Administration Institute report indicates that the giving of wire advice has declined to the point where paying banks give wire advice perhaps less than 50 percent of the time it is required. As is the case with monitoring timely return of cash items by paying banks, the Reserve Banks disclaim any responsibility for determining whether a paying bank has given wire advice of nonpayment, and the Reserve Banks give wire advice themselves only if they receive it from a paying bank.

The Board believes that it is important to encourage prompt notice to the sending bank of a return of a cash item. If the sending bank can be assured of obtaining prompt notice of nonpayment, it will be encouraged to shorten the time it defers credit to its customers for items deposited for collection. On the other hand, the Board believes that it is not feasible at this time to require paying banks to initiate wire advice directly to the depositing bank, or to require expedited handling of wire advice of nonpayment by banks in the collection chain. However, the Board does believe that paying banks should be encouraged to initiate wire advice, since the item itself may be delayed in return. Accordingly, the Board proposes to impose upon the paying bank a warranty that it has given wire advice when required, and an indemnity to the parties prior to the paying bank for loss and expense (including attorneys' fees and expenses of litigation) resulting from breach of this warranty by the paying bank. If this proposal is adopted, the Reserve Banks intend to modify their operating circulars to raise the minimum amount of a cash item for which advice is required from $2,500 to $5,000.

Regulatory Flexibility Act Analysis

The Board has considered the requirements imposed by the Regulatory Flexibility Act with respect to the impact of the rulemaking on small financial institutions. Due to the nature of Regulation J, the Board does not feel it could differentiate between large and small institutions in the regulation. Regulation J is an operating rule which governs the relationship between Reserve Banks and depository institutions utilizing Federal Reserve check collection and wire transfer services. The collection activities of the Reserve Banks closely resemble those of correspondent commercial banks. While Article 4 of the Uniform Commercial Code governs the rights and obligations of commercial banks handling items for collection, Regulation J both supplements and restricts the operation of Article 4 in defining the relationships, rights, and obligations of the Reserve Banks with respect to senders, paying banks, nonbank payors and other organizations involved in the Federal Reserve collection process. Thus, the UCC and Regulation J are closely intertwined. Section 4–103(3) of the UCC gives contractual effect to the provisions of Regulation J and Reserve Bank operating circulars. Similarly, Regulation J contains provisions incorporating applicable State law, which in all States is the UCC. One of the central purposes of these bodies of law is to develop a uniform set of rules that institutions can rely upon with some degree of certainty as they exchange and collect commercial instruments, and the Board does not feel it can inject into this structure distinctions based upon the size of an entity. In addition, the amended rule will not impose additional reporting, recordkeeping, or other compliance burdens on such small businesses, and consequently the Board need not consider alternatives to the rule that would minimize its impact on small businesses. Where possible, the Federal Reserve intends to reduce operational burdens on all sizes of institutions. For example, if the amendment regarding wire advice of nonpayment is adopted by the Board, the Reserve Banks intend to modify their operationing circulars to raise the minimum amount of a cash item for which advice is required in order to reduce the number of items to which the proposed amendment will apply. Finally, no other Federal regulations duplicate, overlap, or conflict with the proposed amended Regulation J.

Pursuant to its authority under section 13 of the Federal Reserve Act, as amended (12 U.S.C. 342); section 16 of the Federal Reserve Act (12 U.S.C. 248(o); 12 U.S.C. 360); and section 11(i) of the Federal Reserve Act (12 U.S.C. 248(i)), the Board proposes to amend Regulation J (12 CFR 210) as follows:

1. In § 210.2, new paragraphs (b) and (k) are added and existing paragraphs (b) through (k) are revised and redesignated paragraphs (c) through (m), and reads as follows:

§ 210.2 Definitions.

As used in this subpart, unless the context otherwise requires:

* * * * *

(b) "Bank" includes a depository institution as defined in section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)).

(c) "Bank draft" means a check drawn by one bank on another bank.

(d) "Banking day" means a day during which a bank is open to the public for carrying on substantially all of its banking functions, and, with respect to a nonbank payor, means a business day.

(e) "Cash item" means:

(1) A check other than one classified as a noncash item under this section; or

(2) Any other item payable on demand and collectible at par that the Reserve Bank of the District in which the item is payable is willing to accept as a cash item.

(f) "Check" means a draft, as defined in the Uniform Commercial Code, that is drawn on a bank and payable on demand.

(g) "Item" means an instrument for the payment of money, whether negotiable or not, that is:

(1) Payable in a Federal Reserve District [1] ("District");

(2) Sent by a sender to a Reserve Bank for handling under this subpart; and

(3) Collectible in funds acceptable to the Reserve Bank of the District in which the instrument is payable.

Unless otherwise indicated, "item" includes both cash and noncash items. "Item" does not include a check that cannot be collected at par,[2] or an "item" as defined in § 210.26 that is handled under Subpart B.

(h) "Nonbank payor" means a payor of an item, other than a bank.

(i) "Noncash item" means an item that a receiving Reserve Bank classifies in its operating circulars as requiring special handling. The term also means an item normally received as a cash item if a Reserve Bank decides that special conditions require that it handle the item as a noncash item.

(j) "Paying bank" means:

(1) The bank by which an item is payable, unless the item is payable or collectible through another bank and is sent to the other bank for payment or collection; or

(2) The bank through which an item is payable or collectible and to which it is sent for payment or collection.

(k) "Security" means a bond, debenture, coupon, or similar evidence of indebtedness, that a Reserve Bank classifies as a noncash item. Security does not include an obligation of the United States or of its agencies or instrumentalities, or an obligation of an international organization paid by a Reserve Bank as fiscal agent.

(l) "Sender" means any of the following that sends an item to a Reserve Bank: a depository institution, a clearing institution, another Reserve Bank, an international organization, a foreign correspondent, or a branch or agency of a foreign bank maintaining reserves under section 7 of the

[1] For purposes of this subpart, the Virgin Islands and Puerto Rico are deemed to be in the Second District, and Guam and American Samoa in the Twelfth District.

[2] The Board publishes a "Memorandum on Exchange Charges," listing the banks that would impose exchange charges on cash items and other checks forwarded by Reserve Banks and therefore would not pay at par.

International Banking Act of 1978. (12 U.S.C. 347d and 3105).

(l) "Depository institution" means a depository institution as defined in section 19(b) of the Federal Reserve Act. (12 U.S.C. 461(b))

(2) "Clearing institution" means:

(i) An institution that is not a depository institution, but maintains with a Reserve Bank the balance referred to in the first paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342); or

(ii) A corporation that maintains an account with a Reserve Bank in conformity with § 211.4 of this Chapter (Regulation K).

(3) "International Organization" means an international organization for which a Reserve Bank is empowered to act as depositary or fiscal agent and maintains an account.

(4) "Foreign correspondent" means any of the following for which a Reserve Bank maintains an account: a foreign bank or banker, a foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. 358).

(m) "State" means a State of the United States, the District of Columbia, Puerto Rico, or a territory, a possession, or dependency of the United States.

2. In § 210.9, new paragraph (b) is added and paragraphs (c) through (f) are redesignated and revised as follows:

§ 210.9 Payment.

* * * * *

(b) *Noncash Items-Securities*—A paying bank or nonbank payor becomes accountable for the amount of a security, received directly or indirectly from a Reserve Bank, at the close of the paying bank's or nonbank payor's banking day next following either the day of maturity or the banking day on which it received the security, whichever is later, if it retains the security after the close of that banking day, unless, prior to that time, it pays for the security by:

(1) Debit to an account on the Reserve Bank's books;

(2) Cash; or

(3) In the discretion of the Reserve Bank, any other form of payment.

The proceeds of any payment shall be available to the Reserve Bank by the close of the Reserve Bank's banking day. If the day for payment is not a banking day for the Reserve Bank, payment shall be made on the next day that is a banking day for both the Reserve Bank and the paying bank or nonbank payor.

(c) *Other noncash items.* A Reserve Bank may require the paying or collecting bank to which it has presented or sent a noncash item, other than a security, to pay for the item in cash, but the Reserve Bank may permit payment by a debit to an account on the Reserve Bank's books or by any of the following that is in a form acceptable to the Reserve Bank: bank draft, transfer of funds or bank credit, or any other form of payment authorized by State law.

(d) *Nonbank payor.* A Reserve Bank may require a nonbank payor to which it has presented an item, other than a security, to pay for it in cash, but the Reserve Bank may permit payment in any of the following that is in a form acceptable to the Reserve Bank: cashier's check, certified check or other bank draft or obligation.

(e) *Handling of payment.* A Reserve Bank may handle a bank draft or other form of payment it receives in payment of a cash item as a cash item. A Reserve Bank may handle a bank draft or other form of payment it receives in payment of a noncash item as either a cash item or a noncash item.

(f) *Liability of Reserve Bank.* A Reserve Bank shall not be liable for the failure of a collecting bank, paying bank, or nonbank payor to pay for an item, or for any loss resulting from the Reserve Bank's acceptance of any form of payment other than cash authorized in paragraphs (a), (b), (c), and (d) of this section. A Reserve Bank that acts in good faith and exercises ordinary care shall not be liable for the nonpayment of, or failure to realize upon, a bank draft or other form of payment that it accepts under paragraphs (a), (b), (c), and (d).

3. Section 210.12 is revised to read as follows:

§ 210.12 Return of items.

(a) *Recovery of payment for cash items.* A paying bank that receives a cash item directly or indirectly from a Reserve Bank, other than for immediate payment over the counter, and that pays for the item as provided in § 210.9(a) of this subpart, may recover the payment if, before it has finally paid the item, it:

(1) Returns the item before midnight of its next banking day following the banking day of receipt; or

(2) Takes any other action to recover the payment within the times and by the means provided by State law.

(b) *Return of securities.* A paying bank or nonbank payor that receives a security directly or indirectly from a Reserve Bank may return the security, and recover any payment it has made for the item, if it returns the item before the close of the paying bank's or nonbank payor's banking day next following either the day of maturity or the banking day on which it received the security, whichever is later.

(c) *Time for return.* The rules or practices of a clearinghouse through which the item was presented, or a special collection agreement under which the item was presented, may not extend the return times in paragraphs (a) and (b), but may provide for a shorter return time.

(d) *A paying bank's or nonbank payor's warranties and agreement.* A paying bank or nonbank payor that obtains a credit or refund for the amount of a payment it has made for a cash item or that returns a security:

(1) Warrants to the Reserve Bank, a subsequent collecting bank, and the sender and all prior parties, that it took all action necessary to entitle it to recover its payment or to return the security within the time limits of: (i) This subpart; (ii) for a cash item, State law, unless a longer time is afforded by this subpart; (iii) the rules or practices of any clearinghouse through which the item was presented; and (iv) any special collection agreement under which the item was presented;

(2) Warrants to the Reserve Bank, a subsequent collecting bank, and the sender and all prior parties, that it gave timely any wire advice of nonpayment required by the Reserve Bank's operating circular; and

(3) Agrees to indemnify the Reserve Bank, a subsequent collecting bank, and the sender and all prior parties, for any loss or expense sustained (including attorneys' fees and expenses of litigation) resulting from any breach of the warranty in § 210.12(d) (1) or (2).

A Reserve Bank shall not have any responsibility for determining whether the action taken by a paying bank or nonbank payor to return an item was timely, or whether wire advice of nonpayment was given by a paying bank.

By order of the Board of Governors, April 24, 1981.

James McAfee,

Assistant Secretary of the Board.

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FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 545, 563, 571

[No. 81-207]

Futures Transactions

April 23, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Board proposes to amend its regulation and policy statement governing use of the interest-rate futures markets by institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, so that institutions may protect more effectively their operations against interest-rate risks. Major proposed changes include permitting use of Treasury securities futures contracts, eliminating eligibility requirements for engaging in futures transactions, reducing current limitations on investments in futures transactions, and extending coverage of the regulations governing futures transactions to state-chartered institutions as well as Federal associations.

DATE: Comments must be received by: May 29, 1981.

ADDRESS: Send comments to Information services, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION, CONTACT: Susan Kelsey, Office of Policy and Economic Research (202–377–6914), Robert Losey, Federal Savings and Loan Insurance Corporation (202–377–6620), or Peter Barnett, Office of General Counsel (202–377–6445), at the above address.

SUPPLEMENTARY INFORMATION:

Background

In October, 1975, the Chicago Board of Trade initiated an interest-rate futures market with trading in GNMA interest-rate futures contracts. The interest-rate futures market provides corporations, thrift institutions, banks, mortgage bankers, debt instrument dealers and institutional investors with the ability to hedge against unanticipated adverse movements in interest rates.

In June of 1976, the Board authorized Federal savings and loan associations to engage in Government National Mortgage Association ("GNMA") futures transactions to hedge mortgage and mortgage-related security commitments and in connection with anticipated reinvestment of expected mortgage cash flow. The GNMA futures market developed rapidly, and the national commodities exchanges have expanded the interest-rate futures markets to encompass several other financial instruments as well, including U.S. Department of Treasury bills, notes and bonds.

The interest-rate futures market provides an opportunity for users to hedge against the risks of unanticipated movements of interest rates. An interest-rate futures contract is an agreement to buy or sell a specified amount of a particular interest-bearing instrument at a specified price and date in the future. Futures contracts allow a hedger to take a position in the futures market which is equal and opposite to a position taken in the "cash" market so that losses in one will be offset approximately by gains in the other regardless of the direction in which rates move. This can be of particular value to thrift institutions whose earnings have become increasingly vulnerable to high and volatile interest rates.

The primary interest-rate risk to thrift institutions arises from the fact that they generally borrow short and lend long. In periods of rising interest rates, rates paid on short-term liabilities rise faster than the yield on long-term assets, thus causing a decline in profitability. In the long run, asset yields adjust upwards to restore normal profitability, but that process may take a number of years.

Since the mid-1960's, interest rates have fluctuated widely, making the savings and loan industry subject to periodic outflows of funds, known as disintermediation, and declines in earnings when interest rates are high. Recently, disintermediation-related problems have been offset to some degree by the introduction of liabilities sensitive to market rates of interest, such as savings certificates indexed to U.S. Department of Treasury securities (the 6-month money market certificate (MMC) and 30-month small saver certificate (SSC)), but savings and loans are still subject to very substantial swings in profits as a result of having predominantly fixed-yield assets with long average maturities and liabilities sensitive to market rates of interest with short maturities.

The Board has attempted to provide savings and loans with the ability to mitigate such profitability declines by expanding asset powers to include short term assets such as consumer loans and by authorizing mortgage instruments with adjustable interest rates. However, because interest rates on consumer loans historically are slow to adjust to changes in money market rates of interest and the accumulation of adjustable-rate mortgage portfolios will require some time, the savings and loan industry remains subject to the consequences of volatile interest rates.

Hedging with interest-rate futures contracts can be used to lower the vulnerability of savings and loans to narrowing asset yield/liability cost spreads. These hedging activities, which would allow savings and loans to lower their risk exposure, are now either prohibited or severely restricted by Board regulations. However, proper use of such contracts can achieve a number of desirable results, most notably:

(1) Lowering the risk of forward commitments (e.g., to purchase mortgage-related securities or loan commitments to builders) by assuring offsetting compensation when the securities or loans are below market rate at settlement. (In effect, a hedge transaction can assure that a fixed-rate forward commitment yields approximately a market rate of return upon settlement, even if interest rates have risen in the interim);

(2) Locking in sources of financing sensitive to market rates of interest (such as MMCs and SSCs) at known rates so as to decrease the risk involved in making long-term loans and forward commitments; and

(3) Diminishing the adverse effects of decreasing asset yield/liability cost spreads resulting from increases in interest rates on liabilities relative to the yields on assets.

For example, an institution could take a "short" position in the GNMA futures market (sell a GNMA futures contract) to hedge against the risk of rising interest rates on forward commitments to originate mortgages or purchase mortgage-related securities. If interest rates increase, the gain on the futures market contract should offset approximately the loss incurred on the underlying cash market transaction at settlement. (Of course, a decline in interest rates will cause a loss on the futures market transaction, but it should be offset approximately by the gain on the cash market transaction.) A short position on the GNMA futures market could also be used to offset declines in the value of mortgages in portfolio and thus enable a savings and loan to sell them without incurring significant net losses, or to retain mortgages, with the gains and losses from the short sales having the effect of converting fixed-rate mortgages into floating-rate mortgages. As another example, short Treasury bill futures positions can be used to lock in the cost of liabilities such as MMCs thereby assuring a spread between asset yields and liability costs. Lastly, rather than hedging specific transactions, an association might hedge the net interest-rate risk exposure arising from the maturity imbalance between its assets and liabilities. To do this, the association would determine the gap between the maturities of its assets and liabilities and would establish a short futures position in GNMA or Treasury bond futures contracts to offset

fluctuations in profitability caused by fluctuations in market interest rates.

Although interest-rate futures contracts can be used to reduce interest-rate risk and profit volatility, there are costs associated with futures trading as well as potential losses. For example, an institution intending to engage in a hedging program using the futures markets must give careful consideration to potential basis risk, that is, the risk that the difference between cash market and futures market prices will be larger than anticipated and will result in an imperfect offset between gains or losses in an institution's operations and its futures transactions. The depth of the futures markets being made use of, transactions costs, and the availability of assets for meeting margin requirements must also be considered. No institution should engage in futures hedging without a careful assessment of the interest-rate risk it is hedging against, how the futures market can be used most efficiently to counter this risk, and these other factors.

In light of the expanded trading in interest-rate futures and the increased need for hedging arising from the volatility of interest rates, the Board proposes to revise its regulations governing interest-rate futures transactions. The changes proposed are described below.

Proposed Amendments

Elimination of Eligibility Requirements. The current regulations require that an institution meet the following requirements, unless waived gy the Board, before it may engage in futures transactions:

(1) The net-worth requirements of 12 CFR § 563.13(b);

(2) A ratio of scheduled items to assets not exceeding 2.5 percent; and

(3) Appraised losses offset by specific loss reserves to the extent required under 12 CFR § 563.17–2.

The Board proposes to eliminate threshhold eligibility requirements. These requirements were imposed at a time when the futures market in interest rates had been recently established, and its consequences for savings and loans were uncertain. While institutions must still meet net worth and specific loss reserve requirements as required pursuant to §§ 563.13(b) and 563.17–2, it is no longer necessary to specify these requirements and to require a low scheduled-items ratio for an institution to engage in legitimate hedging activities. Limiting futures transactions to legitimate hedging provides the assurance of safe and sound operations intended by the eligibility requirements. In addition, lifting the requirements would be in keeping with the liberalization embodied in the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. No. 96–221, 94 Stat. 132, and the Board's recent regulatory actions. Finally, institutions most in need of the interest-rate risk protection afforded by the futures market could be precluded from engaging in futures transactions by the eligibility requirements of the current regulation.

Board of Directors' Authorization. Although there are significant benefits to be gained from proper use of the future markets, losses are also possible, and there may be a strong temptation to speculate by those who feel they can anticipate interest-rate movements. Since futures trading is complex and sophisticated, and a thorough analysis of an institution's interest-rate risks and identification of a hedging strategy is necessary to assure the most effective use of the futures market, the Board is proposing to require specific authorization from the board of directors before an institution engages in futures transactions. A requirement of written policies endorsed by the board of directors should assure knowledgeable and reasoned entry into futures trading and also provide examiners with a measure against which to assess an institution's futures activity. The Board believes it to be essential that a hedging strategy that relates futures activity to the legitimate business of the institution be formulated and endorsed at the highest levels of management. Accordingly, the proposal would require that an institution's board of directors adopt written policies and procedures with respect to its hedging activities, including internal control mechanisms, and specify the personnel authorized to engage in futures trading, along with their duties and responsibilities, and position limits that may not be exceeded.

Recordkeeping Requirements. In order to provide examiners with a basis for evaluating futures transactions, the proposal would specify the recordkeeping requirements for an insured institution engaging in interest-rate futures transactions. These include: (1) a register of all outstanding futures contracts; (2) a record of each futures contract outstanding, the purpose for which the contract was entered into, and the cash market transaction(s) or position(s) against which it is matched; and (3) retention of the records specified in (1) and (2) for all closed-out futures transactions for a period of two years. With the exception of the specified retention period, these requirements are substantially the same as the existing regulation.

Authorized Transactions and Position Limit. The current regulations provide that savings and loans may engage only in GNMA futures transactions and limit permissible transactions to those which can be directly matched against: (1) firm commitments, which are defined as commitments to make, purchase, issue or deliver mortgage loans or mortgage-related securities; or (2) anticipated reinvestments in mortgages and mortgage-related securities of expected repayments (including mortgage principal and interest but excluding prepayments and penalties) over the forthcoming 12-month period. An institution's gross position (the arithmetic sum of all of its futures contracts) may not exceed net worth.

The proposal would revise the trading authority and position limit in a number of ways. First, the Board proposes to prohibit "long" futures positions (futures contracts to take delivery of securities). The long futures position is an inherently speculative position for savings and loans due to their asset/liability structure. Because the asset/liability maturity imbalance of institutions is an inherent long position, increases in open market interest rates cause declines in profitability just as such interest-rate increases cause losses on long positions in the futures market. If an institution were to take a long position in the futures market, fluctuations in open market interest rates would intensify the already substantial profit volatility of the institution. Increases in interest rates would cause futures market losses on long positions in addition to the declines in profitability the institution would suffer from its normal operations. While a long position in the futures market may be a legitimate hedge for some firms, it is necessarily a speculative position for savings and loans.

The prohibition of long positions would preclude the use of the so-called anticipatory cash flow "hedge." The cash flow hedge is a long position taken to lock in the yield on an asset to be acquired in the future through the reinvestment of the institution's anticipated cash flow. However, while this hedge does lock in the yield on the asset, it does not lock in the cost of the deposit liability that will support that asset. Since an asset/liability spread is not guaranteed, the so-called cash flow hedge is not really a hedge at all; it is a speculative position. Accordingly, the Board proposes to prohibit such futures transactions.

The proposed prohibition of long positions is based on the overall risk-exposure position of institutions. While long positions legitimately may reduce the riskiness of specifics transactions such as fixed-rate commitments to sell securities, the Board believes that the proper context for evaluating the desirability of long positions is the effect of those positions on the overall risk exposure of an institution. As long as savings and loans have a substantial maturity imbalance of long-term assets and short-term liabilities, the Board believes that long positions will increase the overall risk exposure of institutions and thus should be prohibited.

Secondly, the Board proposes to authorize additional types of hedging transactions and to authorize use of additional futures contracts. Excluding the positions discussed above, the only other permitted futures transaction under the current regulation is matching a futures contract against a firm commitment to make, purchase or issue mortgages or mortgage-related securities. However, futures contracts can be used to hedge the interest-rate risks of associations in a number of other ways. For example, short futures positions can be used to:

(a) protect the value of mortgages in portfolio against rising rates;

(b) fix liability costs and assure a spread between interest-sensitive liability costs and fixed-rate asset yields; and

(c) hedge against the net interest-rate risk exposure associated with mismatches between asset and liability maturities.

To permit these other types of hedges, the Board is proposing to allow use of Treasury bill, Treasury note and Treasury bond futures contracts by institutions in addition to GNMA futures contracts and to eliminate the requirement that futures positions be "directly matched against an association's firm commitments, or against anticipated reinvestments in mortgages and mortgage related securities of its expected repayments over the forthcoming 12-month period." These actions would permit the types of hedging described above. The Board seeks comments on the appropriateness of the proposed contracts and whether additional futures contracts should be authorized.

Thirdly, to permit institutions to have greater flexibility in hedging operations, the Board proposes to revise the current position limit, which restricts an association's gross futures position to its net worth. The Board is proposing to permit institutions to engage in futures transactions up to a limit of 85 percent of assets on open futures positions. Because assets not held for investment (e.g., buildings and equipment) and investments not subject to interest-rate risk (e.g., commercial real estate loans indexed to the prime rate) do not need to be hedged, the proposed limit should allow an institution to hedge its interest-rate risk exposure fully. It should be noted that the position limit does not prevent an institution from entering into offsetting futures contracts to close out open positions. In addition, if an institution enters into a so-called "strip" of futures contracts as part of a single hedging transaction, only one contract of the strip of contracts will be counted against the position limit. A strip is a series of successively maturing futures contracts in which the maturity date of a given contract in the series is approximately the same as the delivery date of the underlying securities of the previous futures contract in the series.

The Board is interested in comments on alternative means of imposing position limits. For example, other Federal financial institutions regulators which have issued policy statements on futures trading do no impose a position limit; rather, the individual institution's boards of directors are responsible for imposing position limits on futures activities. Another alternative would be to allow hedging of a particular type up to the amount of the category of assets or liabilities being hedged.

It should be noted that these possible alternatives all are intended by the Board to allow institutions maximum flexibility within the constraints imposed by safety and soundness considerations. Associations entering into hedging operations, however, should always consider the effect of individual transactions on their net interest-rate risk exposure and avoid superfluous hedging transactions.

Accounting. There is currently no single recognized accounting treatment for futures transactions. While the American Institute of Certified Public Accountants and the Financial Accounting Standards Board are in the process of considering the adoption of guidelines in this area, it is unlikely that a definitive statement will be forthcoming in the near future. In light of the expanded futures trading proposed to be authorized and the importance of the manner in which futures transactions are accounted for in terms of their impact on institution profitability, the Board believes that it is necessary to establish its own accounting rules to be used by insured institutions engaging in futures transactions. Accordingly, certain basic principles are included in the proposed regulation.

The accounting treatment proposed is hedge or deferral accounting as opposed to the mark-to-market accounting technique provided by other Federal financial institutions regulators. The basic intent of the hedging proposed to be authorized by the Board is to offset the adverse impact of unexpected increases in interest rates and reduce attendant profit variability. Hedge accounting recognizes and reflects this basic intent by relating the accounting for the futures transaction to the accounting for the cash market transaction or position being hedged. Mark-to-market accounting of the futures transaction, on the other hand, results in accounting assymetry when the hedged transaction or position is not also marked to market, distorts financial statements, and increases profit volitility. Other Federal financial institutions regulators have provided for mark-to-market accounting primarily to prevent abuses with long futures transactions. Because the Board is proposing to prohibit long positions altogether, mark-to-market accounting is not needed to prevent potential abuses.

Accordingly, the Board proposes to allow institutions to utilize hedge accounting on their futures transactions. Thus, for futures contracts entered into to hedge specific cash market transactions, e.g., to hedge forward commitments, to fix interest costs on specified liabilities, or to enhance liquidity of existing portfolio positions, where the hedged asset or liability is carried at cost, gains or losses on the futures contracts may be deferred and included in the accounting for the hedged cash market transaction rather than recognized immediately.

For a futures position used to hedge the net interest-rate risk exposure arising from the maturity imbalance between assets and liabilities, the futures market gains and losses would be deferred and amortized over the shorter of the expected life of an institution's assets, typically about ten years, or the period remaining to the maturity date of the security which is the subject of the futures position. The amortization schedule should be constructed to offset the anticipated effect of interest rate fluctuations on an institution's profitability. For typical institutions, a sum-of-the-digits method could be used as an approximation of such an amortization schedule.

The Board particularly solicits comments on the appropriateness of the accounting treatment proposed. It also requests comments on whether the

Board should permit an institution to choose to use a mark-to-market or deferral basis for accounting for its futures transactions and how the Board could structure and monitor such an option to assure that an institution maintained consistency in its accounting treatment.

Application to All Insured Institutions. The Board's existing regulation governing mortgage-futures transactions applies only to Federal associations. By a separate policy statement (12 CFR 571.12), the Board has urged all insured institutions to comply with the requirements applicable to Federal associations.

As a result of the growth in the volume of interest-rate futures transactions by insured institutions, the expansion of the types of instruments traded, and the increased interest-rate risk faced by all insured institutions, the Board proposes to apply the regulation governing interest-rate futures transactions directly to all insured institutions. While the legal authority of state-chartered institutions to engage in the interest-rate futures transactions may be derived from State law, the Board, through the Federal Savings and Loan Insurance Corporation, has the authority to promulgate rules and regulations for insured institutions to assure that all insured institutions have safe financial policies and management. The Board proposes to apply its regulation governing interest-rate futures transactions to all insured institutions to assure that such transactions are used to reduce the risk to insured institutions from interest-rate movements and to provide uniformity in examination and enforcement for all insured institutions.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule will apply only to institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

3. *Impact of the proposed rules on small institutions.* The proposal permits institutions to expand interest-rate futures activities regardless of size and imposes reporting, recordkeeping and other regulatory requirements uniformly based upon the extent of futures activity. To the extent that small institutions effectively hedge interest-rate risk by using futures market transactions, the proposal would benefit their operations. These benefits and attendant risks have been discussed elsewhere in the supplementary information regarding the proposal. There is no disproportionate effect on small institutions.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap or conflict with the proposal.

5. *Alternatives to the proposed rules.* The basic regulatory requirements included in the proposal are limitations on the types of futures transactions permitted, a written hedging policy endorsed by the institution's board of directors, maintenance of a register documenting futures transactions and their purpose, establishment of internal control mechanisms, and providing quarterly notice to the District Director—Examinations. A limitation on transactions, internal control procedures and monitoring by the supervisory staff are minimally necessary requirements to ensure that futures trading is undertaken in a safe and sound manner and that losses which an institution might incur are limited. It would not be possible to eliminate or modify these requirements for smaller entities and still expect them to engage in futures trading in a reasonable manner.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

Because there is a present need to afford institutions greater protection against volatile interest rates and because the proposal largely reduces regulatory burdens, the Board is limiting the comment period to 30 days.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 545, 563 and 571, Subchapters C and D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise § 545.29 to read as follows:

§ 545.29 Interest-rate futures transactions.

A Federal association may engage in interest rate futures transactions provided that such transactions are in compliance with § 563.17-4 of this Chapter.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

2. Amend Part 563 by adding a new § 563.17-4, to read as follows:

§ 563.17-4 Futures transactions.

(a) *Definitions.* As used in this section, the following definitions apply unless the context otherwise requires:

(1) *Forward commitment.* A written commitment to make, purchase or issue mortgage loans or mortgage-related securities at a price and on or before a date specified in the commitment.

(2) *GNMA futures contract.* An interest-rate futures contract to receive or deliver GNMA-guaranteed mortgage-backed securities.

(3) *Interest-rate futures contract.* A transferable agreement to make or take delivery of a standardized amount of an interest-bearing security, of standardized minimum quality grade, during a month specified in the agreement, under terms and conditions established by an exchange designated and regulated by the Commodity Futures Trading Commission.

(4) *Interest-rate futures transaction.* Purchase or sale of an interest rate futures contract.

(5) *Long position.* The purchase of a futures contract to take delivery of securities which is not offset.

(6) *Mortgage-related securities.* Securities based on and backed by mortgages, including GNMA-guaranteed mortgage-backed securities, Mortgage Participation Certificates of the Federal Home Loan Mortgage Corporation, and similar obligations issued by the insured institution or in which the institution is authorized to invest.

(7) *Offset.* To close out an obligation to make or take delivery of securities under a futures contract. A futures contract to purchase securities may be offset by a futures contract to sell an equal number of securities for the same delivery month. A futures contract to sell securities may be offset by a futures contract to purchase an equal number of securities for the same delivery month.

(8) *Short position.* The sale of a futures contract to make delivery of securities which is not offset.

(9) *Strip.* A series of successively maturing futures contracts in which the delivery date of a given futures contract in the series is approximately the same as the maturity date of the underlying security of the previous futures contract.

(10) *Treasury securities futures contract.* An interest-rate futures contract to purchase or sell bills, notes or bonds issued by the U.S. Department of Treasury.

(b) *Permitted transactions.* (1) To the extent that it has legal power to do so, an insured institution may engage in interest-rate futures transactions to hedge its operations against the risk of unanticipated increases in interest rates in accordance with the requirements of this section. Hedging shall include interest-rate futures transactions intended as temporary substitutes for, or as opposite positions to, cash market transactions or positions. Long positions in interest-rate futures contracts are not hedges for purposes of this this paragraph. Permitted interest-rate futures transactions include, but are not limited to, the following:

(i) Short positions used to hedge forward commitments,

(ii) Short positions used to protect the value of mortgage loans held in portfolio,

(iii) Short positions used to fix liability costs, and

(iv) Short positions used to protect against the interest-rate risk exposure arising from a maturity imbalance between assets and liabilities.

(2) Institutions may use GNMA futures contracts and Treasury securities futures contracts to engage in the transactions permitted by this paragraph (b).

(c) *Investment limitation.* An institution may engage in interest rate futures transactions only to the extent that the total amount of its short positions does not exceed an amount equal to 85 percent of the institution's assets. Only one contract of a strip will be counted against this limit.

(d) *Board of director's authorization.* Prior to engaging in interest-rate futures transactions, an institution's board of directors shall consider the plan to engage in the transactions and shall endorse specific written policies and procedures in authorizing the institution to engage in the transactions. Policy objectives must be specific enough to identify permissible interest-rate futures transactions and their relationship to the institution's business and the internal control procedures to be used. In addition, the minutes of the meeting of the board of directors of the insured institution shall set out the names, duties, responsibilities and current limits of authority of the personnel authorized to engage in interest-rate futures transaction for the institution. An institution engaging in interest-rate futures transactions as of [the effective date of this section] shall conform to the requirements of this paragraph (d) within 90 days of [such date].

(e) *Notification.* An institution engaging in interest-rate futures transactions shall notify the District Director-Examinations of the Federal Home Loan Bank District in which it is located of its total outstanding interest-rate futures position not less frequently than quarterly.

(f) *Recordkeeping requirements.* An institution engaging in interest-rate futures transactions shall maintain the following:

(1) A register of all its outstanding interest-rate futures contracts, including brokers' confirmations as received, prepared in a manner sufficient to enable the Corporation to determine at any time the institution's total outstanding interest-rate futures position;

(2) A record of each interest-rate futures contract outstanding, the purpose for which the contract was entered into, and the cash market transaction or position against which it is matched; and

(3) The records designated in subparagraphs (1) and (2) of this paragraph (f) for all futures transactions closed-out during the past two years.

(g) *Accounting.*—(1) *Purchase or sale.* An institution's purchase or sale of an interest-rate futures contract represents a commitment for a future cash market transaction. The only necessary accounting is a memorandum entry of the information specified in paragraph (f) of this section and the establishment of appropriate margin accounts.

(2) *Gains and losses.* Gains and losses on interest-rate futures contracts are to be matched to the related cash market transaction or position as follows:

(i) Gains and losses on futures contracts which are used to hedge assets or liabilities to be carried at cost are to be deferred and included in measurement of the dollar basis of the asset acquired or the liability incurred and amortized over a period equal to the lesser of: (A) the asset or liability holding period or (B) the period between the closing of the futures position and the maturity date of the security which is the subject of the futures contract or strip, as an adjustment to interest income or interest expense.

(ii) Gains and losses on futures contracts sold to hedge against market declines for assets carried at cost are to be deferred and recognized in income when the hedged asset is sold or recorded as an adjustment to the carrying value of the asset if the futures contract is closed out prior to the time the hedged asset is sold.

(iii) When interest-rate futures contracts are used to hedge the maturity imbalance between the assets and liabilities of the institution, gains and losses on futures contracts are to be deferred and must be amortized over a period equal to the shorter of the expected average holding period of the institution's assets or the period between the closing of the futures position and the maturity date of the security underlying the futures position. The apportionment of gains and losses over accounting periods shall reflect the anticipated effect of open market interest-rate fluctuations on the institution's profitability over the amortization period as reflected in the maturities of the institution's assets and liabilities.

PART 571—STATEMENTS OF POLICY

3. Amend Part 571 by removing § 571.12, to read as follows:

§ 571.12 Mortgage-futures transactions.
(Rescinded effective)

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Sec. 402, 403, 407, Stat. 128, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13280 Filed 4-30-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 450

Advertising for Over-the-Counter Drugs

AGENCY: Federal Trade Commission.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The Federal Trade Commission (FTC) has decided to terminate its rulemaking concerning advertising for over-the-counter drugs, 40 FR 52631 (November 11, 1975). As originally proposed, the rule would have prohibited, as violative of sections 5 and 12 of the FTC Act, any claims in advertising for over-the-counter (OTC) drugs that are prohibited from labeling by the Food and Drug Administration (FDA) in a final order resulting from the FDA's comprehensive "monograph" rulemaking, 21 CFR, Part 330.

FOR FURTHER INFORMATION CONTACT: Joel N. Brewer, Attorney, Division of Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade

Commission, Washington, D.C. 20580. Telephone number 202–724–1530.

SUPPLEMENTARY INFORMATION: On February 11, 1981, the Commission reached the decision to terminate its rulemaking proceeding concerning advertising for over-the-counter drugs. The Commission has concluded that in advertising a drug for a permissible (*i.e.*, FDA-approved) purpose, advertisers should not always be limited (as they would have been under the original proposed rule) to the labeling language approved by FDA. An additional reason why the Commission has determined that this rulemaking proceeding should be terminated is that the Commission is unable to ascertain the necessity for, and impact of, the proposed rule, because there is at present only one final FDA order (*i.e.*, antacids) affecting a complete category of OTC drugs now on the market.[1]

Despite its decision not to promulgate a rule, the Commission remains strongly committed to taking action on a case-by-case basis whenever necessary to insure the accuracy of OTC drug advertising and to avoid serious inconsistencies between advertising claims and FDA labeling determinations. Consequently, as FDA completes its expert analysis of the safety and effectiveness of each category of OTC drugs, the FTC will review the advertising for those drugs in order to determine whether any advertisement, taken as a whole, expressly or impliedly claims any purpose or use for which the drug in question has not been found to be safe and effective by the FDA. Commission action may also be taken, where appropriate, before a final FDA monograph is in place. In evaluating future OTC drug advertising, the Commission will consider factors such as the extent of dissemination of the advertising, whether the advertising is continuing, the nature and persuasiveness of the claims, the balance of risk to benefit, and other factors related to the injury consumers would be likely to suffer.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13154 Filed 4-30-81; 8:45 am]

BILLING CODE 6750-01-M

[1] The antiflatulent monograph dealt with only one ingredient presently marketed in antiflatulents. The remaining antiflatulent ingredients are still being reviewed along with other miscellaneous internal products. *See* 39 FR 19661, 19871 (June 4, 1974). OTC daytime sedatives were removed from the market in a final order covering that category of drugs. 44 FR 36378 (June 22, 1979).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 157 and 284

[Docket No. RM81-29]

Sales and Transportation by Interstate Pipelines and Distributors

April 27, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is the second of two rulemakings that the Commission is initiating to reform comprehensively its certificate procedures under section 7(c) of the Natural Gas Act. In the first notice, issued in Docket No. RM81–19, on March 10, 1981 (46 FR 16903, March 16, 1981) the Commission established the framework for such reform and proposed to streamline its certificate procedures for routine activities. This notice proposes to expand the proposed blanket certificate program and to revise the regulations which implement section 311 of the Natural Gas Policy Act of 1978 (NGPA).

Specifically, this notice makes the following proposals: (1) Section 157.210 would permit interstate pipelines to make off-system sales to other interstate pipelines under the blanket certificate program, subject to certain limitations and price determined by an appropriate rate schedule; (2) the end-use restrictions on direct sale gas would be simplified to permit the addition of new process and feedstock loads and the volumetric restrictions would be eliminated; (3) the regulations under section 311(a) of the NGPA would be amended to provide for unlimited successive two year extensions of self-implementing transportation arrangements, subject to Commission review 90 days prior to the effective date of such extension; (4) the regulations under section 311(a)(2) of the NGPA would be amended to authorize intrastate pipelines to transport direct sale gas to an end-user without prior Commission approval, when it is incidental to an interstate pipeline transportation arrangement covered by the blanket certificate; and (5) the blanket certificate program created by Order No. 63 applicable to Hinshaw pipelines would be expanded to apply to local distribution companies.

DATES: Written comments by June 15, 1981. Public hearing on June 5, 1981.

ADDRESS: Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, Reference Docket No. RM81–29.

FOR FURTHER INFORMATION CONTACT:

Robert Platt, Assistant Advisory Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8457.

Thomas P. Gross, Office of General Counsel, Federal Energy Regulatory Commission 825 North Capitol Street N.E., Washington, D.C. 20426, (202) 357–8171.

This notice presents the second of two rulemakings that the Federal Energy Regulatory Commission (Commission) is initiating to reform comprehensively its certificate procedures under section 7(c) of the Natural Gas Act. In the first notice, issued in Docket No. RM81–19, on March 10, 1981 (46 FR 16903; March 16, 1981) the Commission established the framework for such reform and proposed to streamline its certificate procedures for routine activities. This notice proposes to expand the proposed blanket certificate program to cover certain other categories of transactions that, while not routine, are viewed by the Commission as appropriate for handling by such procedures. This proposal also contains revisions to the regulations which implement section 311 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432). The Commission believes that these amendments will permit it to reduce regulatory burdens and, at the same time, carry out its statutory responsibility to ensure that interstate facilities and transportation arrangements serve the public convenience and necessity.

I. Background

The Commission's jurisdiction over all sales for resale and transportation of natural gas in interstate commerce was originally established in 1942 by amendment of section 7 of the Natural Gas Act (15 U.S.C. 717f). Under the existing section 7 procedures most certificates are issued on a case-by-case basis. The Commission examines the proposed transactions individually to determine whether they are required by the present or future public convenience and necessity. However, some certificates are issued under so-called blanket certificate and "budget-type" certificate programs.[1] These programs

[1] These programs currently include authorizations for: Transportation by interstate pipelines on behalf of any other interstate pipeline (see Subpart G of Part 284); transportation by Hinshaw pipelines on behalf of interstate pipelines (see Subpart G of Part 284); and "buget-type" certificates for the

Continued

permit interstate pipelines that have obtained certificates for the construction and operation of an interstate pipeline system to undertake certain incidental operations without obtaining approval of each specific transaction. These regulations set forth on a generic basis the types of activities and incidental operations which may be authorized by the blanket certificate.

The Commission's opportunity to authorize transactions on a generic basis was considerably extended by the NGPA. Section 311(a) of the NGPA permits the Commission to authorize by rule transportation by interstate pipelines on behalf of intrastate pipelines and local distribution companies and transportation by intrastate pipelines on behalf of interstate pipelines and local distribution companies served by an interstate pipeline.[2]

The notice issued in Docket No. RM81–19 proposes the framework for a comprehensive blanket certificate program for interstate pipelines which not only covers the existing "budget-type" transactions, but also authorizes additional routine transactions which the Commission has found to be generally in the public interest. The framework proposed in that docket provides that a certificate holder is authorized to undertake certain operations and investments without further approval by the Commission. Other operations are authorized under the blanket certificate only if the public is notified of the proposed transaction and no interested party, including the Commission staff, contests it. All other transactions must be authorized through the generally applicable certificate procedures or any other applicable authorization procedure.

The proposals contained in this docket would expand the range of transactions beyond that proposed in Docket No. RM81–19 and amend the section 311(a) regulations contained in Part 284. Specifically, this docket proposes to (1) expand the proposed blanket certificate program to permit off-system sales for resale between interstate pipelines; (2) eliminate certain end-use restrictions presently imposed in the end-user transportation programs under Order Nos. 2 and 27 [3] (as certificate program); (3) permit successive extensions of section 311(a) transportation authorizations; (4) permit self-implementing section 311(a)(2) authorizations for intrastate pipelines to transport gas purchased by a qualified end-user; and (5) permit all local distribution companies served by interstate pipelines to obtain the blanket certificate presently available (in § 284.222) to Hinshaw pipelines.[4] The general effect of these proposed changes would be to reduce some of the regulatory obstacles presently encountered by interstate pipelines and local distribution companies served by an interstate pipeline that participates in off-system sales and section 311 transactions.[5]

II. Historical Background

Many of the certification policies the Commission has developed over the last decade, particularly for the type of transactions involved in this rulemaking, have been shaped by the need to prevent the diversion of potential gas supplies from interstate pipelines and to allocate relatively scarce supplies among the highest priority end-users under the Natural Gas Act's regulatory scheme that prevailed from 1954 to 1978. The enactment of the NGPA and the subsequent improvement in the available deliverability of gas supplies now leads us to reassess these policies.

Prior to the enactment of the NGPA, natural gas sold by producers in the interstate market was subject to federal price controls, while much of the gas sold by producers in the intrastate market was sold by producers at unregulated prices. This disparity placed interstate pipelines at a competitive disadvantage in attaching new gas supplies. Eventually, in the 1970's, acute shortages were experienced in the interstate market which forced the pipelines to curtail their sales. The Commission was prompted to impose end-use curtailment plans on the interstate pipelines. Concomitantly, State commissions imposed curtailment plans and limited the attachment of new loads on distributors served from the interstate pipelines.

In response to these shortages, a number of distributors and end-users served by interstate pipelines sought to enhance their own supplies rather than rely solely on purchases from interstate pipelines. Some began to purchase production from wells at locations which would require interstate pipelines to transport the gas to the purchaser. Because direct sales of gas are not subject to Commission jurisdiction, end-users could offer a higher price for such gas than could be paid by interstate pipelines. To prevent potential interstate supplies from being diverted from interstate pipelines, the Commission carefully scrutinized the transportation of such production and would not authorize the transportation if the gas supplies would otherwise have been sold to interstate pipelines. The Commission also carefully examined the price paid for such production to ensure that these purchases would not drive up the unregulated market price for gas.[6]

Since the development of these policies, the availability of interstate supplies and the Commission's regulatory responsibilities have changed significantly. First, the demand for natural gas on many pipelines has dropped below the maximum levels authorized to be served under existing certificates and curtailment plans.

The lower level of demand is a result of a number of factors. A significant number of large industrial users have reduced their consumption of gas either by conservation or by conversion to other more abundant fuels. A portion of the large industrial boiler fuel load which switched to alternative fuels during the earlier periods of heavy curtailment has not returned to using gas. Many distributors acquired their own natural gas supplies to supplement deliveries from interstate pipelines. These "self-help" measures, which included purchasing gas from new sources such as synthetic natural gas plants and local producers, frequently obligated the distributors to commit themselves to pay for some minimum amount under minimum bill and take-or-pay obligations. Such on-going distributor commitments to "self-help" supplies have reduced the proportion of the distributor's requirements served by interstate pipelines. In addition, short-term declines in business activity have significantly reduced demand in some

construction and operation of certain facilities which are considered incidental to the pipeline's main facility (see § 157.7, paragraphs (b), (c), (d) and (g)).

[2] Regulations implementing section 311 are contained in Part 284 of the Commission's regulations.

[3] Order No. 2, Docket No. RM75–25 (issued on February 1, 1978), 43 FR 5362 (February 8, 1978), 18 CFR 2.79. Order No. 27, Docket No. RM79–18 (issued April 18, 1979), 44 FR 24825 (April 23, 1979).

[4] A Hinshaw pipeline is an entity engaged in the transportation or sales of natural gas within a state, which is not subject to the jurisdiction of the Commission solely by reason of section 1(c) of the Natural Gas Act.

[5] These transactions have been proposed in this separate docket because they raise more important policy issues than those raised by the transactions proposed in Docket No. RM81–19. However, the Commission will consider these issues and, if possible, incorporate any appropriate amendments at the same time it adopts a final rule in Docket No. RM81–19.

[6] *Natural Gas Pipeline Company of America*, Docket No. CP77–71, 10 FERC ¶ 61,275 (1980); *Transcontinental Gas Pipe Line Co.*, Docket No. CP77–421, issued March 22, 1979; Order No. 533, Docket No. RM79–25, 54 FPC 821, issued August 28, 1975, 40 FR 41760 (Sept. 9, 1975); Order No. 533–A, 54 FPC 2058 (1975).

localities. Finally, warmer than normal winters in some parts of the country have reduced temperature-sensitive requirements. These factors result in many distributors' purchasing gas from interstate pipelines in volumes significantly below the maximums authorized under outstanding contracts and certificates.

Second, most interstate pipelines have improved their ability to serve the gas requirements of their customers. The NGPA established a set of maximum lawful prices applicable to both interstate and intrastate markets making it easier for interstate pipelines to compete for and attach new gas supplies. In addition, the NGPA eliminated many of the regulatory obstacles which prevented intrastate supplies from being sold in the interstate market without jurisdictional consequences.[7]

Pipelines sometimes have take-or-pay obligations, or other obligations that require the pipeline to purchase, or at least pay for, more gas than their traditional customers need in the short-term. Unless interstate pipeline can respond to these short-term supply-demand imbalances by making temporary off-system sales, their ability to obtain additional long-term supplies may diminish. A number of pipelines and distributors have proposed that the Commission permit off-system sales to resolve this short term gas supply management dilemma.

Finally, prior to the NGPA the Commission carefully examined on a case-by-case basis prices paid for gas in direct sale arrangements so it could avoid diversion of supplies from interstate pipelines and further escalation of intrastate prices. The imposition of maximum lawful prices by the NGPA eliminates both these concerns and the necessity for the Commission to review these prices on a case-by-case basis.

Given these changes in recent years, the Commission now believes that it is in the public interest to make it administratively easier for interstate pipelines to obtain permission to relieve supply imbalances that may periodically occur by permitting off-system sales between interstate pipelines under the blanket certificate program proposed in Docket No. RM81–19.

Load balancing problems are also being faced at the distributor level. Recently, distributors in many geographical areas have experienced significant short-term declines in demand. If distributors which face take-or-pay obligations from long-standing self-help arrangements (and perhaps minimum bill obligations from their interstate suppliers) cannot arrange for some relief, the resulting rate increases on their systems may drive additional industrial customers to switch to alternative fuels. Several distributors have solved these problems by engaging in off-system sales to end-users under Order No. 30.[8] Order No. 30 permits a distributor to sell volumes attributable to its local supplies to end-users for the purpose of displacing fuel oil. However, Order No. 30 is scheduled to expire on May 31, 1981.

Other distributors which hold exemptions under section 1(c) of the Natural Gas Act (so-called Hinshaw pipelines), have sold local production by obtaining blanket certificates under Order No. 63.[9] Order No. 63 promulgated the regulations at § 284.222 to permit Hinshaw pipelines to sell volumes attributable to local supplies to interstate pipelines and other distributors served by interstate pipelines. This "local supply" test imposed in both Order No. 63 and Order No. 30, limits the total volumes which may be sold, thus minimizing the possibility that the selling distributor would merely broker its pipeline purchases. Some have argued that if distributors were permitted to resell their pipeline entitlements off-system, then the pipeline supplier would face unpredictable demand requirements which would hinder the pipeline's supply management efforts. Although the Commission is aware of certain proposals to permit distributors to sell pipeline supplies as well as local supplies [10] we do not propose to include such sales as a part of this certificate reform program.[11] Instead, the proposed rule would extend eligibility for obtaining Order No. 63 certificates to all distributors served by interstate pipelines.

In summary, while other amendments are proposed in this notice, the main thrust of this proposal is to permit two new categories of off-system sales. First, sales will be permitted between interstate pipelines under the blanket certificate proposed in Docket No. RM81–19. Second, the sale of local supplies previously permitted for Hinshaw pipelines will be expanded to permit any distributor served by an interstate pipeline to make such sales.

III. Authorized Transactions

A. Sales for Resale by Interstate Pipelines

As discussed above the Commission is proposing in § 157.210 to permit interstate pipelines to make off-system sales to other interstate pipelines under the blanket certificate program. Briefly stated, the blanket certificate will authorize sales for resale in which the purchaser is an interstate pipeline and receives the gas for its system supply. However, the sales are subject to certain conditions, such as a one year limitation, maximum daily deliveries of 100,000 MMBtu equivalent of gas, special reporting requirements, maximum rates and charges, and the notice and protest procedure proposed in Docket No. RM81–19. The latter requirement will prevent any such sale from being authorized under the blanket certificate if after public notice any interested person or staff contests the transaction. These sales are also subject to interruption to the extent required to provide adequate service to the selling pipeline's customers at the time of the sale.

One of the more important issues that must be resolved in permitting these sales is the appropriate sale price. In considering the sale price, the Commission must balance competing considerations. If the price of the off-system sale is so low that the selling interstate pipeline cannot recover its cost of purchasing the gas, then its on-system customers would carry the costs not recovered through the price of the off-system sale. On the other hand, if the price is excessive, it may violate the statutory requirement that jurisdictional rates be "just and reasonable."

As currently proposed, the price for these sales would be established by a rate schedule which the Commission determines is appropriate for these sales. Once a rate schedule has been approved as appropriate, the certificate holder may use that schedule for subsequent sales.

The proposed rule will afford pipelines some latitude in formulating

[7] Section 311(b) of the NGPA permits the Commission to authorize sales by intrastate pipelines to interstate pipelines and distributors served by interstate pipelines. Section 312 permits intrastate pipelines to assign surplus gas to interstate pipelines and distributors.

[8] Order No. 30, Docket No. RM79–34, issued May 17, 1979, 44 FR 30323 (May 25, 1979), 18 CFR Part 284, Subpart F.

[9] Order No. 63, Docket No. RM79–24, issued Jan. 3, 1980, 45 FR 1872, (Jan. 9, 1980), 18 CFR 284.222.

[10] Transcript, Subcommittee on the Review of the Decisional Process of the Advisory Committee on Practice and Procedure (December 4, 1980).

[11] Historically, each interstate pipeline has borne the responsibility for managing its long-term supply acquisition program to meet the needs of its system. The proposed rule does not alter this role, but rather establishes criteria for off-system sales which are consistent with this interstate pipeline function. By limiting distributor sales to local supplies, this rule affords distributors flexibility in managing their short-term imbalances in self-help supplies without disrupting the interstate pipeline's predominant role.

an appropriate sales rate schedule. However, the proposal requires that the rate schedule provide for a commodity charge and be designed so as to permit the selling pipeline to recover its average purchased gas costs and any transportation costs associated with the delivery of the gas.[12] The Commision seeks comments regarding whether such a price is adequate to protect the existing customers of the selling pipeline and to assure that the benefit of the sale outweigh the costs.

The Commission believes that the economic benefits of off-system sales should be distributed to the customers of the selling interstate pipeline. Because these sales for resale will be authorized under the blanket certificate proposed in Docket No. RM81–19, the revenue crediting provision in § 157.206(g) proposed in that docket will apply to any sale for resale authorized under § 157.210. This rule includes conforming changes to proposed § 157.206(g).

Finally, proposed § 157.210(a)(5) prohibits the sale of gas acquired by the certificate holder solely or primarily for the purpose of making a sale under this section. Sales under proposed § 157.210 are intended to permit the selling pipeline to alleviate problems posed by excess deliverability or take-or-pay commitments. If a series of pipelines were to sell repeatedly the same gas under the blanket certificate, such a series of sales would create undesirable rate consequences to the customers of participating pipelines. Therefore, the restriction of § 157.210(a)(5) is included to avoid such series of sales.

This proposed rulemaking is predicated on the view that the public interest would be served by making it generally easier for pipelines to make off-system sales subject to generic qualifications rather than requiring a case-by-case review of each potential transaction. The Commission is aware of a contrary view. Some believe that the potential damages to the public interest from off-system sales are such that a case-by-case review is required. Those holding this view argue that there is a need to examine the price to ensure that existing customers are not damaged by pipelines' buying "high" and selling "low". They also argue that in an environment with partial deregulation of wellhead prices, pipelines may buy deregulated gas at prices that are above prices for alternative fuels, yet still market this gas by rolling it in with the cost of cheaper regulated gas. Interstate pipelines with substantial cushions of old gas, it is argued, would have a competitive advantage in competing for new gas supplies. If such pipelines can easily sell this gas off-system, the result may be to destabilize the market for new gas supplies or make it difficult for some pipelines to obtain new gas supplies because available supplies are tied up by pipelines with large old-gas cushions.

The Commission believes that these concerns to the extent that they are pertinent can be raised under the notice procedures in individual cases. However, the Commission invites comment on the need for case-by-case analysis.

B. Transportation to End-Users

The Commission believes that the original policy considerations which gave rise to the end-use volumetric limitations upon the transportation of gas sold at the wellhead directly to end-users no longer justify previously imposed restrictions. Accordingly, the Commission is proposing to unify and eliminate volumetric and end-use restrictions governing such transportation covered by its blanket certificate program.

Historically, the Commission has taken a conservative approach in permitting the transportation of gas sold at the wellhead directly to end-users (hereinafter referred to as "direct sale gas"). This approach reflected its concern that such sales could divert significant volumes of natural gas from interstate pipeline system supplies because the sales were not subject to the Commission's price regulations under the Natural Gas Act. As a result, the Commission imposed stringent end-use and volumetric limitations on certificates authorizing the transportation of gas sold directly by the producer to the end-user. Pursuant to Order Nos. 533 and 2,[13] interstate pipelines may transport gas only for end-users who purchase the gas for high-priority requirements, such as process and feedstock uses. Pursuant to Order No. 2, end-users are not permitted to increase their requirments because the volume transported was limited to the end-user's base period curtailment entitlements for such high priority end uses. In addition, the Commission expected participating end-users to demonstrate progress toward conversion to alternative fuels when seeking to renew transportation certificates.

After the enactment of the NGPA and the Public Utilities Regulatory Policies Act (PURPA), the Commission created a separate direct sale program for schools, hospitals and essential agricultural users in Order No. 27. That order does not impose the end-use and volumetric restrictions that applied to process and feedstock users in the Order No. 2 program. Instead, schools, hospitals and essential agricultural users may serve newly added high priority loads with direct sale gas, and did not have to demonstrate progress toward converting to alternative fuels. The Commission has never afforded process and feedstock users the same treatment as the schools, hospitals and essential agricultural users under Order No. 27.[14]

The Commission's blanket certificate program, proposed in Docket No. RM81–19 would eliminate the need for each transporting pipeline to file a separate application under section 7(c) of the Natural Gas Act for transportation to individual end-users. The blanket certificate would authorize transportation to "qualified end-users" (which is defined as including the end-users eligible under the Order No. 2 and Order No. 27 programs). If the transportation is for a term of 5 years or less, then the transaction may go forward without further Commission approval. If the transportation is for a term greater than 5 years, then the transporting interstate pipeline must file a request under the blanket certificate's notice procedure. As proposed in Docket No. RM81–19, transportation for end-users would be subject to the end-use restrictions and volumetric limitations applicable to Order No. 2 or Order No. 27 certificates. (See, proposed § 157.209(d)(3) and (4) in Docket No. RM81–19).

In this docket the Commission proposes to eliminate the volumetric restriction and simplify all end-use

[12] As the Commission explained in *Trunkline Gas Company*, Docket No. CP80–550 (issued February 20, 1981), in which it issued a certificate authorizing off-system sales, the Commission has adopted the policy that the sales price for such sales should permit the selling pipeline to recover its costs. The Commission also noted that fixed price contracts which do not reflect the monthly increases in purchased gas costs generally impose an unacceptable subsidy upon the selling pipeline's existing customers.

In other cases, where the average cost of gas was less than the ceiling price applicable to producer sales under section 102 of the NGPA, we have permitted the section 102 price to be charged as representative of the replacement cost of the gas sold. See *Natural Gas Pipeline Co. of America*, Docket Nos. CP80–502 and CP80–520, issued January 27, 1981; *Cities Service Gas Co.*, Docket No. CP80–499, issued December 22, 1980.

[13] Order No. 533, Docket No. RM 75–25, (issued August 28, 1975), 40 FR 41760 (Sept. 9, 1975). Order No. 2, *supra*.

[14] Order No. 52, Docket No. RM80–1, issued October 5, 1979, 44 FR 60080 (October 18, 1979), liberalized some of the end-use restrictions imposed by Order No. 2, but not to the extent as Order No. 27.

requirements in a manner consistent with the Order No. 27 requirements. This would permit new process and feedstock loads which were not reflected in a curtailment base period to be served by direct sale gas just as new essential agricultural loads may now be served under Order No. 27. The only end-use restriction which would be retained is the restriction that direct sale gas be consumed in qualified end-uses.

With respect to the volumetric restrictions, the proposed rule will permit the end-user to attach new loads to be served by direct sale gas. Any new loads which the end-user attaches in this manner are outside the scope of an interstate pipeline curtailment plan, and the end-user should be aware that any future service from system supplies to these loads is not assured. Because new load attachments will not adversely affect the interstate pipeline's other customers, the volumetric restrictions imposed in Order No. 2 do not appear to be necessary in this program. Although this change in volumetric restrictions may provide an opportunity for new high-priority load growth by some customers of interstate pipelines, the Commission believes that this approach toward the transportation of direct sale gas is consistent with the legislative intent of section 608 of PURPA.

C. Successive Transportation Arrangements Under Section 311

Section 311(a)(1) of the NGPA permits the Commission to authorize interstate pipelines to transport natural gas on behalf of intrastate pipelines or local distribution companies. Section 311(a)(2) permits the Commission to authorize intrastate pipelines to transport gas on behalf of interstate pipelines and local distribution companies served by any interstate pipeline. In Order No. 46,[15] the Commission promulgated rules under section 311(a) to authorize such transportation by both interstate and intrastate pipelines without prior Commission approval, if, among other requirements, the transported natural gas enters the system supplies of a pipeline or distributor. Although section 311(a) does not impose a statutory time limit on the duration of such transactions, the Commission exercised its discretion to limit self-implementing section 311(a) transportation arrangements to a term of 2 years or less. Order No. 46 provided for a single two year extension of any self-implementing section 311(a) transportation arrangement. Under §§ 284.105 and 284.125, the transporting pipeline must file a request for an extension at least 90 days before the expiration of its initial authorization. If the Commission does not act during this period, the authorization is automatically extended for up to two years. Transportation arrangements for terms longer than four years are subject to the procedures for prior approval established in §§ 284.107 and 284.127.

If a pipeline proposes to charge a higher rate during the extension, the new rate is subject to the criteria and approval procedure in §§ 284.103 and 284.123. However, even if the pipeline proposes to continue to charge the same rate that it used during the previous term of the transaction, the Commission will nonetheless review the propriety of the rate during the 90 day period and may exercise its authority under section 311(c) of the NGPA to impose a condition specifying a rate lower than that proposed by the pipeline.

The Commission proposes to amend §§ 284.105 and 284.125 of its section 311(a) regulations to permit unlimited successive two-year extensions of self-implementing transportation arrangements. Because such an extension is subject to Commission review for 90 days prior to its effective date, successive extensions will be monitored to protect the public interest.

D. Transportation of Direct Sale Gas Under Section 311

As previously discussed, Order Nos. 2 and 27 (as well as the proposed blanket certificate program) authorize certain transportation of direct sale gas to end-users. Frequently the selling producer's well is located near an intrastate pipeline, and the intrastate pipeline needs section 311(a)(2) authorization to permit it to transport the gas to the interstate pipeline without becoming subject to Natural Gas Act jurisdiction.

The Commission proposes to follow its practice in Order No. 30 by authorizing intrastate pipeline transportation which is incidental to the interstate pipeline's transportation of direct sale gas. The regulations would permit the intrastate pipeline to enter into contractual agreements to transport the direct sale gas "on behalf of" the interstate pipeline.[16] The intrastate pipeline could collect a fair and equitable transportation charge either directly from the end-user, or indirectly from the interstate pipeline as an intermediary.

Because the direct sale gas is delivered to an end-user and is not for system supplies, transportation of the gas would not otherwise qualify for a self-implementing section 311(a)(2) authorization under § 284.122(a). Accordingly, the Commission proposes to amend § 284.122(b) to create an exception to the system supply test so as to permit such incidental intrastate transportation to commence without prior Commission approval.

E. Blanket Certificates for Local Distribution Companies

The Commission has established a blanket certificate program which permits Hinshaw pipelines to transport, sell, and assign natural gas to the same extent that an intrastate pipeline is permitted to engage in such transactions under section 311 or 312 of the NGPA.[17] Under a blanket certificate granted pursuant to Order No. 63, Hinshaw pipelines may transport, assign and sell natural gas in interstate commerce for resale without jeopardizing their exempt status under section 1(c) of the Natural Gas Act. These blanket certificates permit Hinshaw pipelines to make their excess supplies available to the interstate market. The blanket certificates further permit the Hinshaw pipeline to use its transportation facilities to transport gas and thereby eliminate the need for interstate pipelines to build duplicate facilities or use less direct transportation routes.

The Commission believes that the policies underlying the blanket certificate program for Hinshaw pipelines apply equally to local distribution companies and would benefit gas consumers. We propose to amend § 284.222 so that any local distribution company which is served by an interstate pipeline and holds a blanket certificate may transport natural gas on behalf of an interstate pipeline or a local distribution company served by interstate pipelines, subject to the terms and conditions of Subpart C of Part 284. The certificate holder may sell volumes attributable to local supplies, subject to the terms and conditions of Subpart D of Part 284.[18] In addition, the certificate holder may assign its right to purchase gas in a first sale to an interstate pipeline or distributor, subject to the terms and conditions of Subpart E of Part 284. Other than expanding the eligibility for holding an Order No. 63 blanket certificate, and clarifying

[15] Order No. 46, Docket No. RM79-75 (issued August 30, 1979), 44 FR 52179 (September 7, 1979).

[16] As was noted in Order No. 46, the "on behalf of" test may be satisfied by a contractual provision establishing an agency relationship. The test does not require an interstate pipeline to take title to the gas.

[17] Order No. 63, Docket No. RM79-24, issued January 3, 1980, 45 FR 1872 (January 9, 1980).

[18] At present, distributors' sales outside their service areas are limited to the sale of local supplies under the Commission's Order No. 30 program.

application requirements, no substantive amendments are proposed to the regulations governing these blanket certificates.

Some persons may view the proposed expansion of Order No. 63 as providing a distributor the opportunity to sell surplus gas which should otherwise be eliminated by reducing the distributor's purchased gas from a supplying interstate pipeline. These persons would argue that interstate pipeline curtailment plans are the only appropriate means for allocating surplus supplies created by the self-help efforts of distributors. The Commission invites comments on this question, and especially seeks comments based upon the experience gained from distributor sales under order No. 30.

IV. Summary of Proposed Rule

In order to authorize sales for resale between interstate pipelines, the Commission is proposing to add a new § 157.210 to the blanket certificate program proposed in Docket No. RM81–19. The sales would be subject to certain conditions and a rate schedule which the Commission determines is appropriate for the sale.

The proposed rule also eliminates certain end-use restrictions presently imposed by Order Nos. 2 and 27 in the end-user transportation programs and reflected in the blanket certificate proposal in Docket No. RM81–19. The Commission believes this change will place process and feedstock end-users on a parity with other high-priority users.

The proposed rule would also expedite interstate and intrastate pipeline transportation under section 311(a) of the NGPA by amending the existing regulations to provide for successive extensions of self-implementing transportation authorization.

The blanket certificate program proposed in Docket No. RM81–19 provided for interstate pipeline transportation of direct sale gas to qualified end-users, but did not provide for intrastate pipeline transportation of such gas. The proposed rule would authorize such intrastate pipeline transportation on a self-implementing basis under section 311(a)(2) of the NGPA.

Finally, the proposed rule would amend § 284.222, which establishes the blanket certificate program for Hinshaw pipelines, to permit any local distribution company served by an interstate pipeline to hold such a certificate. The filing requirements for a blanket certificate are also clarified by amendments to § 284.222(c)(7).

V. Environmental Issues

An environmental assessment of the proposed rulemaking is being prepared by the Commission's environmental staff in conjunction with Docket No. RM81–19. This assessment will identify and include the significance of any potential environmental impact which might result from transactions which would be authorized under this proposed rule. The environmental assessment will provide the basis for determining the need to prepare an environmental impact statement (EIS) prior to the issuance of the final rule.

Sales for resale authorized by § 157.210 of this proposed rule will be subject to the environmental conditions proposed in Docket No. RM81–19. Full consideration will be given to these environmental conditions as well as the nature of all transactions proposed in this docket when preparing the environmental assessment.

Any person who wishes to submit comments on environmental issues should provide a detailed explanation which addresses each specific environmental concern and the reason each concern is felt to be a significant issue. This information will be helpful to the staff in developing an environmental record in this rulemaking, and will be incorporated in the Commission's scoping process should an EIS be prepared.

VI. Certification of No Significant Economic Impact on Small Businesses

The Regulatory Flexibility Act (RFA) [19] requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(a) of the RFA, the Commission finds that the provisions of the Act do not apply to this rulemaking. If promulgated, this rulemaking, among other things, would simplify procedures under which interstate pipelines may obtain certain certificates. The budget-type certificate regulations were promulgated initially for similar purposes 24 years ago. The characteristics of the participants in the budget-type certificate program reflect the nature of the interstate pipeline industry. With five exceptions, only Class A pipeline companies [20] have participated in the program. Of the five exceptions, only two were not affiliated with a major natural gas company. Because the nature of the budget-type certificate program and the proposed blanket certificate program are similar, the nature of the participants in each program should also be similar. Therefore, the Commission believes that very few, if any, of the interstate pipelines which will participate in this program will be small entities.

The proposed rule also provides local distribution companies served by interstate pipelines with the opportunity to obtain blanket certificates. Local distribution companies engage in the distribution and retail sale of gas within service areas over which they possess exclusive control or franchises. As a result of their exclusive right to sell gas in their service area, each is "dominant in its field of operation" and thus does not qualify as a "a small business concern" under section 3 of the Small Business Act, 15 U.S.C. 632. Moreover, the Small Business Administration regulations do not identify any local distribution companies as small. (See 13 CFR Part 121.) Because the section 3 definition of "small business concern" is incorporated by reference into the definition of "small entity" in the RFA, our proposal to expand the blanket certificate program set forth in § 284.222, does not affect "small entities" within the meaning of Section 601(6) of the RFA and therefore does not require a regulatory flexibility analysis.

As such, this rulemaking does not impose any regulatory or administrative burdens upon a significant number of small entities, nor does it require an expenditure of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

VII. Public Comment Procedure

A. *Written Comments.* Interested persons are invited to submit written comments, data, views, or arguments with respect to this proposal. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM81–29. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EDT, June 15, 1981, will be considered by the Commission prior to promulgation of final regulations. All

[19] 5 U.S.C. 601–612 (Pub. L. 96–354, September 19, 1980).

[20] To be classified as a Class A company, the company should have annual gas operating revenues of $2,500,000 or more and maintain that level for three consecutive years. (See Part 201, Uniform System of Accounts for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Class A and Class B); General Instructions.)

written submissions will be placed in the public file which has been established in this docket and which is available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during regular business hours.

B. *Public Hearing.* A public hearing on this proposed rule will be held on June 5, 1981 beginning at 10:00 a.m. EDT at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The exact location will be posted at the Commission on the morning of the hearing. Interested persons may also obtain this information by calling the Office of the Secretary of the Commission.

Requests to participate in the hearing should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, no later than seven days prior to the hearing. Requests should reference Docket No. RM81-29, and should indicate the amount of time required for the oral presentation, and the telephone number at which the person making the presentation can be reached. Persons participating in the public hearing should, if possible, bring 50 copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Division of Public Information three days before the hearing and will be available at the site of the hearing on the morning it is convened.

The hearing will not be of a judicial or evidentiary type. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available in the public file for this proceeding, Docket No. RM81-29 in the Commission's Division of Public Information.

(Natural Gas Act, (15 U.S.C. 717); Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350, (15 U.S.C. 3301); Public Utilities Regulatory Policies Act of 1978 section 608, Pub. L. 95-617, 92 Stat. 3173, (15 U.S.C. 717f))

Accordingly, the Commission proposes to amend the regulations in Parts 157 and 284, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

§§ 157.203 and 157.205 [Amended]

1. Proposed §§ 157.203(c) and 157.205(a) are amended by inserting "157.210" between "157.209(b)" and "157.211(b)."

2. Proposed § 157.206 is amended by revising paragraph (g)(1) to read as follows:

§ 157.206 Standard conditions.

* * * * *

(g) *Treatment of revenues.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, all revenues received for sales for resale in excess of purchased gas costs, or for transportation (including storage service) authorized under the blanket certificate in excess of an allowance of one cent per MMBtu shall be credited to Account No. 191 and flowed back to the certificate holder's customers.

* * * * *

§ 157.209 Transportation. [Amended]

3. Proposed § 157.209 is amended in paragraph (d)(3) by removing the phrase "§ 2.79 of this chapter or".

4. Proposed § 157.209 is amended by revising paragraph (d)(4) to read as follows:

* * * * *

(d) *Special conditions.* * * *

(4) Any transportation authorized under paragraphs (a) or (b)(1) of this section is conditioned upon the natural gas being consumed only by a qualified end-user for qualified end-uses.

* * * * *

5. Proposed Subpart F of Part 157 is amended by adding a new § 157.210 is proposed to read as follows:

§ 157.210 Sales for resale.

(a) *Prior notice.* Subject to the notice procedure of § 157.205, the certificate holder is authorized to sell natural gas in interstate commerce for resale, if:

(1) The buyer is an interstate pipeline acquiring the gas for its system supplies,

(2) The sale does not exceed a period of one year,

(3) The volume sold does not exceed 100,000 MMbtu per day,

(4) The sale is made under a commodity charge, which reflects both the cost of purchased gas and transportation costs, as contained in an appropriate currently effective sales rate schedule on file with the Commission,

(5) The sale does not involve the sale of any natural gas acquired by the certificate holder solely or primarily for the purpose of making a sale under this section,

(6) The buyer is not an interstate pipeline supplier of the seller during the duration of the sale, and

(7) The sale shall be subject to interruption by the certificate holder to the extent that natural gas subject to the sale is required to provide adequate service to the certificate holder's other customers at the time of the sale.

(b) *Contents of request.* Requests filed pursuant to this section shall contain:

(1) The identity of the seller and buyer;

(2) The dates of commencement and anticipated termination of the sale;

(3) The estimated total and daily quantities (in MMBtu's) of natural gas to be sold in this transaction;

(4) The rate to be charged and the applicable rate schedules;

(5) The affidavit that service pursuant to the sale is subject to interruption to the extent that natural gas subject to the sale under this section is required to enable the certificate holder to provide adequate service to its customers; and

(6) The total quantity of gas being sold in transactions authorized by this section at the time that the request is filed.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

6. Section 284.105 is amended by revising paragraph (a) to read as follows:

§ 284.105 Extensions.

(a) *General Rule.* An interstate pipeline seeking to extend a transporation arrangement initially authorized under § 284.102(a), including those subsequently extended under this section, shall file an extension report as required in § 284.106(c).

* * * * *

7. Section 284.122 is amended by revising paragraph (b)(1) to read as follows:

§ 284.122 Transportation by intrastate pipelines.

* * * * *

(b) *Limitations.* (1) Authorization under paragraph (a) of this section is limited to an arrangement:

(i)(A) Which does not exceed a period of two years, and

(B) In which the transported natural gas is delivered directly or indirectly to an interstate pipeline, intrastate pipeline, or local distribution company, which receives such natural gas for its system supply for resale, or

(ii) In which natural gas is purchased by a qualified end-user and is also transported by an interstate pipeline pursuant to a blanket certificate issued under Subpart F of Part 157 of this chapter.

* * * * *

8. Section 284.125 is amended by revising paragraphs (a) and (b) to read as follows:

§ 284.125 Extensions.

(a) *General rule.* An intrastate pipeline seeking to extend a transportation arrangement initially authorized under § 284.122(a), including those subsequently extended under this section, shall file an extension report as required in § 284.126(c).

(b) *Approval.* (1) If an extension report as required in § 284.126(c) is duly filed, the proposed extension may take effect unless the Commission, prior to the beginning of the proposed extension, and after opportunity for written comments, determines, by order, that the proposed extension is not authorized. If the intrastate pipeline proposes to charge a rate during the extension which is different than the rate previously charged, the new rate is subject to the requirements and approval procedures of § 284.123.

(2) If the Commission determines, by order, that the proposed extension shall be modified, the extension may take effect only as modified.

* * * * *

9. Section 284.222 is revised to read as follows:

§ 284.222 Certain transportation, sales and assignments by local distribution companies.

(a) *Applicability.* This section applies to local distribution companies served by interstate pipelines including persons who are not subject to the jurisdiction of the Commission, by reason of section 1(c) of the Natural Gas Act.

(b) *Blanket certification.* Any local distribution company served by a interstate pipeline or any Hinshaw pipeline may apply for a blanket certificate under this section. Upon application therefore, the Commission will conduct a hearing pursuant to section 7(c) of the Natural Gas Act and §§ 1.32 and 157.11 of this chapter and, if required by the present or future public convenience and necessity, the Commission will issue a blanket certificate to such a local distribution company. Such certificate will authorize the certificate holder to engage in the sale, transportation, or assignment of natural gas, that is subject to the Commission's jurisdiction under the Natural Gas Act, to the same extent and in the same manner that intrastate pipelines are authorized to engage in such activities by Subparts C, D, and E and § 284.203 of this Part (as amended from time to time), except as otherwise provided in paragraph (e)(2) of this section.

(c) *Application procedure.* Applications for blanket certificates shall state:

(1) The exact legal name of applicant; its principal place of business; whether an individual, partnership, corporation or otherwise; state under the laws of which organized or authorized; the agency having jurisdiction over rates and tariffs and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed,

(2) The volumes of natural gas which:

(i) Were received during the most recent 12-month period by the applicant within or at the boundary of a state, and

(ii) Were exempt from the Natural Gas Act jurisdiction of the Commission by reason of section 1(c) of the Natural Gas Act, if any,

(3) The total volume of natural gas received by the applicant from all sources during the same time period,

(4) Citation to all currently valid declarations of exemption issued by the Commission under section 1(c) of the Natural Gas Act,

(5) A statement that the applicant will comply with the conditions in paragraph (e) of this section,

(6) A form of notice suitable for publication in the **Federal Register**, as contemplated by § 157.9 of this chapter, which will briefly summarize the facts contained in the application in such a way as to acquaint the public with its scope and purpose, and

(7) A statement of the methodology to be used in calculating rates for services to be rendered, setting forth any elections under § 284.123 or paragraph (e)(2) of this section and a sample calculation employing the methodology using current data. If a rate election is made under paragraph (e)(2), this statement shall contain the following items (reflecting the 12-month period used to justify costs in the most recently approved rate case conducted by an appropriate state regulatory agency):

(i) Total operating revenues,

(ii) Purchase gas costs,

(iii) Distribution costs (which include that portion of the common costs allocated to the distribution function),

(iv) The volume throughput of the system categorized by sales, transportation and exchange service, and

(v) A study which determines transportation costs on a unit revenue basis in accordance with paragraph (e)(2) of this section, including any supporting work papers.

(d) *Effect of certificate.* (1) A certificate issued pursuant to this section will authorize the certificate holder to engage in transactions of the type authorized by Subparts C, D and E and § 284.203 of this Part.

(2) Acceptance of a certificate or conduct of an activity authorized thereunder will:

(i) Not impair the continued validity of any exclusion under section 1(c) of the Natural Gas Act which may be applicable to the certificate holder, and

(ii) Not subject to the certificate holder to the Natural Gas Act jurisdiction of the Commission except to the extent necessary to enforce the terms and conditions of the certificate.

(e) *General conditions.* (1) Except as provided in paragraph (e)(2) of this section, any transaction authorized under a blanket certificate shall be subject to the same rates and charges, terms and conditions and reporting requirements that would apply if the transactions were authorized for an intrastate pipeline by Subparts C, D and E and § 284.203 of this Part (as amended from time to time).

(2) *Rate election.* If the certificate holder does not have any existing rates on file with the appropriate state regulatory agency for city-gate service, the certificate holder may make the rate election specified in § 284.123(b)(1) only if:

(i) The certificate holder's existing rates are approved by an appropriate state regulatory agency,

(ii) The rates and charges for any transportation are computed by using the portion of the certificate holder weighted average annual unit revenue (per MMBtu) generated by existing rates which is attributable to the cost of gathering, treatment, processing, transportation, delivery or similar service (including storage service), and

(iii) The Commission has approved the method for computing rates and charges specified in paragraph (e)(2)(ii) of this section.

(3) *Incremental pricing.* Prior to engaging in any sale or assignment

under the blanket certificate to a buyer subject to the incremental pricing provisions of Title II of the NGPA and Part 282 of this chapter, the selling pipeline shall receive an undertaking from the buyer to price incrementally the gas sold to the same extent required for transactions authorized under section 311(b) or 312 of the NGPA.

(4) *Volumetric test.* The volumes of natural gas sold or assigned under the blanket certificate may not exceed the volumes obtained from sources other than interstate supplies.

(5) *Filings.* Any filings made with the Commission that report individual transactions shall reference the docket number of the proceeding in which the blanket certificate was granted.

(6) *Tariff filings.* (i) The tariff filing requirements of Part 154 of this chapter shall not apply to transactions authorized by the blanket certificate.

(ii) The certificate holder shall file with the Commission a copy of all contracts applicable to a transaction authorized by the blanket certificate as a part of the initial full report required by §§ 284.126 and 284.148. The certificate holder shall also file with the Commission each amendment to such contracts, within 30 days of the execution of the amendment.

(f) *Pregrant of abandonment.* Abandonment of transportation services or sales, pursuant to section 7(b) of the Natural Gas Act, is authorized upon the expiration of the contractual term of each individual arrangement authorized by a blanket certificate under this section.

(g) *Hinshaw pipelines without blanket certificate.* A Hinshaw pipeline which does not obtain a blanket certificate under this section is not authorized to sell, assign or transport natural gas as an intrastate pipeline by Subparts C, D, E and F of Part 284 of this chapter.

(h) *Definitions.* For the purposes of this section:

(1) A "Hinshaw pipeline" means any person engaged in the transportation of natural gas which is not subject to the jurisdiction of the Commission under the Natural Gas Act by reason of section 1(c) of the Natural Gas Act.

(2) "Interstate supplies" means any natural gas obtained, either directly or indirectly, from:

(i) The system supplies of an interstate pipeline, or

(ii) Natural gas reserves which were committed or dedicated to interstate commerce on November 8, 1978.

(3) A "certificate holder" means any Hinshaw pipeline or local distribution company served by an interstate pipeline with an effective blanket certificate issued pursuant to this section.

[FR Doc. 81-13186 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 180 and 182

[Docket No. 80N-0418]

Caffeine; Deletion of GRAS Status, Proposed Declaration That No Prior Sanction Exists, and Use on an Interim Basis Pending Additional Study; Extension of Comment Period

Correction

In FR Doc. 81-9104 appearing on page 18996 in the issue of Friday, March 27, 1981 make the following correction:

On page 18997, second column, second paragraph, the bracketed material in the sixteenth line reading "(From FD-483)" should have read "(Form FD-483)".

BILLING CODE 1501-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Fenethylline Into Schedule I

AGENCY: Drug Enforcement Adminsistration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is a proposed rule issued by the Administrator of the Drug Enforcement Administration (DEA) to place the chemical substance, fenethylline, into Schedule I of the Controlled Substances Act (CSA). This action was initiated upon DEA's receipt of a letter from the Acting Assistant Secretary for Health, Department of Health and Human Services (DHHS), recommending that fenethylline be placed into Schedule I. The effect of this proposal would be to require that the manufacture, distribution, security, registration, recordkeeping, quotas, inventory, order forms, criminal liability, exportation and importation of fenethylline be subject to controls for Schedule I substances.

DATE: Comments must be received on or before June 2, 1981.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: On April 4, 1979, the Administrator of DEA sent information concerning the abuse and trafficking of the amphetamine-theophylline conjugate (3,7-dihydro-1,3-dimethyl-7-[(2)-((1-methyl-2-phenthyl)amino)ethyl-1H-purine-2,6-dione] to the Assistant Secretary for Health, Department of Health, Education and Welfare (now Department of Health and Human Services). The Administrator requested of the Assistant Secretary a scientific and medical evaluation of the information concerning fenethylline and a recommendation that it be placed in Schedule I of the CSA. On March 18, 1981, the Acting Assistant Secretary for Health replied:

March 18, 1981.

Mr. Peter B. Bensinger,

Administrator, Drug Enforcement Administration, Washington, D.C.

Dear Mr. Bensinger:

Pursuant to your letter of April 4, 1979 and Section 201(b) of the Controlled Substances Act, 21 U.S.C. 811(b), this letter is notification of the recommendation for control of fenethylline into Schedule I of the Controlled Substances Act. Under the definition of the Act, fenethylline would be defined as having a stimulant effect on the central nervous system.

The Food and Drug Administration has concluded that the pharmacology of fenethylline is essentially that of amphetamine and has recommended that fenethylline be placed in Schedule I of the CSA. The evidence supporting this conclusion is presented in the Basis for Recommendation for Control of Fenethylline. I concur with the Food and Drug Administration's conclusion and recommend that fenethylline be controlled into Schedule I of the Controlled Substances Act in the best interest of the public health.

Should you have nay questions concerning this recommendation, the appropriate staff is prepared to respond.

Sincerely yours,

Charles Miller,

Acting Assistant Secretary for Health.

Enclosure

Tab A—Basis for Recommendation for Control of Fenethylline.

The Drug Enforcement Administration has conducted a review of fenethylline which has included the following:

1. Published scientific and medical literature from the United States and other countries regarding this substance;

2. Materials submitted to DEA by DHHS with the letter of March 18, 1981;

3. Materials on file with the Drug Enforcement Administration;

4. Drug reporting systems within DEA and various state and local establishments; and,

5. The legislative history of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and relying on the scientific and medical evaluation and the recommendation of the Secretary of Health and Human Services, received pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, fenethylline has a high potential for abuse;

2. Fenethylline has no currently accepted medical use in treatment in the United States; and,

3. There is a lack of accepted safety for use of fenethylline under medical supervision.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Act [21 U.S.C. 811(a)], and the delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice [28 CFR Part 0.100], the Administrator hereby proposes that a new paragraph (f) entitled *Stimulants* be added to § 1308.11 of Title 21 of the Code of Federal Regulations (CFR) and that § 1308.11 be amended to read as follows:

§ 1308.11 Schedule I.

* * * * *

(f) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline—1503

All interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537. Attention: DEA Federal Register Representative.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrant a hearing, the Administrator will have published in the **Federal Register** an order for a public hearing which will summarize the issues to be heard and which will set the time for the hearing (which will not be less than 30 days after the date of the order).

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that control of fenethylline, as proposed herein, will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act. The chemical substance described in this notice has no legitimate use in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291.

Dated: April 23, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-13256 Filed 4-30-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 235

[Docket No. R-81-900]

Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation; Congressional Waiver Request

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Congressional Waiver request.

SUMMARY: Section 7(o)(4) of the Department of Housing and Urban Development Act permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This notice lists and briefly summarizes for public information an interim rule concerning mortgage insurance and assistance payments for home ownership and project rehabilitation, with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT:

Richard F. Lasner, Assistant General Counsel for Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION:

Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both Congressional Banking Committees the interim rule listed below. The purpose of the transmittal is to request waiver of both the 15-day prepublication review period, under Section 7(o)(2), and the 30-day delayed effective date for the interim rule under Section 7(o)(3) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Interim Rule—24 CFR Part 235—Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation

This interim rule amends several Sections of 24 CFR in order to comply with the intent of the Department of Housing and Community Development Act of 1980. The new provision will provide for an increase in the Section 235 maximum mortgage amounts. The maximum mortgage amount for a single-family dwelling unit or a one-family unit in a condominium project is $40,000. In such cases where there are five or more persons requiring a minimum of four bedrooms, the maximum mortgage amount is $47,500. In geographical areas where the Secretary finds cost levels so require, these limits may be raised up to $7,500.

(Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o); Sec. 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 21, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-13212 Filed 4-30-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-108-80]

Consolidated Return Regulations 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 consolidated returns.

DATES: The public hearing will be held on August 13, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by July 30, 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. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 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 section 1502 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 30, 1981 (46 FR 9965).

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 July 30, 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 Commissioner of Internal Revenue.

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-13325 Filed 4-30-81; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 31

[LR-8-81]

Voluntary Withholding From Sick Pay; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rule and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary regulations that relate to voluntary withholding from sick pay. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered by June 30, 1981. The regulations are proposed to be effective with respect to sick pay payments made by someone other than the payee's employer on or after May 1, 1981.

ADDRESSES: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-8-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add a new Part 35 to Title 26 of the Code of Federal Regulations. The final regulations, which this document proposes be based on those temporary regulations, would be added to Part 31 of Title 26 of the Code of Federal Regulations. Section 35.1 would become § 31.3402(o)-3, § 35.2 would become § 31.6051-3, and Part 35 would be removed.

The regulations would permit a payee of sick pay to request that the payor (other than his employer) of his sick pay withhold a specific whole dollar amount from each sick pay payment and would require that the payor comply with this request until the payee terminates the request. The regulations are necessary because of the additions made to section 3402(o) and 6051(f) by Pub. L. 96-601 (94 Stat. 3495). These statutory changes are effective with respect to sick pay payments made on or after May 1, 1981. These regulations are proposed to be issued under the authority contained in sections 3402(o) (94 Stat. 3495; 26 U.S.C. 3402(o)) and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

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**.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81-13345 Filed 4-29-81; 11:33 am]

BILLING CODE 4830-01-M

26 CFR Part 51

[LR-72-80]

Study Project Relating to Changes in the Application of Department of Energy Regulations for Purposes of the Windfall Profit Tax on Domestic Crude Oil; Invitation for Public Comments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Invitation for public comments.

SUMMARY: This document contains an invitation for public comment on the

question of what (if any) changes in the application of the energy regulations for purposes of the windfall profit tax on domestic crude oil may be necessary or appropriate to carry out the purposes of that tax. The Service invites interested members of the public to submit written comments (preferably six copies) on this subject. All comments will be available for public inspection.

DATES: Written comments must be delivered or mailed by June 30, 1981.

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–72–80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mr. David B. Cubeta of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION: Section 4997(b) of the Internal Revenue Code of 1954 authorizes the issuance of such regulations changing the application of regulations promulgated by the Department of Energy, for purposes of chapter 45 of the Code (relating to the windfall profit tax on domestic crude oil), as may be necessary or appropriate to carry out the purposes of that chapter. The Internal Revenue Service has established a project to study the question of what changes (if any) are necessary or appropriate.

The Service invites public comment on all issues involved in this question.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81-13217 Filed 4-30-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, VII

33 CFR Ch. II

36 CFR Ch. III

Semi-Annual Agenda of Regulations; Delay of Publication

AGENCY: Department of Defense.

ACTION: Delay of publication of semi-annual agenda of regulations.

SUMMARY: Notice is hereby given that the Department of Defense will publish its Semi-Annual Agenda of Regulations at its usual publication date of May 29, 1981 vice the April 30 publication date required under the new E.O. 12291, "Federal Regulation." The Department is undergoing several changes to its agenda and regulatory reform program in order to incorporate those provisions determined applicable under E.O. 12291. The May publication date will provide the time required for Defense Components to incorporate these changes and present an updated and revised agenda. The Agenda will also be published in October 1981 under E.O. 12291 guidelines.

FOR FURTHER INFORMATION CONTACT: Colonel P. H. Karalus, telephone 202–695–4281 or write Directorate for Organizational and Managment Planning, OASD(C), Pentagon, Washington, D.C. 20301.

Dated: April 28, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-13272 Filed 4-30-81; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL 1816-4]

Stack Height Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of additional technical information.

SUMMARY: On January 12, 1979 (44 FR 2608) EPA proposed regulations to assure that the degree of emission limitation required for the control of any air pollutant under any applicable State Implementation Plan (SIP) is not affected by that portion of the stack height which exceeds Good Engineering Practice (GEP) or by any other dispersion technique. Since the close of public comment proceedings in July of 1979, EPA has developed additional technical information on the definition of GEP stack height and additional information on the projected impact of the proposed regulations. EPA is now providing a 30 day period for comment on this additional information.

DATE: Written comments must be received no later than 4:00 p.m. (EDT) June 1, 1981 by the Central Docket Section.

ADDRESSES: All comments must be submitted (in duplicate, if possible) to: Central Docket Section (A–130), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attn: Docket No. A–79–01, Section IV–H. The docket may be inspected at Gallery 1, West Tower Lobby, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Polkowsky, MD–15, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Telephone: (919) 541–5540.

SUPPLEMENTARY INFORMATION:

Background

Section 123 of the Clean Air Act, 42 U.S.C. 7423 requires EPA to promulgate regulations to assure that the air pollutant emission limitation required by any SIP is not affected by that portion of the stack height which exceeds GEP or by any other dispersion technique. On January 12, 1979 (44 FR 2608) EPA proposed regulations to implement Section 123 of the Act.

Accompanying the proposed regulations was a regulatory impact study and a draft technical support document. The impact study was developed to evaluate the potential impact of the proposed stack height regulation in terms of emissions and estimated costs for a specific category of sources, coal-fired power plants. This category of sources was selected for study because of: (1) its significant emissions contribution, (2) its use of tall stacks, and (3) the availability of stack data to perform an assessment regarding the impact of the regulation. Many of the commenters on the proposed regulations referred to the impact study as being inadequate since it was not based on individual plant information for determining GEP stack heights.

In an effort to address the above concerns, the Agency contracted for two studies to better assess the technical and economic impacts of the proposed regulations. The first report prepared by H. E. Cramer, Co., (Cramer) identified the pollution source categories most likely to be affected by the stack height regulations, estimated the total amount of emission reductions the proposed regulations would require, and estimated the overall changes in air quality the proposed regulations would produce. The study report is included in Docket IV A–79–01 as document IV–A–4.

The second study, prepared by Energy and Environmental Analysis, Inc. (EEA), estimated the cost to coal-fired power plants based on two source-category wide GEP stack heights. This study report is included in Docket A–79–01 as document IV–A–5.

In order to better ascertain the impact of the GEP formula for setting emission limitations, the Agency decided to obtain more information on fossil-fuel fired power plants with new stacks. This study is based on specific information on power plants which was contained in EPA or State files and from information obtained from the sources. This study report is included in Docket A–79–01 as document IV–A–6.

In the report prepared in support of the proposals and in the Cramer and EEA reports, EPA attempted to estimate the cost on the implementation of the stack height regulations based on a limited data base. Where information was not available, reasonable worst-case values were assumed (values which would result in the higher estimated cost). In the last study, EPA obtained as much information on individual plants as was reasonably available and, thus, less assumptions were made. EPA believes that report represents the best estimate of the cost of implementing these regulations.

EPA also received comments claiming that the draft technical support document was not adequate. EPA has revised and expanded this document. The latest draft is available in Docket A–79–01 as document IV A–7. EPA also prepared an additional study to assess the long distance impact of various stack heights. That report, "An Assessment of the Potential Effect of Stack Heights on Sulfate Formations and Sulfur Deposition," is included in Docket A–79–01 as document IV A–8.

Request for Comments

EPA is requesting comments on these additional studies and their use for the development of the stack height regulations. EPA is still considering all of the comments previously submitted on the regulations proposed January 12, 1979. Persons desiring additional information on the procedural and technical background of this rulemaking should refer to the notice of proposed rulemaking (44 FR 2608).

As a result of an order of the United States District Court for the District of Columbia Circuit, EPA is on an extremely strict schedule for final promulgation of the stack heights regulations. *Sierra Club v. Barber* (D.C. Cir. Final Action No. 01–0094). Accordingly, all comments must be received no later than June 1, 1981. EPA will not consider any requests for extensions of this comment period.

Dated: April 27, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–13219 Filed 4–30–81; 8:45 am]

BILLING CODE 6560–26–M

40 CFR Part 52

[A1–FRL 1800–5]

Approval and Promulgation of Implementation Plans; Connecticut

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a number of revisions to the Connecticut State Implementation Plan (SIP) which will permit individual sources to use fuels with a higher sulfur content than the 0.5 percent by weight limitation in the SIP. The amendments to the Connecticut air program and supplementary revisions were submitted to EPA on December 22, 1980 and on March 11, 1981, respectively, by the Commissioner of the Department of Environmental Protection (DEP).

First, EPA is proposing to approve a narrative change to the SIP which defines a state procedure for considering improved energy efficiency in determining an alternative sulfur control strategy under the existing state sulfur-in-fuel regulation 19–508–19. The proposed "Air Pollution Control/Energy Trade Option" will ultimately permit a company that has conserved energy to buy and use fuels containing up to 2.2 percent sulfur by weight. Technical support for the approvals will be based on the state *New Source Ambient Impact Analysis Guideline* which EPA is also proposing to approve today for inclusion in the narrative portion of the Connecticut SIP.

In addition, EPA is proposing to approve revised sulfur-in-fuel limitations for all Connecticut sources under 250mBtu/hour which will be approved by the Commissioner of the DEP under the new procedures. Individual SIP revisions for each of these small sources will be submitted to EPA by DEP at some later dates after the individual state approvals, and EPA will proceed to final rulemaking for each source at that time. By proposing to approve the revised sulfur-in-fuel limits for limits for the individual small sources now, in advance of the technical review, EPA is departing from its usual procedure of conducting separate proposed rulemaking for each individual case after the state has fully completed its review and taken action. EPA believes that this new approach of concurrent, parallel State/EPA procedures constitutes a significant regulatory reform of the current SIP revision process because it will continue to assure protection of the National Ambient Air Quality Standards (NAAQS) and public input while substantially accelerating application processing time and eliminating duplication of effort by the State and EPA. This new procedure is similar to the one discussed on December 16, 1980 at 45 FR 82675 for the proposed Massachusetts energy program.

EPA is soliciting comment on the revisions to the CT SIP proposed here and on the new rulemaking procedure.

DATE: Comments must be received on or before June 1, 1981.

ADDRESSES: Copies of the Connecticut submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut.

Comments should be submitted to Harley Laing, Chief, Air Branch, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT:

Sarah Simon, Air Branch, Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION:

I. Proposed Connecticut SIP Revisions
A. Existing State Regulation
B. The New Equivalency Determination and the Proposed Program
C. Ambient Standards Review
1. Connecticut *New Source Ambient Impact Analysis Guideline*
2. Models Employed
3. Background
4. Special Requirements and Refined Analysis
II. Federal Review and Request for Comments
A. Enforceability and Authority
B. Ambient Guideline and Standards Protection
C. Compatibility with Other Air Programs
III. Federal Rulemaking for the CT SIP Revisions
1. Guideline
2. Air Pollution Control/Energy Trade Option
3. Source Approvals and Expedited Procedures

I. Proposed Connecticut State Implementation Plan (SIP) Revisions

The Connecticut (CT) Department of Environmental Protection (DEP) is proposing a program (the "proposed program") which will allow companies whose energy use has become more efficient over the last several years to burn fuels with a sulfur content up to a maximum of 2.2% by weight. In addition, the DEP is also proposing a state guideline for ambient impact analysis. Since promulgation of the uniform 0.5% sulfur (by weight) fuel limitation in 1972, CT has achieved ambient conditions better than the NAAQS for sulfur dioxide (SO_2). In cases where standards can be maintained, the new proposed program will permit higher sulfur-in-fuel limits (up to 2.2% sulfur by weight) as an economic incentive to reward companies that have conserved fuel and energy. The proposed program, entitled "Air Pollution Control/Energy Trade Option", is in the form of a narrative amendment to the CT SIP since it is based upon an interpretation of the present state sulfur-in-fuel regulation. Companies will make individual applications to the DEP for consideration under the proposed program, and after review, approvals will be issued as orders of the Commissioner and will subsequently be used for enforcement purposes. The proposed program, use of the state guideline for ambient impact analysis, and the individual approval orders will become federally enforceable when each of these revisions is incorporated into the federally approved SIP through appropriate federal rulemaking.

A. The Existing State Regulation

The proposed program is based on the existing state regulation 19–508–19, "Control of Sulfur Emissions". Subsection (a)(2)(i) of 19–508–19 states that "* * * no person shall use or burn fuel which contains sulfur in excess of one-half of one percent (0.5 percent) sulfur by weight * * *" Subsection (a)(3) of 19–508–19 provides an alternative to this, stating that "the Commissioner may approve * * * combustion of a * * * higher sulfur content * * * if the combustion * * * is combined with a stack gas cleaning process *or its equivalent* * * * *No* * * * *equivalent* * * * shall be approved unless the total sulfur * * * emissions * * * do not exceed 0.55 pounds per million Btu gross heat input * * * (emphasis added). Thus, the regulation requires that 0.5% sulfur fuel be burned unless "a stack gas cleaning process or its equivalent" is approved which limits emissions to "0.55 pounds per million Btu gross heat input". CT will implement this regulatory alternative of approving an equivalent sulfur control strategy for appropriate companies through the proposed program described below. It should be noted that the proposed program is the state's mechanism for determining the sulfur-in-fuel content approvable for various "premises" and as such is within the state's discretion; EPA is principally concerned with the resulting emission limit for each point source and the impact on the NAAQS.

B. The New Equivalency Determination and the Proposed Program

The DEP has provided a narrative explanation of how an equivalent sulfur control strategy can be determined under this proposed program. Since regulation 19–508–19 does not define what is "equivalent" to a stack gas cleaning process and does not mention sources, boilers, combustion units, or control equipment, CT has defined "gross heat input" to be the total annual energy requirements for a given "premise." The DEP has included electrical energy requirements in the premise's "gross heat input" in order to account for efficiency improvements implemented through the use of heat pumps, cogeneration, or other methods. "Premise" has been defined to be "the grouping of all pollutant emitting activities or sources at one location and owned or under the control of the same person or persons". Neither of these are traditional definitions, and they will be used by the state only for the proposed program and the development of CT approval orders under the program and not for enforcement actions or other emission limit calculations under the SIP.

The actual calculation for each equivalency determination is based on a fixed energy-per-production unit ratio for a given year after 1971. The applicant may select a base year for which its energy-per-production unit ratio was the greatest, or, in other words, a production year before conservation efforts were put into effect. Under the proposed program, the premise will be permitted to use the base year energy requirements (the energy-per-production unit ratio) to determine its "gross heat input" for all subsequent years. The premise, after approval, will be allowed to discharge 0.55 pounds SO_2 per mBtu of gross heat input for the year of the application. The premise will be allowed to emit this same, total SO_2 discharge although on-site fuel and energy needs for the particular premise will have been reduced through conservation efforts. Thus, after approval, fuel burned on-site may contain more than 0.5% sulfur by weight while still meeting the total, allowable discharge limit of 0.55 pounds SO_2 per mBtu of gross heat input. If NAAQS will not be violated by the premise's emissions, the sulfur content may be as high as 2.2%. Only one energy-per-production unit ratio will be used for any given premise, but the maximum sulfur content allowed will be recalculated each year to account for further changes in energy efficiency. CT expects that this will provide a continuing incentive for decreasing fuel use at each premise. Final approval orders for the premise will include specific conditions for each point source based on the above review and the ambient impact analysis.

C. Ambient Standards Review

The DEP will never review the air quality impact of the plant burning fuel with the maximum sulfur content as calculated by the above described procedure. If necessary, CT will reduce this calculated fuel sulfur content so that the NAAQS and the CT air quality standards will be protected. CT proposes to use their *New Source Ambient Impact Analysis Guideline (CT Modeling Guideline)* for this ambient air quality analysis.

1. CT: *New Source Ambient Impact Analysis Guideline.* The proposed *CT Modeling Guideline* combines the results of conservative, mathematical modeling with a system of background air quality levels. The procedures presented in the *CT Modeling Guideline* fall into the category of screening analyses that utilize assumed, worst case meteorological scenarios and are, therefore, on the level of the relatively quick and simple ambient impact modeling described in EPA's *Guidelines for Air Quality Maintenance Planning and Analysis: Volume 10 (revised): Procedures for Evaluating Air Quality Impacts of New Stationary Sources.* These worst case or "screening" analyses are distinct from "refined" modeling analyses in that the latter use recorded meteorological data in more complex dispersion models. If results of the State screening analysis predict that standards will be violated, more refined techniques consistent with EPA's *Guideline on Air Quality Models* can then be applied which may yield more realistic, estimated impacts.

2. *Models Employed.* The screening procedures proposed in the *CT Modeling Guideline* are based on the assumption that short-term ambient standards are more constraining than annual standards and that directionally persistent winds usually produce the

highest impact. The analysis is designed to model sources with emissions greater than 15 tons per year. The State inventory system does include point sources as small as 15 tons of emissions per year.

Connecticut performs initial screening with the EPA model PTMAX which assumes flat terrain and a range of possible meteorological conditions. It calculates 1-hour impacts. If the maximum SO_2 or total suspended particulate (TSP) impacts are less than 10 $\mu g/m^3$, the impacts are considered insignificant and no further analysis is done. A maximum 1-hour impact of 10 $\mu g/m^3$ indicates that the maximum 24-hour and 3-hour impacts will generally be less than EPA's levels of significant impact of 5 and 25 $\mu g/m^3$, respectively (See EPA's *Ambient Monitoring Guideline* for PSD, 450/4–80–012, pg. A–8).

Further analysis is conducted to review sources whose impacts are above the 1-hour level of significance. This utilizes DEP's PTMTPA–CONN model which is a modified version of EPA's model PTMTP. PTMTPA–CONN has been developed to handle elevated source and receptor terrain heights and directionally persistent winds. Terrain handling techniques include a constant plume height approach for stable meteorological conditions and a so-called "half-height" approach for non-stable conditions for significantly elevated terrain. For lower terrain and non-stable conditions, the constant plume height approach is again used. Based on climatological studies of wind direction persistence, the DEP model includes a built-in spread of wind direction about each downwind centerline direction. This internal wind persistence technique is used to convert predicted 1-hour concentrations to 24-hour concentrations.

In a single computer run, the model allows input of the discharge characteristics of up to 25 sources, 30 receptor locations, and 14 meteorological regimes. A radius of influence is determined for the source being analyzed using the PTMAX results. All sources greater than 15 tons located within this radius are modeled (at average operating conditions) along with the source in question (at maximum design operating conditions). The worst case meteorology scenarios and the placement of receptors are based on the PTMAX output, nearby topography, and DEP's knowledge of dispersion climatology in CT.

3. *Background.* In this second level of review, existing background levels are characterized through a procedure that uses the State's monitoring system data and accounts for natural background, transport of pollutants, area sources and non-traditional sources such as roadways. Each town is assumed to have a constant contribution from natural background and transport while area sources (including, but not limited to, point sources less than 15 tons per year), point sources greater than 15 tons per year, and industrial development vary for each town. The DEP groups the monitoring data according to area source emission densities of the towns in which the monitors are sited and also divides them into the urban/rural classification areas depicted on the USGS topographical maps. The highest, second high, monitored data values for each group are averaged. These rural and urban background values are then assigned to all similar emission density towns throughout the State. Actual, monitored second high values are considered as background levels for sources located in towns with monitors, but if they are determined to be unduly influenced by nearby sources or otherwise non-representative, the statewide background number may be used.

4. Special Requirements and Refined Analysis

Under the *CT Modeling Guideline*, major sources (100 tons potential emissions per year or larger) and those minor sources requiring Federal review must meet additional requirements. Major sources of TSP and SO_2 must be evaluated for compliance with the 24-hour and 3-hour standards not only at maximum operating levels but also at average operating conditions. In addition, major sources must be analyzed for annual standards compliance at average operating conditions. Major sources of carbon monoxide (CO) and nitrogen dioxide (NO_2) will be analyzed for compliance with the National Ambient Air Quality Standards. All major sources will also be reviewed for conformance with EPA's proposed stack height regulations (44 FR 2608, January 12, 1979). Minor sources for SO_2 requiring Federal review must be evaluated for compliance with the 24-hour and 3-hour standards using the maximum operating conditions.

In the event that the screening analysis using the *CT Modeling Guideline* indicates that standards will be violated, the applicant may proceed to more refined modeling if it is in accord with EPA's *Guideline on Air Quality Models* and subsequent EPA guidance. EPA must approve the use of any non-guideline models, techniques, or data bases on a case specific basis.

II. Federal Review and Requests for Comments

EPA has reviewed aspects of the proposed program with regard to State authority, protection of the NAAQS, enforcement, and other related air programs. It should be noted that if it can be demonstrated that NAAQS will not be jeopardized by the new fuel limitations, EPA is not concerned with the derivation of the maximum energy-trade sulfur limitation (discussed in Section IB above) which is strictly a State responsibility. Thus, EPA has focused on three areas in reviewing this program: (1) Federal and State enforcement and authority, (2) protection of the National Ambient Air Quality Standards (NAAQS) and the prevention of significant deterioration (PSD) increments, (3) compatibility with other air pollution control programs.

A. Enforceability and Authority

The State orders and their conditions will be in conformance with State regulations Sections 19–508–(3), (4), (6), and (7) which respectively provide for the determination of equivalency, require approval prior to fuel sales or use under any equivalence determination, authorize the commissioner to require fuel analyses or stack sampling, and require suppliers to keep records of fuel sulfur content. The narrative amendment states that failure to comply with reporting required by any order will subject the applicant to civil penalties under Section 22a–6b–601. State and Federal enforceability will be reiterated in the order itself, and each applicant must agree to this as a condition of approval. The State submittal contains an opinion of the State attorney general indicating that DEP has the authority to establish, implement and enforce this program.

From the Federal perspective, changes or variations from the current limitations in the federally approved SIP must be incorporated into the Federal rules in order to become federally enforceable. EPA has decided to conduct formal rulemaking for the SIP revisions in accordance with procedures outlined below in Part III. Because the proposed program, the *CT Modeling Guideline*, and the individual premise approvals will be promulgated as a part of the Federal SIP, all provisions of these State programs and emission limits approved thereunder will become federally enforceable.

EPA believes that the proposed program is a workable State program that can be enforced by the State and EPA and will protect ambient air quality

standards. By taking efficiency improvements into account the proposed State program may help to reduce the cost of energy to CT industry. EPA solicits comment on the State and Federal enforceability of the program as proposed.

B. Ambient Guideline and Standards Protection

The *CT Modeling Guideline* was initially submitted to EPA in June 1979. Since the original submittal, the guideline procedures and extent of review have been expanded to include pollutants other than SO_2 and TSP, consideration of averaging times other than 24-hours, provisions for conducting more refined modeling, slightly different background characterization procedures, a more complete stack height analysis, and several other details for modeling conditions.

As far as the modeling is concerned, EPA has found that the *CT Modeling Guideline* is sufficiently conservative even though time-averaging and terrain are handled somewhat differently from EPA's own screening methods. The method for determining background values also differs from EPA methods in that it uses average, second-high, monitored data and then applies this calculated background number to all city and rural areas of towns with similar populations and emissions densities. These background values will be used in conjunction with the modeled impacts of all nearby sources emitting more than 15 tons per year. The DEP will also consider local, monitored data, if available, for review of major sources.

Because neighboring point sources as small as 15 tons per year are explicitly modeled, there may be some double counting of these emissions in the background levels. Also, the entire procedure has an intrinsically conservative element because DEP is adding worst case modeled impacts to "bad day" background levels without taking into account any temporal correlations (or lack thereof) of the meteorological conditions associated with worst case modeled impacts versus those associated with high background levels. In more refined dispersion analyses it is common to find that during conditions of high modeled impacts the background is not high, and conversely, during conditions of high background levels, the modeled impacts are much less than worst case impacts.

EPA has reviewed the *CT Modeling Guideline* and has concluded that it is at least as conservative as EPA's screening procedures, and therefore, CT's use of its procedures will be adequate to insure the maintenance of the NAAQS. However, this guideline is not necessarily suitable for analyzing area-wide dispersion, particularly in multiple-source, urban environments. In addition, EPA's acceptance of the State's performance of 3-hour dispersion analyses only when federally required does not imply that EPA accepts the argument that a 24-hour compliance demonstration automatically implies 3-hour compliance.

C. Compatibility With Other Air Programs

The proposed program is likely to result in increased emissions of SO_2 and TSP and, thus, Prevention of Significant Deterioration (PSD) and Part D non-attainment requirements must be considered.

Pursuant to Federal requirements (40 CFR 52.21(b)(14) published August 7, 1980), a PSD baseline will be established in areas designated attainment or unclassifiable under Section 107 of the Clean Air Act when the first source submits a complete PSD application to locate in such an area. No applications have been submitted in CT to date. The proposed program and *CT Modeling Guideline* do not include a requirement for review to insure compliance with PSD increment limitations. The revised sulfur limitations that result from application of the proposed program do not require PSD permits because these sources are capable of accommodating the higher sulfur content fuels and were not constrained by conditions in any New Source Review Permit (40 CFR 52.21(b)(2)(iii)(e), published August 7, 1980). Generally, emissions increases do not consume increment until a baseline date has been established.

A mechanism must be developed and implemented for determining the impact of new emissions increases on the allowable PSD increments and accounting for consumption of the allowable increment. EPA has decided that this mechanism for evaluating increment consumption need not be developed and implemented immediately, however, provided that it is in place by the time the PSD baseline date is established. EPA will not finally approve an individual SIP revision for a source under this program which will impact an area in which a baseline date has been set unless the State has adopted and implemented a mechanism for reviewing increment consumption due to such SIP revisions. Although the DEP believes that source approvals under the proposed program are not SIP relaxations, and, thus, would not consume PSD increment, the State has agreed to provide information on increment consumption to EPA. CT has indicated to EPA that during the public comment period it will provide a description of a mechanism for evaluating increment consumption for SIP revisions.

The entire State of Connecticut is classified non-attainment for the secondary TSP standard. CT has not yet submitted a secondary TSP attainment plan to EPA for approval. However under the proposed program, the DEP will require an impact analysis for each premise to show that any fuel change will not contribute or will contribute insignificantly to standards violations.

EPA would like to emphasize that although this program considers each premise in the aggregate, its effect is not the same as the recently introduced Federal plan for controlled trading which is known as EPA's "Bubble" policy (44 FR 71780). The CT equivalency determination procedures are not based on trading emission quantities.

III. Federal Rulemaking for the CT SIP Revisions

1. EPA is today proposing approval of the CT *New Source Ambient Impact Analysis Guideline* as sufficient technical review for point sources under the CT air pollution control program.

2. EPA is today proposing approval of the "Air Pollution Control/Energy Trade Option" narrative revision with the following conditions:

A. The program is not approved as adequate to protect PSD increments. EPA will not finally approve an individual SO_2 SIP revision for a source under this program which will impact an area in which a baseline date has been set unless the State has adopted and implemented a mechanism for reviewing the increment consumption due to such SIP revisions.

B. EPA is taking no action on procedures which are strictly for analysis to determine compliance with CT's 24-hour secondary SO_2 standard because DEP has informed EPA that it will be revoking this State secondary standard in the near future.

3. EPA is today proposing approval of the revised sulfur-in-fuel limitations (as yet to be determined, up to 2.2% sulfur-in-fuel) for sources smaller than 250 mBtu/hour which will be approved at later dates by the State under this program.

Under this proposed rulemaking procedure, which departs from EPA's standard, more lengthy SIP revision process, EPA will be conducting its proposed rulemaking concurrently with the DEP's approval procedures and will not conduct separate proposed

rulemaking for each source after DEP has issued its orders. Other, larger premises will require separate proposed and final Federal rulemaking as individual SIP revisions.

Under this proposal, each application will be reviewed by the DEP upon receipt to insure that it complies with the new program and that the impacts of each premise, as evaluated under the *CT Modeling Guideline,* will not jeopardize the NAAQS. DEP will then provide a public notice and comment period of at least 30 days for each proposed approval under the program. This will be the only comment period for individual premise approvals, and the DEP will maintain a list of and notify (by mail) all interested parties about each proposed approval order. Anyone desiring to be placed on the mailing list should notify the DEP in writing at the following address: Mr. Leonard Bruckman, Director, Air Compliance Section, Department of Environmental Protection, State Office Building, 165 Capitol St., Hartford, CT 06115.

Comments on the individual source approvals should be submitted to the DEP at the above address as well. EPA will review these comments prior to final Federal rulemaking, and thus, anyone wishing to submit comments to the EPA relative to a particular source is encouraged to submit them to the DEP during the DEP review process. EPA will not conduct an independent proposed rulemaking proceeding. Notice of specific proposed approvals will be given only by the DEP during its review process.

After the State review of each premise, the DEP will submit copies of the final order to EPA together with a certification that the source has been reviewed under the procedures of and meets all requirements of the approved program and *CT Modeling Guideline,* a certification that the DEP has followed approved public notice and comment procedures, and copies of all comments and the DEP responses. EPA will then take final action in the **Federal Register** and the effective date of action for each source will be the date of publication. This final rulemaking will incorporate the new individual source emission limits into the SIP and these limits will be enforceable by EPA under the Clean Air Act.

The concurrent State/EPA approach is expected to reduce duplication of effort by the DEP and EPA while insuring that adequate technical review for protection of the NAAQS and adequate public notice and comment have been given. EPA believes that this is a significant regulatory reform which will substantially reduce the time required for review and promulgation.

At this time, EPA specifically solicits comment on this proposed, expedited rulemaking procedure, particularly as it influences federal approval time and resources, elimination of duplication of agency efforts, adequacy of technical review and standards protection, federal enforceability, and the opportunity for public input.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves state actions and imposes no new requirements.

This regulation was submitted to the Office of Management and budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to these comments are available for public inspection at EPA Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203.

Pursuant to the provisions of U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. 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.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Section 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601).

Dated: January 30, 1981.

William R. Adams,

Regional Administrator, Region I.

[FR Doc. 81-12273 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-3-FRL 1787-2]

State of Maryland; Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: The State of Maryland has submitted several amendments to their Regulations Governing the Control of Air Pollution in the State of Maryland, Baltimore Metropolitan Area, and Washington Metropolitan Area of the Maryland State Implementation Plan (SIP). On May 22, 1980 the definition of "Person" was modified. Several sections of the April 24, 1974 submittal, which have never been formalized, will be deleted or withdrawn. Public comment is invited.

DATE: Comments must be submitted on or before June 1, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, Attn.: Carol D. Peters

Maryland Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, MD 21201, Attn.: George Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

All comments on the proposed revision submitted on or before 30 days after publication of this notice will be considered and should be directed to: James Sydnor, Chief, DC, MD, VA Section (3AH11), Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn.: (AH031MD).

FOR FURTHER INFORMATION CONTACT: Carol D. Peters (3AH11), U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597-9139.

SUPPLEMENTARY INFORMATION:

Background

The State of Maryland has submitted several amendments to their Regulations Governing the Control of Air Pollution in

the State of Maryland, the Baltimore Metropolitan Area, and the Washington Metropolitan Area of the Maryland State Implementation Plan (SIP). The submittal dated May 22, 1980 modified the definition of "Person". The submittal of April 24, 1974 had several sections that EPA never formalized; the deletion of two terms and the withdrawal of a section. EPA also will clarify a previously approved section and correct a typographical error from previous **Federal Register** notices.

Regulation Changes

(1) On May 22, 1980, the Administrator of Air Quality Programs for the State of Maryland submitted to EPA, Region III, a Recodification of COMAR 10.18.01–10.18.07. Within this revision the definition of "Person", 10.18.01.01.0 was modified. Only the definition of "Person" is being proposed today. (The recodification will be acted upon in a separate **Federal Register** Notice). The definition of "Person" was expanded to include federal and local governments responsible for the use of property. This change is consistent with Section 302(e) of the Clean Air Act, and EPA proposes approval of the revised definition of person.

(2) On April 24, 1974 the State of Maryland submitted a revision to its State regulations which deleted the definitions of "Board" and "Commissioner". EPA never formalized the deletions. As these terms are not used in the Maryland Regulations, EPA proposes approval of the deletions.

(3) On April 24, 1974, Maryland submitted Sections 10.03.38.04B(4), and 10.03.39.04B(4), governing the sulfur content of process gases used as fuel in existing installations. The sections were proposed in the **Federal Register** on March 27, 1975 (40 FR 13521); EPA never finalized the sections. Maryland submitted, on January 5, 1978, other regulations governing the sulfur content of coke oven process gases, COMAR 10.03.38.04B(5)(a)–(d) and 10.03.39.04B(5)(a)–(d) replacing the April 24, 1974 version. Therefore, EPA is withdrawing Section 10.03.38.04B(4) and 10.03.39.04B(4) from further consideration. (The January 5, 1978 submittal is being acted upon in another **Federal Register** notice).

Proposed Action

It is the tentative decision of the Administrator to approve the modification of the definition of "Person" and the deletion of the two definitions, "Board" and "Commissioner".

The public is invited to submit to the address stated above, comments on whether the amendments to the State regulations should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether it meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. 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 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it clarifies the definition of person by expanding it to include federal and local governments.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: U.S. EPA, Region III, Air Programs, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106.

(42 U.S.C. 7401–642)

Dated: February 25, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-13529 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[AD, FRL 1810-8]

Interstate Pollution Abatement; Proceedings Under Section 126 of the Clean Air Act and Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proceedings under Section 126 of the Clean Air Act (Interstate Pollution Abatement) including notice of public hearing.

SUMMARY: Section 126 of the Clean Air Act (CAA) provides a mechanism for any State or political sudivision to petition the EPA to determine whether a major pollution source in another State is causing or has the potential to cause an interstate air pollution problem. Such petitions have been filed by the State of New York against specific sources in the States of Illinois, Ohio, West Virginia, Michigan, Indiana, and Tennessee, and by Pennsylvania against specific sources in Ohio and West Virginia. Both petitioning States, Pennsylvania and New York, are alleging that interstate pollution from these sources is preventing attainment and maintenance of national ambient air quality standards (NAAQS).

This notice announces a public hearing on these petitions to receive testimony on the question of whether certain sources identified in the "Background" section of this notice are having impermissible interstate impacts and whether the effects of these sources should be considered in the aggregate. EPA is also interested in comments on appropriate criteria to use in establishing emission limitations for these sources should the Administrator determine that these sources are contributing to the interstate air pollution problem.

DATE: The public hearing will be held on June 18 and 19, 1981. The hearing may be extended to a third day if necessary to accommodate requests to testify. Persons desiring to present testimony should submit requests by no later than close of business on June 11, 1981. EPA requests advance copies of written comments and factual information whenever possible; however, written material will be accepted up until the close of the public hearing record on August 4, 1981.

ADDRESSES: The hearing will be held at the International Inn, 10 Thomas Circle, N.W., Washington, D.C. 20005 (202/842–1304). The hearing will convene at 9:00 a.m. on June 18, 1981. Individuals wishing to present oral testimony are requested to contact Mr. William F. Hamilton, Control Programs Development Division, Office of Air Quality Planning and Standards, MD–15, Research Triangle Park, North Carolina 27711 (919/541–5551) (FTS 629–5551).

All written comments should be submitted (in duplicate, if possible) to: Central Docket Section (A–130), Docket No. A–81–09, U.S. Environmental Protection Agency, Room 2902, 401 M Street, S.W., Washington, D.C. 20460.

The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: William F. Hamilton, Control Programs Development Division (MD–15), Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 (919/541–5551) (FTS 629–5551).

SUPPLEMENTARY INFORMATION:

Background

Section 126(b) of the Clean Air Act authorizes any State of political subdivision to "petition the Administrator [of the EPA] for a finding that any major source emits or would emit any air pollutant in violation of the prohibition of Section 110(a)(2)(E)(i)" of the Clean Air Act. That section prohibits "any stationary source within a State from emitting any air pollutant in amounts which will (I) prevent attainment or maintenance by any other State of any national primary of secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under Part C [of the Act] to prevent significant deterioration of air quality or to protect visibility."

On December 22, 1980 and January 16, 1981, the State of New York, and on December 19, 1980, the State of Pennsylvania, petitioned EPA, pursuant to Section 126(b) and (c) of the Clean Air Act as amended in 1977 (42 U.S.C. 7401 et seq.), to make a finding that the sulfur dioxide emissions from the sources identified in Tables I and II were causing or contributing to high concentrations of total suspended particulates (TSP) and sulfur dioxide (SO_2) and were otherwise in violation of 110(a)(2)(E)(i).

Pennsylvania claims that both the TSP and SO_2 national ambient air quality standards (NAAQS) are being violated in their State due to pollutants emitted from the sources identified in Table I and transported into Pennsylvania. New York, in its petitions, claims that pollutants emitted from the sources identified in Table II are contributing to violations of the TSP standard and to elevated SO_2 levels. Both Pennsylvania and New York requested EPA to consider the aggregate impact of the named sources when establishing individual emission limits rather than attempting to determine, on a case-by-case basis, the necessary limits. EPA is open to comments regarding under what circumstances and in what manner EPA should consider aggregate SO_2 emissions in approving SIP revisions.

Another principal contention by the State of New York is that although adequate long-range air quality dispersion models are available, EPA, itself, does not use or require States to use such models in making determinations as to the extent of impact of SIP emission limit revisions on distant downwind areas. EPA expects the issue of long-range modeling to play a major role in resolving these petitions and welcomes comments and testimony on the availability and use of long-range models.

Although the issues of sulfates and acid deposition were promently addressed in the petitions filed by both New York and Pennsylvania, EPA currently has no national ambient air quality standards for acid deposition or sulfates and, therefore, has no authority under Section 126 to regulate emissions solely because of their impacts on acid deposition or sulfates. EPA can only regulate emissions that are shown to prevent attainment or maintenance of a NAAQS or interfere with measures to prevent significant deterioration or protect visibility. For these reasons, EPA requests that the parties presenting oral or written comments at the forthcoming public hearing refrain from basing their arguments on the cause and effects of acid deposition and sulfates except for their contribution to air quality levels relative to the NAAQS.

Table I.—*Sources Affected by Pennsylvania Petitions*

Company name, plant name, and individual source	Location
Ohio:	
Federal Paperboard: Third Street Plant.	Jefferson County.
Ohio Power Co.:	
Cardinal Plant	Do.
Gavin Plant	Gallia County.
Muskingum River Plant	Washington/ Morgan County.
Ohio Edison Co.:	
Sammis Plant	Jefferson County.
Burger Plant	Belmont County.
Niles Plant	Trumbull County.
Toronto Plant	Jefferson County.
Ohio Valley Electric Corp.: Kyger Creek Plant.	Gallia County.
Columbus & Southern Ohio Edison Co.: Conesville Plant.	Coshocton County.
Toronto Paperboard: Toronto Paperboard.	Toronto.
National Steel Corp., Weirton Division: Weirton Plant.	Jefferson County.
Wheeling-Pittsburgh Steel Corp.:	
North Plant	Belmont County.
South Plant	Do.
Yorkville Plant	Do.
Martins Ferry	Do.
West Virginia:	
Allied Chemical Corp.:	
Coal fired boilers #1–4	Moundsville.
North Plant	Do.
Banner Fibreboard: Banner Fibreboard.	Wellsburg.
City Service Co.: Reactors #1–4	Moundsville.
Dieckmann & Sons: Boilers	(1)
Globe Refractory: Kilns	Newell.
Koppers Co.: Boilers	Follensbee.
Mobay Chemical: Boilers	New Martinsville.
Ohio Valley Medical Center: Boilers.	Jefferson County.
Taylor Smith & Taylor: Boilers	Chester.
Triangle Conduit: Boilers	Glendale.
U.S. Stamping: Boilers	Moundsville.
Valley Camp Coal: Coal dryers	Do.
National Steel Corp.: Brown Island coal battery.	Weirton.
Mainland Coke: Coke batteries	Do.
National Steel Corp.: Wind box	Do.
Wheeling-Pittsburgh Steel:	
Benwood Plant	Marshall County.
Follensbee Plant	Follensbee
National Steel Corp.: Weirton Division.	Weirton
Ohio Power Co.:	
Mitchell Plant	Marshall County.
Kammer Plant	Do.
Monogahela Power Co.: Harrison Plant.	Do.

(1) Exact location not cited in Section 126 petition.

Table II.—*Sources Affected by New York petitions*

Company name, plant name, and individual source	Location
Illinois:	
Commonwealth Edison: Kincaid Plant.	Christian County.
Illinois Power: Baldwin Plant	Randolph County.
Indiana:	
Indiana-Kentucky Electric: Clifty Creek Plant.	Jefferson County.
Indiana and Michigan Electric: Tanners Creek Plant.	Dearborn County.
Northern Indiana Public Service:	
Michigan City Plant	LaPorte County.
Mitchell Plant	Lake County.
Bailly Plant	Porter County.
Southern Indiana Gas & Electric:	
Culley Plant	Warrick County.
Warrick Plant	Do.
Indianapolis Power & Light: Stout Plant.	Marion County.
Michigan:	
Consumers Power:	
B.C. Cobb Plant	Muskegon County.
J.H. Campbell Plant	Ottawa County.
Ohio:	
Toledo Edison: Bay Shore Plant	Lucas County.
Cincinnati Gas & Electric: Beckjord Plant.	Clermont County.
Ohio Power: Muskingum Plant	Washington/ Morgan County.
Columbus & Southern Ohio Electric: Poston Plant.	Athens County.
Cardinal Operating: Cardinal Plant	Jefferson County.
Tennessee:	
Tennessee Valley Authority: Kingston Plant.	Roane County.
West Virginia:	
Ohio Power: Kammer Plant	Marshall County.

After the public hearing, the Administrator must either make a finding that Section 110(a)(2)(E)(i) is being violated or deny the petition. If the finding of violation is made, Section 126(c) prohibits the operation of the source for more than three months after the finding has been made unless the Administrator permits continued operation of the source conditioned on its compliance with emission limitations and compliance schedules established by the Administrator. Compliance with the limitations must be as expeditious as

practicable but no later than three years after the date of such finding.

Public Hearing

A panel of Agnecy officials will conduct an informal public hearing on the above issues. Although no cross-examination of witnesses by members of the audience will take place at the hearings, the panel may ask questions of witnesses to clarify issues or develop information it considers necessary to EPA's decision. The panel will also accept written questions from the audience if time permits. Any person wishing to make a presentation or submit material for inclusion in the hearing record, should, if possible, provide written notice of this intention by June 11, 1981 to: William F. Hamilton, Control Programs Development Division, Office of Air Quality Planning and Standards, MD–15, Research Triangle Park, North Carolina 27711.

This notice should include the following information: (1) name(s), title(s), affiliation(s), and address(es) including telephone numbers; (2) amount of time desired for presentation. The actual time allotted for each presentation will depend on the number of persons seeking an opportunity to appear. Persons not providing prior notice but desiring to speak will be accommodated as time permits. Persons with a written statement should provide (7) copies to the Hearing Chairman and should submit two copies of the statement to the docket to aid in its prompt evaluation. A copy of any written statement received at the hearing will be placed in the docket. A verbatim transcript of the hearing, copies of written statements, and copies of other material will be made available for public inspection and copying during normal working hours at the USEPA Region II Library (New York), USEPA Region III Library (Philadelphia), USEPA Region IV Library (Atlanta), the Region V Air Programs Branch (Chicago), the Control Programs Development Division (Research Triangle Park), and the Central Docket Section (Washington).

Final Determination Under These Proceedings

After the close of the hearing record, the panel will make a recommendation to the Administrator. The Administrator will announce his proposed determination in the **Federal Register** and provide adequate opportunity for comment on the proposal.

Dated: April 16, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-13422 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 81

[A-7-FRL 1797-8]

Revision to Attainment Status; Designations for Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: On December 11, 1980 the Missouri Department of Natural Resources (MDNR) submitted redesignation requests for Pike and Ralls counties in Missouri. These counties are in the portion of the Northern Missouri Air Quality Control Region (AQCR) that is currently designated attainment. Missouri is requesting Pike and Ralls counties be redesignated as two separate and distinct attainment areas for all criteria pollutants. For reasons discussed below, EPA is proposing to approve these redesignations.

DATES: Comments must be received on or before June 1, 1981.

ADDRESSES: Copies of the state submission are available at the following locations:

Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106

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

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65102

FOR FURTHER INFORMATION CONTACT: Taun L. Novak at (816) 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act (CAA) Amendments of 1977 required each State to designate the attainment status of all areas within the State in accordance with the National Ambient Air Quality Standards (NAAQS). These attainment status designations for all States were published on March 3, 1978 in the **Federal Register** at 43 FR 8962.

The Act specified that these attainment status designations be based on air quality control regions (AQCRs) or any subportions of these regions. Section 107(d)(5) provides that the State may revise the list of AQCRs, or portions thereof, as appropriate.

In the preamble to the recent revisions of the prevention of significant deterioration (PSD) regulations, (45 FR 52716) August 7, 1980, EPA indicated that States may submit redefinition of the boundaries of attainment or unclassifiable areas that were previously included within a larger clean area. EPA suggested that States may, as in this case, wish to effect such redesignations in order to establish smaller baseline areas for purposes of PSD review. In general, baseline areas are areas designated attainment or unclassifiable under section 107 of the Act. The first permit application filed within such an area establishes the baseline air quality for the entire area, and the air quality impacts of any new source proposing to locate within the area will be measured against this baseline to determine maximum allowable emissions. (See generally, 45 FR 52715, August 7, 1980). The August 7 notice states that the EPA will redesignate the areas as new attainment or unclassifiable area(s) if it agrees that the available data support the change and if no source subject to PSD regulations has located in, or significantly impacted on, a clean area being considered for redesignation.

On December 11, 1980 the MDNR submitted redesignation requests for the Counties of Pike and Ralls in Missouri. The MDNR requested that these counties, which are presently in the attainment portion of the Northern Missouri air quality control region (AQCR 137), be redesignated as separate and distinct attainment areas for all pollutants for which a national ambient air quality standard exists.

Pike and Ralls Counties are presently located in a designated attainment area. There are no PSD sources located in or impacting upon Pike or Ralls County, and the available data support the attainment designation. Hence the EPA believes the State's request is approvable.

ACTION: The EPA is proposing to approve the MDNR's request to redesignate Pike and Ralls Counties as separate and distinct areas in the following manner:

For the total suspended particulate (TSP) matter standard, Pike County and Ralls County each redesignated separately as "Better Than National Standards;"

For the sulfur dioxide (SO_x) standard, Pike County and Ralls County each redesignated separately as "Better Than National Standards;"

For the ozone standard, Pike County and Ralls County each redesignated separately in the category "Cannot Be Classified or Better Than National Standards;"

For the carbon monoxide (CO) standard, Pike County and Ralls County each redesignated separately in the category "Cannot Be Classified or Better Than National Standards;" and

For the nitrogen oxide standard, Pike County and Ralls County each redesignated separately in the category "Cannot Be Classified or Better Than National Standards."

The public is invited to submit comments regarding this proposal. Comments received on or before June 1, 1981 will be considered in the EPA's final decision on the Section 107 redesignation. The EPA believes the 30-day comment period is adequate because of the limited scope of this proposal.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it imposes no new regulatory requirements. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Pursuant to the provision of 5 U.S.C. 605(b) the Administrator has certified that attainment status redesignations under Section 107 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached rule, if promulgated, constitutes an attainment status redesignation under Section 107 within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

(Sec. 107 of the Clean Air Act as amended)

Dated: March 24, 1981.

William Rice,

Acting Regional Administrator.

[FR Doc. 81-13323 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[OPP-300049; PH-FRL 1801-3]

Pesticides; Ammonium Thiocyanate; Proposed Exemption From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the inert (or occasionally active) ingredient ammonium thiocyanate be exempted from tolerance requirements when used as an adjuvant and intensifier for defoliation of cotton and soybeans. This exemption would be added to 40 CFR 180.1001(d) for preharvest use.

DATE: Written comments must be received on or before June 1, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Ralph W. Fogleman, DVM, Ringoes, NJ 08551, the Administrator is proposing to amend 40 CFR 180.1001(d) by exempting ammonium thiocyanate, as an inert (or occasionally active) ingredient in pesticide formulations, from tolerance requirements when applied preharvest to cotton and soybeans.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers, and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The preambles to proposed rulemaking documents of this nature include the common or chemical name of the substances under consideration, the name and address of the person making the request for the exemption, and the toxicological or other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Inert ingredient	Requestor
Ammonium thiocyanate.	Ralph W. Fogleman, DVM, 41 Werstville Road, Ringoes, NJ 08551 (agent for J. T. Baker Co.).

Basis for Approval

The thiocyanate moiety of this salt is of primary toxicological significance as the salt is expected to readily dissolve in aqueous solutions with the ammonium ion being quickly neutralized at gastric pH. Thiocyanate is a normal constituent of the human diet, being found in plants that are members of the cabbage family (*Cruciferae*). See J. M. Kingsbury "Phytotoxicology" in *Toxicology—The Basic Science of Poisons*, L. J. Casarett and J. Doull, eds. Macmillan Publishing Co., New York, 1975, p. 601.

The oral lethal dose (LD_{50}) of ammonium thiocyanate ranges from 797 to 1,290 milligram (mg)/kilogram (kg) in rats and mice. The proposed limited use of this compound (restricted to pre-harvest applications only), and considering that the moiety is an innocuous, naturally-occurring component of human food items, leads to the conclusion that a hazard is not likely to result from the requested use.

The theoretical maximum residue levels of ammonium thiocyanate, when used as directed, are 120 parts per million (ppm) in cottonseed oil and 9 ppm in soybeans. These levels are equivalent to 92 ppm thiocyanate ion in cottonseed oil and 7 ppm thiocyanate ion in soybeans. However, thiocyanate is normally found in rather high concentrations in crucifers. Cabbage heads contain 184-816 ppm thiocyanate; cauliflower curds from 268-1,435 ppm thiocyanate; and broccoli contains from 625-950 ppm thiocyanate.

Based on the expected lack of hazard of this substance, and the theoretical maximum residue levels, it has been found that, when used in accordance with good agricultural practices, this substance is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1001(d) will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request by June 1, 1981 that this rulemaking proposal be referred to an advisory committee in accordance

with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[OPP 300049]." All written comments filed in response to this petition will be available for public inspection in the Process Coordination Branch, Rm. 514D, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or price for consumers, individual industries, Federal, State or local government agencies or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In general, tolerance regulations have beneficial impacts on affected industries and the public.

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

For information on the Regulatory Flexibility Act see the Appendix to this proposed rule.

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

Dated: April 21, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by alphabetically inserting the inert ingredient "ammonium thiocyanate" in the table under § 180.1001(d) to read as follows:

§ 180.1001 Exemptions from the requirement of the tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
Ammonium thiocyanate	.....	Adjuvant/intensifier for defoliation of, and weed control in/on cotton and soybeans.

Appendix to [OPP-300049]—Ammonium Thiocyanate Exemption From Tolerance

Certification Under Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. §§ 601-612), all "notice-and-comment" rulemaking which is proposed after January 1, 1981, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

Under sec. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. §§ 346a, 348), the Agency is authorized to establish by regulation tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pecticide, as well as on the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually non-existent or insignificant.

This regulation would allow the use of ammonium thiocyanate products applied to cotton and soybeans. Any costs resulting from this rule would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

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

Dated: April 3, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-13313 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 420

[WH-FRL 1816-2]

Iron and Steel Manufacturing Point Source Category; Effluent Limitations Guidelines; Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period to May 8, 1981.

SUMMARY: On January 7, 1981, EPA proposed a regulation under the Clean Water Act for pollutant discharges from steel mills (46 FR 1858-1907). The comment period on the proposed regulation, originally set to end on March 9, 1981, has been extended twice at the request of representatives of the steel industry. In making the second extension, the Agency retained the April 8, 1981 due date for comments pertaining to certain central treatment issues while extending the comment period on other issues to May 8, 1981.

Because industry representatives have claimed that there is some confusion regarding which comments were due on April 8, 1981 the Agency is extending the comment period until May 8, for all issues related to the proposed regulation.

DATE: General comments on all issues related to the proposed regulation including central treatment and the new hot forming and cold rolling data placed in the record on April 9, 1981, must be submitted to the Agency by May 8, 1981.

ADDRESS: Send comments to Mr. Ernst P. Hall, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Attention: EGD Docket Clerk, Proposed Iron and Steel Manufacturing Rules (WH-552).

The supporting information and all comments on the proposal will be available for insepction and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Ernst P. Hall, (202) 426-2726.

SUPPLEMENTARY INFORMATION: On January 7, 1981, EPA proposed a regulation under the Clean Water Act for pollutant discharges from steel mills (46 FR 1858-1907). The comment period on the proposed regulation was originally set to end on March 9, 1981. At the request of representatives of the steel industry, the Agency first extended the comment period to April 8, 1981 (46 FR 14135). Again, at the request of representatives of the steel industry, the Agency extended the comment period on most aspects of the proposed regulation to May 8, 1981 (46 FR 20707). However, the Agency retained the April 8, 1981 due date for comments pertaining to whether certain central treatment facilities should be subject to alternative

limitations which are less stringent than the proposed BAT limitations.

The Agency understands that the closing of the comment period on April 8, 1981 has led to some confusion regarding which comments were due on that date. Industry representatives have claimed that they did not file comments which were due on April 8, 1981, regarding facilities which they believe should be subject to alternative limitations, which are less stringent than the proposed BAT limitations, because of that confusion. In order to avoid any prejudice, the Agency will accept comments on all aspects of the proposed regulation until May 8, 1981.

The Agency may also ask certain dischargers which have requested that the Agency establish BAT limitations for their central treatment facilities, which are less stringent than the proposed BAT limitations, to provide specific information in addition to that provided in their comments. These commenters shall have up to 30 days to respond to these specific requests for supplemental information.

The Agency herewith reopens the comment period on all aspects of the proposed regulation and will keep it open until the new closing date of May 8, 1981.

Dated: April 27, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-13220 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-29-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Species; Proposal to Change the Legal Status of the American Alligator in 52 Parishes in Louisiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule

SUMMARY: The Service proposes to change the legal status of the American alligator (*Alligator mississippiensis*) in 52 parishes in Louisiana, where the species is now classified as Endangered or Threatened, to a classification of Threatened under the Similarity of Appearance provisions of the Endangered Speices Act of 1973, as amended. Alligators in the other 12 Louisiana parishes are already classified as Threatened by Similarity of Appearance by actions which took place in 1975 and 1979. This proposed change is based on evidence that the species is no longer Endangered or Threatened in the subject area, having recovered from former low numbers in response to curtailment of excessive harvest as a result of effective enforcement of laws and regulations by the State of Louisiana and the Service. The proposed action, if made final would be a formal recognition by the Service of biological recovery of the alligator in Louisiana. An option would be made available to the State to institute harvest of alligators on a statewide basis in accordance with the Service's special rule on Threatened alligators and existing State laws. Minor clarifications of the boundary between Endangered and threatened alligators in South Carolina and Georgia are also being proposed.

DATES: Comments from the public must be received by June 30, 1981. Comments from the Governor of Louisiana must be received by July 30, 1981. Two public meetings will be held May 28, 1981, at 1:00 p.m. and 7:00 p.m.

ADDRESSES: Submit comments to the Area Manager, Jackson Area Office, U.S. Fish and Wildlife Service, 200 East Pascagoula Street, Suite 300, Jackson, Mississippi 39201. Comments and materials relating to this rule will be available for public inspection during normal business hours at the above address. Meeting location: Louisiana State University Union, Collonade Room, Baton Rouge, Louisiana.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis B. Jordan, Assistant Area Manager-Endangered Species, Jackson Area Office, U.S. Fish and Wildlife Service, Jackson, Mississippi 39201, telephone FTS 490-4900 or commercial 601/960-4900.

SUPPLEMENTARY INFORMATION:

Background

The American alligator (*Alligator Mississippiensis*) occurs in varying densities in wetland habitats throughout the Southeast including all or parts of the following States: Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, and Texas.

The alligator was first classified as Endangered throughout its range in 1967 due to a reduction in its numbers from hunting and poaching. Subsequently, in response to strict Federal and State protection, the alligator recovered rapidly in many parts of its range, enabling the Service to undertake the following reclassification actions:

(1) Reclassification to Threatened by Similarity of Appearance in three coastal parishes of Louisiana reflecting complete recovery, (September 26, 1975—40 FR 44412); (2) Reclassification to Threatened, reflecting partial recovery, in all of Florida and certain coastal areas in South carolina, Georgia, Louisiana, and Texas (January 10, 1977—42 FR 2071); (3) Reclassification to Threatened by Similarity of Appearance, again reflecting complete recovery, in nine additional parishes of Louisiana (June 25, 1979—44 FR 37130). The latter reclassification was based on a July 30, 1976, petition from Governor Edwin Edwards of Louisiana and subsequent supporting data submitted by the State on April 12, 1977, December 7, 1977, and June 14, 1978. The details of these data may be obtained by consulting the proposed rule of October 2, 1978 (43 FR 45513) and the June 25, 1979, final rule cited above.

The parishes now under the Threatened by Similarity of Appearance status include: Cameron, Calcasieu, and Vermilion, reclassified in 1975, and St. Mary, Terrebonne, Iberia, Lafourche, St. Charles, Jefferson, Plaquemines, St. Bernard, and St. Tammany, reclassified in 1979. In a notice of October 2, 1978 (43 FR 45512), and in the June 25, 1979, final rule cited above, the Service stated that it would continue to review the status of the alligator in the remaining parishes of Louisiana. Alligators in these remaining parishes are now classified as either Endangered or Threatened, the Endangered and Threatened populations being separated by a dividing line prescribed in the Service's special rule on Threatened alligators, 50 CFR 17.42(a)(1), as follows:

> From the Mississippi-Louisiana border at the Gulf of Mexico north along this border to its junction with U.S. Interstate Highway 10; thence west on U.S. Interstate Highway 10 to junction with U.S. Interstate Highway 12; thence west on U.S. Highway 12 to Baton Rouge, Louisiana; thence north and west along corporate limits of Baton Rouge to U.S. Highway 190; thence west on U.S. Highway 190 to junction with Louisiana State Highway 12 at Ragley, Louisiana; thence west on Louisiana State Highway 12 to the Beauregard-Calcasieu Parish border, thence north and west along this border to the Texas-Louisiana State border.

In June 1979, the Service's Jackson, Mississippi Area Office contracted with Dr. R. H. Chabreck of Louisiana State University to compile a status review of existing scientific and commercial data on the species in Louisiana. Chabreck's report recommends reclassification of the alligator throughout the State of Louisiana in view of current protection, numbers of alligators, and an abundance of alligator habitat. Chabreck's report

also states that his original 1965 estimate of 35,000–40,000 animals within the State was extremely conservative, and that "a more realistic estimate of the 1966 statewide population would be about 100,000 animals."

To further enhance understanding of alligator population biology, in June of 1980 the Service began working with Dave Taylor, Wildlife Biologist with the Louisiana Department of Wildlife and Fisheries, who prepared an additional report which outlines a new alligator population analysis concentrating on the central and northern portions of the State. This report and a previous one prepared in 1978 provide a scientifically based analysis of alligator populations in non-marsh habitats (Taylor, 1978 and Taylor, 1980). Most importantly, Taylor's 1980 report provides evidence that alligator population structure is stable, being limited by the support capability of the habitat, and that no further significant increases in alligator numbers can be expected. Furthermore, as discussed later in this proposal, alligator habitat within the State is abundant and relatively secure. The Service believes that these data support the conclusion that alligators throughout the State of Louisiana are no longer Endagered or Threatened, and that their status should be changed.

However, because of similarity of appearance, it is still necessary to impose some restrictions on commercial activities involving specimens taken in this State to insure the conservation of other alligator populations as well as other crocodilians that are Threatened or Endangered.

Section 4(e) of the Act authorizes the treatment of a species (or subspecies or group of wildlife in common spatial arrangement) as an Endangered or Threatened species even though it is not otherwise listed as Endangered or Threatened, if it is found: (a) That the species so closely resembles in appearance an Endangered or Threatened species that enforcement personnel would have substantial difficulty in differentiating between listed and unlisted species; (b) that the effect of this substantial difficulty is an additional threat to the Endangered or Threatened species; and (c) that such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of the Act.

The Service currently treats the group of American alligators found in the 12 parishes cited above as Threatened because of their similarity of appearance to other groups of American alligators, as well as other crocodilians, that are listed as Threatened or Endangered. Certain restrictions are imposed on commercial activities involving specimens taken from these parishes, as is discussed below, to insure the conservation of these Endangered or Threatened alligators and other crocodilians. The Service now proposes to treat the group of American alligators found in the remaining parishes as Threatened because of similarity of appearance, and to impose similar restrictions on commercial activities involving specimens taken from those parishes.

Review of the boundary between Endangered and Threatened alligators in South Carolina contained in 50 CFR 17.42(a), the American alligator special rule, has revealed a minor 2 mile gap near Walterboro, South Carolina. The Service is proposing to close this gap by insertion of a 2 mile stretch of State Highway 63 into the boundary, and to add phrases indicating where the boundary crosses from South Carolina into Georgia on U.S. Interstate Highway 95.

Factors Affecting the Species

The Service's listing regulations (§ 424.11(b), Title 50, Code of Federal Regulations) state:

A species shall be listed if the Director determines on the basis of the best scientific and commercial data available to him after conducting a review of the species' status that the species is Endangered or Threatened because of any one or a combination of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it;

(3) Disease or predation;

(4) Absence of regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat; and

(5) Other natural or manmade factors affecting its continued existence.

The regulations go on to state, in § 424.11(d), that:

The factors for removing a species from the list are those in paragraph (b) of this section. The data to support such removal must be the best scientific and commercial data available to the Director to substantiate that the species is neither Endangered nor Threatened for one or more of the following reasons:

(1) Extinction. Unless each individual of the listed species was previously identified and located, a sufficient period of time must be allowed before delisting to clearly insure that the species is in fact extinct.

(2) Recovery of the species. The principal goal of the Service is to return listed species to a point at which protection under the Act is no longer required. A species may be delisted if evidence shows that it is no longer Endangered or Threatened.

(3) Original data for classification in error. Subsequent investigations may produce data that show that the best scientific or commercial data available at the time that the species was listed were in error.

These findings are summarized herein under each of the five criteria of 50 CFR 424.11. These factors, and their application to the American alligator in Louisiana, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The total size of alligator populations in the areas which are the subject of this proposal is greatly influenced by the amount of aquatic or wetland habitat available. Examples of these habitats are rivers, bayous, canals, lakes, ponds, marshes, and swamps. The total amount of wetlands in Louisiana, estimated by Chabreck (1980) to be 6,397,272 acres (2,589,988 ha), does not in total constitute viable alligator habitat. McNease and Joanen (1978) report that the portion of marshland habitat suitable for alligators is approximately 3.2 million acres (1,295,022 ha) and is made up of fresh, intermediate, and brackish marsh types. Although alligators occur in salinities above 10 parts per thousand, nesting apparently does not occur above this isohaline line (Joanen and MacMease, 1972); therefore, the remaining marshlands are not considered as alligator habitat.

Taylor (1980) indicates that in the non-marsh portions of the State, permanently flooded areas with woody and herbaceous cover dominated by bald cypress and tupelo gum apparently produce even higher densities of alligators in many instances than marshland habitats. This cypress-tupelo habitat type is well represented in southeastern Louisiana and in the Atchafalaya Basin, but also includes portions of many natural lakes and manmade reservoirs in the central and northern parts of the State. The estimated 1,500 miles of streams, particularly in middle and northern section of the State, support alligators only to the extent permitted by the presence of cypress-tupelo oxbows and marshlands associated with the streams. Streams without adjacent *permanently* inundated cypress-tupelo or marshland habitat areas constitute poor quality habitat and support insignificant alligator numbers. A gross minimum

estimation for non-marsh alligator habitat in Louisiana is provided by Taylor (1980) and consists of 803,840 acres (325,309 ha) of cypress-tupelo associations with permanent water levels, and 1500 linear miles (932 kilometers) of upland streams.

Frugé (1980) cites recent data gathered by the Service's National Coastal Ecosystems Team that indicate a current loss of marshes of approximately 22,000 acres (8,984 ha) per year due to land loss and deterioration caused by salt water intrusion. The land loss is caused by reduction of sediment and overflow deposition due to levee construction and navigation channel excavation, and salt water intrusion is caused by channel excavation. Chabreck (1980) and MacDonald *et al.* (1979) projected bottomland hardwood habitat losses through the years 2000 and 1995, at 13.1 percent and 24 percent, respectively, but these are not losses of productive alligator habitat. As discussed above, seasonally flooded and unflooded bottomlands do not contain all the necessary features of productive alligator habitat. The cypress-tupelo habitat in permanently flooded areas is not projected to change through the year 1995. The high water table in such areas make drainage and clearing for agricultural and other uses not feasible in these prime alligator habitat areas.

In summary, marshland alligator habitat is currently being reduced at an estimated rate of only 0.7 percent per year, and the permanently flooded cypress-tupelo association and open water acreages are not projected to change. The overall picture on statewide habitat is quite good, there being approximately 4 million acres of high quality marshland and cypress-tupelo habitat. It is concluded, therefore, that habitat alteration and loss poses no serious threat to alligator populations in Louisiana within the foreseeable future.

2. *Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it.* The commercial demand for products from alligators, including hides, teeth, and meat for consumption, is high. This demand and the harvest generated by the demand were responsible for a decline in alligators throughout their range in the early 1960's (with some exceptions such as on sanctuaries and wildlife refuges). This decline was reversed by the following actions: (1) The State of Louisiana closed alligator seasons in 1964; (2) The Lacey Act was amended in 1969 to include control of interstate commerce in reptiles; (3) The Endangered Species Act was passed in 1973. State and Federal authorities vigorously enforced these protective mechanisms. Taylor (1980) provides evidence that under strict protection, reproductive capability of the species provides for rapid recovery. Size-class frequencies found in night counts and harvests are not statistically different, suggestive of a stable population. A comparison between size-class frequencies found in non-marsh night counts and hide measurements from harvested areas also shows no statistical difference in population structure. Furthermore, a comparison of population structure from each of the years 1975–80, a series of time specific views, shows no trend towards shrinkage of adult size-class ratios or increasing adult size-class ratios, either of which would be indicative of populations moving away from stability. These data indicate alligators in the State are not being detrimentally affected by legal harvests in marshland parishes or illegal taking in marsh or non-marsh areas. Some illegal taking undoubtedly continues to occur, but the Service's law enforcement efforts have reduced this to insignificant levels relative to the total population. The inaccessibility of many non-marsh habitats further helps to protect the species in these areas.

In very restricted areas of high recreational and/or residential use, when human-alligator conflicts continue to be a problem, over-utilization for management purposes may be undertaken to achieve reduction in numbers of larger, more dangerous animals, if there is no other viable alternative. Such areas represent an insignificant part of statewide alligator habitat.

3. *Disease of predation.* Alligators suffer various types of disease and predation, as do all wildlife species, but these factors are not excessive and are not known to have hindered alligator recovery.

4. *Absence of existing regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat.* The adequacy of existing government regulations for protection and management of the alligator can primarily be attributed to the following State and Federal laws and regulations: (A) Louisiana statutes governing transport of alligator meat and parts; (B) The 1969 Amendment to the Lacey Act which extended Federal law enforcement authority to include interstate movement of reptiles; (C) The Endangered Species Act of 1973, which provides mandatory protection for Endangered alligators; (D) Special Rules promulgated by the Service for Threatened (including Similarity of Appearance) alligators, which govern taking and commerce in alligator products; (E) The annual findings of the Scientific and Management Authorities of the Service, which govern the export of species, including the alligator, listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The success of efforts by State and Federal agencies to stop illegal activity involving alligators is evidenced by the recovery of alligator populations throughout the State of Louisiana. This example of response to protection is not without precedent. Chabreck's report described this process as being reported by McIlhenny (1935) on three newly established wildlife refuges that had been previously subjected to excessive harvests.

Controlled harvests have been carried out annually in southwestern Louisiana since 1972, with the exception of 1974 and 1978. Close supervision by the Louisiana Department of Wildlife and Fisheries includes numerous safeguards to keep the alligator harvest within predetermined limits and areas. Within the constraints required by the Service's Special Rules and CITES authorities, the State program is operated along the following guidelines: (1) An annual inventory is conducted to determine population abundance by habitat type within each parish; (2) Annual harvest quotas are established based on population abundance by habitat type and parish; (3) Harvests are allowed only on lands owned or leased by the hunter; (4) Tags are issued upon application by a hunter on a basis of the acreage involved and the predetermined harvest rate for that particular area; (5) All tags are serially numbered, self-locking, and must be accounted for at the end of the season, with one tag issued for each alligator to be harvested; (6) The harvest is conducted in September after incubation is completed; (7) "Pole hunting" is prohibited in order to reduce the taking of breeding females in interior marsh habitats; (8) Special skinning instructions are issued shortly before the season opens to prohibit previously taken skins from entering commerce; (9) Shooting is limited to daytime to facilitate enforcement efforts; (10) At the close of the season all unused tags are collected by State agents, all harvested alligators are inspected, and the tag number and skin size recorded; (11) All hunters, buyers, and dealers must obtain a State license which is subject to annual renewal; (12) All containers used

for packaging must be tagged and the contents identified; (13) State enforcement personnel are assigned the task of monitoring the alligator harvest program.

The State would be committed under the above mentioned guidelines and regulations to a similarly regulated program in other areas of the State if this proposal is made final and it elects to implement further harvests in other portions of the State.

5. *Other natural or manmade factors affecting its continued existence.* Although other factors may occasionally have an affect on some alligators—for example freezes and nest flooding—none of these are known to have limited recovery of the alligator in Louisiana nor are they expected to become threatening factors in the future.

Effects of This Proposal if Published as a Final Rule

This proposal, if made final, would change the status of the alligator in Louisiana from its current status, which is Endangered or Threatened in all but 12 parishes of the State, to a statewide status of Threatened by Similarity of Appearance. It would be a formal recognition by the Service of biological recovery of the American alligator in a part of its range. A final rule would result in a removal of Federal agency responsibilities under Section 7 of the Endangered Species Act. No adverse effects to the status of this species are expected to occur from this removal.

A final rule resulting from this proposal would make available to the State of Louisiana the option for expanding alligator harvests from the present 12 parishes to additional areas. If the State elects to expand its alligator program, harvests would increase at a level commensurate with development and implementation of an expended management program (and may represent 4 percent of the statewide alligator population estimate). The economic value of the alligator resource under a sustained yield scheme would result in significant economic benefits to Louisiana trappers and others participating in the commercial process. It has been suggested that the value of alligators may also help to reduce indiscriminate, illegal killing by those who believe they may be adversely afected by high alligator populations. Expanded harvests would be expected to increase the workloads of the State Department of Wildlife and Fisheries, the Louisiana Department of Health, and the Service's Division of Law Enforcement. Conversely, expanded harvests would be expected to reduce the number of nuisance alligator complaints, resulting in a corresponding reduction in manpower commitments devoted to handling nuisance alligators. Local governments involved in catching and removing nuisance alligators would receive some relief if the number of larger, more dangerous alligators were to be reduced in areas with human-alligator conflicts.

Increased harvest of alligators in Louisiana would create the potential for an increased volume of alligator exports. The Service has previously expressed its concern about the effects of increased exports on other Endangered crocodilians that occur in international trade. International trade in alligator products is presently subject to the restrictions of the Convention on International Trade of Endangered Species of Wild Fauna and Flora, and general wildlife exportation requirements. A recent determination by the Service (October 21, 1980, 45 FR 69844) on this subject concluded that the export of alligators taken during the 1980–81 season in Florida and the 1980 season in Louisana would not be detrimental to the survival of the alligator or other Endangered crocodilians. The Service will continue to review this possible impact and will take appropriate action if evidence indicates that restrictions are warranted.

This proposed action, if completed, would not be an irreversible commitment on the part of the Service. The action is reversible and relisting would be possible should the State materially change existing management programs or other changes occur which result in new threats to the species' recovery.

The minor boundary change proposed in South Carolina will have no significant effect, since it will only serve to formalize a 2 mile segment which the Service and the State already are informally using.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. 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. A public meeting has been scheduled. Comments particularly are sought concerning: (1) biological, commercial, or other relevant data concerning any threat (or lack thereof) to the species included in this proposal; (2) additional information concerning the range and distribution of this species; (3) information on environmental and economic impacts and effects on small entities (including small businesses, small organizations and small governmental jurisdictions) that would result from the rule and information on possible alternatives to the proposed action.

National Environmental Policy Act

A draft Environmental Assessement has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia 22201 and in the Jackson, Mississippi, Area Office located at 200 E. Pascagoula St. Room 17a. and may be examined by appointment during regular business hours. A determination will be made at the time of final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 CFR Parts 1500–1508.

Note.—The Department of Interior has determined that this is not a major rule as defined in Executive Order 12291 and that it does not have a significant effect upon a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354). There are some small businesses that may be impacted but not in a significant manner. In addition, this impact would be beneficial to the small businesses.

Primary Author

The primary author of this rule is Mr. Wendell Neal of the Jackson Area Office, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Jackson, Mississippi 39201, FTS 490–4900, or commercial 601/960–4900.

Literature Cited

Anonymous. 1975. The Louisiana Almanac. Pelican Publishing Company, Gretna, Louisiana.

Chabreck, R.H. 1980. Status of the American alligator in Louisiana and in Baldwin and Mobile Counties, Alabama. Contract report prepared for the Fish and Wildlife Service.

Fruge, David W. 1980. Effects of wetland changes on fish and wildlife resources of coastal Louisiana. Paper presented at Freshwater Inflow Symposium, San Antonio, Texas.

Joanen, T. and Larry McNease. 1978. Population and classification status of the American alligator. Paper presented at I.U.C.N., Survival Service Commission, Crocodile Specialist Group, Madras, India, February 1978.

MacDonald, P.O., W.E. Frayer, and J.K. Clavser. 1979. Documentation, chronology, and future projections of bottomland hardwood habitat loss in the

lower Mississippi alluvial plain. Contract report prepared for the Ecological Services Division, U.S. Fish and Wildlife Service.

McIlhenny, E.A. 1935. The Alligator's Life History. The Christopher Publishing House, Boston, MA.

McNease, Larry and Ted Joanen. 1978. Distribution and relative abundance of the alligator in Louisiana coastal marshes. Paper presented at 32nd Annual meeting of S.E. Association of Fish and Wildlife Agencies, Hot Springs, Virginia, November 5–8, 1978.

Taylor, Dave. 1978. An alligator population model and population estimate for north Louisiana. Unpublished Report.

Taylor, Dave. 1980. An alligator population model and associated minimum population estimate for non-marsh alligator habitat in Louisiana. Unpublished Report, Louisiana Department of Wildlife and Fisheries.

Note.—All cited literature, including unpublished reports, are available in the Service's Jackson Area Office, Jackson, Mississippi.

Regulations Promulgation

Accordingly, it is proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

1. Amend the table in § 17.11(h) by changing the status of the American alligator under "Reptiles" to read as follows:

§ 17.11 [Amended]

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A.	Wherever found in wild except those areas where listed as threatened, as set forth below.	E	1, 11, 51, 60	NA	NA
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A.	U.S.A. (FL and certain areas of GA., SC., and TX. as set forth in sec. 17.42(a)(1)).	T	20, 47, 51, 60	NA	17.42(a)
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A.	U.S.A. (LA.)	T(S/A)	11, 47, 51, 60	NA	17.42(a)
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A.	In captivity wherever found	T(S/A)	11, 47, 51	NA	17.42(a)

* * * * * * *

2. It is further proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

Paragraph (a)(1) of § 17.42 is revised to read as follows:

§ 17.42 [Amended]

(a) American alligator [*Alligator mississippiensis*].

(1) *Definitions.* For purposes of this paragraph (a): "American alligator" shall mean any member of the species *Alligator mississippiensis*, whether alive or dead, and any part, product, egg, or offspring thereof occurring: in captivity whenever found and in the wild wherever the species is listed under § 17.11 as Threatened by similarity of appearance and in the wild in Florida and in the coastal areas of Georgia, South Carolina, and Texas, contained within the following boundaries:

From Winyah Bay near Georgetown, South Carolina, west on U.S. Highway 17 to Georgetown; thence west and south on U.S. Alternate Highway 17 to junction with South Carolina State Highway 63 south of Walterboro, South Carolina; thence west on State Highway 63 to junction with U.S. Interstate Highway 95; thence south on U.S. Interstate Highway 95 (including incomplete portions) across the South Carolina-Georgia border to junction with U.S. Highway 82 in Liberty County, Georgia; thence southwest on U.S. Highway 82 to junction with U.S. Highway 84 at Waycross, Georgia; thence west on U.S. Highway 84 to the Alabama-Georgia border; thence south along this border to the Florida border and following the Florida border west and south to its termination at the Gulf of Mexico. From the Texas-Louisiana border at the Gulf of Mexico, north along this border to Texas State Highway 12; thence west on Texas State Highway 12 to Vidor, Texas; thence west on U.S. Highway 90 to the Houston, Texas, corporate limits; thence north, west and south along Houston corporate limits to junction on the west with U.S. Highway 59; thence south and west on U.S. Highway 59 to Victoria, Texas; thence south on U.S. Highway 77 to corporate limits of Corpus Christi, Texas; thence southeast along the southern Corpus Christi corporate limits to Laguna Madre; thence south along the west shore of Laguna Madre to the Nueces-Kleberg County line; thence east along the Nueces-Kleberg County line to the Gulf of Mexico.

"Buyer" shall mean a person engaged in buying a raw, green, slated, or otherwise untanned hide of an American alligator.

"Tanner" shall mean a person engaged in processing a raw, green, salted, or crusted hide of an American alligator into leather.

Dated: April 10, 1981.

C. F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-13136 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 84
Friday, May 1, 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 Safety and Quality Service

[Docket No. 81-015N]

Analyses of Pumped Bacon for Nitrosamine Content; Change in Methodology

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice.

SUMMARY: This notice describes a minor change in the sepration process for the Thermal Energy Analyzer analysis used by the Food Safety and Quality Service (FSQS) in determining the nitrosamine content of cooked pumped bacon.

FOR FURTHER INFORMATION CONTACT: Richard L. Ellis, Director, Chemistry Division, Science Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7623.

SUPPLEMENTARY INFORMATION: Section 318.7(b)(2) of the Federal meat inspection regulations (9 CFR 318.7(b)(2)) requires a monitoring program to detect nitrosamine levels in cooked pumped bacon (i.e., bacon prepared by the injection of curing solutions). Accordingly, FSQS collects and cooks samples of bacon from producing establishments in a manner specified in this regulation. The bacon is then tested by FSQS using a Thermal Energy Analyzer (TEA). In certain instances spedified in this regulation, federally inspected meat packers may also sumbit to FSQS test results achieved using the same methods and procedures.

Since the inception of the monitoring program, FSQS has been using a process known as the two-trap method for separating the nitrosamine from the cooked bacon sample prior to the injection into the TEA. FSQS has completed a collaborative study with various private laboratories which shows that the use of a one-trap method yields comparable analytical data to the two-trap method and achieves savings in both time and expenses.

FSQS, therefore, will commence using this one-trap method immediately in its TEA analyses under the monitoring program. Meat packing establishments submitting test results to FSQS may use either the one-trap method of the two-trap method in their TEA analysis.

Copies of both methods are available free from the Chemistry Division, Science Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on April 24, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-12806 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-DM-M

Rural Electrification Administration

Deseret Generation and Transmission Cooperative; Final Environmental Impact Statement

Notice is hereby given that the Bureau of Land Management (BLM) and the Rural Electrification Administration (REA) have jointly prepared a Final Environmental Impact Statement (FEIS) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969. The U.S. Forest Service and the Office of Surface Mining have assisted in the preparation of the EIS. This action is in connection with a request for REA financing assistance from Deseret Generation and Transmission Cooperative (Deseret), P.O. Box BB, Sandy, Utah 84070. The anticipated financing assistance would allow Deseret to secure funds for the construction of Unit No. 1 of the proposed two unit (800 MW) coal-fired steam electric Moon Lake Generating Station, the Deserado Mine and associated transmission facilities. Deseret proposes to locate the generating station in Uintah County, Utah. The Deserado Mine will be located in Rio Blanco County, Colorado.

Additional information may be obtained from REA through requests submitted to Mr. Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C. 20250, telephone number: (202) 447-6183.

Copies of the BLM-REA FEIS are being sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Regulations. Because the Final EIS incorporates by reference material not reprinted from the Draft EIS, both documents are needed for complete EIS information. A limited number of copies of the Draft and Final EIS are available upon request to the Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111. The FEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, Room 5168, 12th and Independence Avenue, S.W., Washington, D.C. 20250, at the BLM Washington Office (WO-332), 18th and C Streets, N.W., Washington, D.C. 20240, at BLM State and District Offices in Colorado and Utah, at Deseret's address, 8722 South 300 West, Sandy, Utah 89070, and at public libraries in appropriate towns in the affected counties. Final action may be taken with respect to this matter after June 1, 1981.

Any REA financing assistance which may be made pursuant to this proposal will be subject to, and the release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects. Final REA action will be taken only after compliance with the National Environmental Policy Act of 1969, and other environmentally related statutes, regulations, Executive Orders, and Secretary's Memoranda normally considered by REA.

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 23rd day of April 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-12917 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-15-M

Yellowstone Valley Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has

prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing assistance by REA for Yellowstone Valley Electric Cooperative, Inc. (Yellowstone), of Huntley, Montana. The proposed financing assistance will be used by Yellowstone for the rebuilding of 23.1 miles (37 km) of existing 50 kV transmission line to a 69 kV line, the construction of 1.3 miles (2.1 km) of new double circuit 69 kV line, and associated substation facilities.

The transmission line rebuild will extend from the existing Alkali Creek Substation to a point 1 mile (1.6 km) south of the existing Worden Substation. About 1.3 miles (2.1 km) of new double circuit 69 kV line will be constructed at Alkali Creek to connect the rebuilt transmission line with the Alkali Creek Substation. Associated substation construction will be the expansion of the existing Alkali Creek Substation and the proposed Oxbow Substation to be connected to the rebuilt 69 kV line. All of the construction will take place in Yellowstone County, Montana. Yellowstone has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the proposed project are adequately considered in the Yellowstone and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmentat Assessment, and a review of Yellowstone's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Sections IV.b and IV.D.1 of REA Bulletin 20–21:320–21, Part I.

Various alternatives to the proposed transmission line and substations were reviewed by Yellowstone and REA. The alternatives include no action, energy conservation and alternate routes. The proposed transmission line and associated substation construction is the most viable alternative to deliver power to all existing and future loads of Yellowstone within the project area.

Copies or REA's Finding of No Significant Impact, REA's Environmental Assessment and Yellowstone's Borrower's Environmental Report may be reviewed in the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of Yellowstone Valley Electric Cooperative, Inc., Box 8, Huntley, Montana 59037.

This Program is listed in the Catalog of Federal Domestic Assistance at 10.850–Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 23rd day of April 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–12915 Filed 4–30–81; 8:45 am]

BILLING CODE 3410–15–M

Colorado-Ute Electric Association, Inc., Montrose, Colo.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $40,522,000 to Colorado-Ute Electric Association, Inc., Montrose, Colorado. These loan funds will be used to finance the conversion of approximately 37 miles of transmission line from 115 kV to 230 kV with 230 kV additions to the two related substations; the purchase of 30 percent of Hayden Station Unit 2 capacity (79 megawatts) under an agreement with Salt River Project Agricultural Improvement and Power District; and for deficiencies relating to the construction of the Basalt-Malta 345 kV transmission line and the Vail Substation.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. John J. Bugas, Manager, Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401.

In order to be considered, proposals must be submitted on or before June 1, 1981 to Mr. Bugas. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Colorado-Ute and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 23rd day of April, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–12916 Filed 4–30–81; 8:45 am]

BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits. Filed under Subpart Q of the Board's Procedural Regulation; Week Ended April 24, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
April 20, 1981	39556	Air Wisconsin, Inc., Outagamie County Airport, Appleton, Wisconsin 54911. Application of Air Wisconsin, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests the Board to issue a final order awarding it a certificate of public convenience and necessity, of permanent duration, to engage in scheduled air transportation of persons, property and mail between Akron/Canton, Ohio and Detroit, Michigan. Conforming Applications, motions to modify scope and Answers may be file by May 16, 1981.
April 20, 1981	39557	Eastern Air Lines, Inc., Miami International Airport, Miami, Florida 33148. Conforming Application of Eastern Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, request an amendment of its certificate of public convenience and necessity for Route 131 so as to authorize nonstop services as follow: Between points in the U.S. and coterminal points in Belize, Honduras, Panama, El Salvador Guatemala and Nicaragua. Answers may be filed by May 4, 1981.
April 22, 1981	39562	Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Application of Capitol International Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, request authorization to provide scheduled air transportation of persons, property and mail: A. Between the terminal point San Juan, Peurto Rico, and the coterminal points Montreal and Toronto, Canada; B. Between the terminal point San Juan, Peurto Rico, and the intermediate point New York, N.Y./Newark, N.J. and the coterminal points Montreal and Toronto, Canada. Conforming Applications, motions to modify scope, and Answers may be filed by May 20, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13280 Filed 4-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping, Natural Menthol From the People's Republic of China; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Final determination of sales at less than fair value.

SUMMARY: The U.S. Department of Commerce has determined that natural menthol from the People's Republic of China is being sold in the United States at less than fair value. The U.S. International Trade Commission is determining whether these imports are materially injuring or threatening material injury to a U.S. industry.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230 (202-377-5496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 11, 1980, we received a petition in proper form from counsel representing Haarman & Reimer Corporation, of Springfield, N.J. the petition alleged that natural menthol from the People's Republic of China ("PRC") is being "dumped," that is, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act"). It also alleged that these imports are materially injuring a U.S. industry. Because the petition contained sufficient grounds to warrant an investigation, on July 2, 1980, we initiated an antidumping investigation and informed the U.S. International Trade Commission ("ITC") of our action (45 FR 44976). On July 28, 1980, the ITC determined that there is reasonable indication that these imports are materially injuring, or are threatening to injure materially, a U.S. industry (45 FR 52273).

After postponing our preliminary determination because this case was "extraordinarily complicated" (45 FR 66835), we announced on January 14, 1981, that menthol from the PRC was, or was likely to be, sold in the United States at less than fair value (46 FR 3258). On March 6, 1981, we extended by 30 days the period for final determination (46 FR 16287).

Scope of the Investigation

This determination covers natural menthol (i.e. menthol produced from natural feed stock) that is currently classifiable under item 437.64 of the Tariff Schedules of the United States. It is used primarily in cigarettes, confections, dentifrices, analgesic balms, mouthwashes, flavorings, and perfume.

The period of investigation was January 1, through June 30, 1980.

Methodology

U.S. Price

Since all sales of natural menthol from the PRC to unrelated U.S. customers were concluded before the menthol was imported into the United States, we used purchase price, as defined in section 772(b) of the Act, to determine the U.S. price. We calculated the purchase price on the basis of the price to unrelated U.S. purchasers with deductions for a discount, ocean freight and home market inland freight.

Foreign Market Value

The overriding issue in the Preliminary stage of this investigation was whether the economy of the PRC is state-controlled "to an extent that sales or offers for sales of (menthol in the PRC), or to countries other than the United States do not permit a determination of foreign market value" by normal standards. In our preliminary determination we discussed this issue at length and concluded that the PRC's economy is state-controlled generally and in the agricultural sector. We further stated that the framework of state-control affects the production and, therefore, the pricing of menthol to the extent that the PRC's home market and export prices of menthol cannot be used as evidence of fair value. This conclusion has been sustained through the final stages of this investigation. As a result, we have applied section 773(c) of the Act in this case.

According to section 773(c) of the Act, in deciding whether imports from a state-controlled economy country are being sold at less than fair value, we must use prices or costs from a producer in a "non-state-controlled economy" to determine the foregin market value. We chose prices of menthol exported from Paraguay to the United States.

We have considered country-wide and sectoral criteria and determined that the level of economic development of Paraguay is closer to that of the PRC than it is to that of other major producers of menthol. We have information indicating Paraguay is the only major free market producer of natural menthol that also produces all of its own raw material (peppermint). Other countries considered were South Korea, Thailand and Brazil. South Korea and Thailand are minor producers that import most of their raw materials. Brazil is a major producer of menthol, but also imports a large proportion of its raw material. Both Brazil and Korea impose significant tariffs on the importation of peppermint oil (about 30 percent and 66 percent ad valorem respectively). Moreover the economies of both Brazil and Korea are considerably more developed than the economy of either the PRC or Paraguay. Therefore, we determined that Paraguay is the proper surrogate.

Since almost all of the Paraguayan sales of menthol during the period of investigation were to the United States, we used those sales as the basis for determining fair value.

To compensate for differences in circumstances of sales to the U.S. from Paraguay and the PRC (119 CFR 353.15), we adjusted for the export tax paid on export sales from Paraguay. Sales from the PRC are not subject to an export tax. In order to arrive at comparable ex-factory prices of the menthol we deducted the inland and ocean freight charges and accounted for differences in packing costs in accordance with section 773(a) of the Act.

Issues Raised During the Investigation

The petitioner alleged that the prices of menthol from Paraguay to the United States were at less than the cost of producing menthol. In reviewing the petitioner's allegation, we found that the cost information submitted was too general, that there was a lack of specific source data, that the petitioner failed to allocate costs properly between co-products (menthol and de-mentholized peppermint oil) and that the raw material costs used by the petitioner were probably overstated because they were based on the highest raw material costs rather than the average raw material costs during the period under consideration. For these reasons, we determined that the petitioner had not presented sufficient basis upon which to initiate a full investigation into whether Paraguayan sales to the U.S. were made at less than the cost of production.

There are two factors for which we have not been able to make adjustment and which prevent total comparability of the PRC sales to the Paraguayan sales used for the calculation of fair value. These factors are differences in the contract period and differences in the volumes associated with each contract.

The Chinese sell menthol to the U.S. almost exclusively in the form of long-term contracts which specify delivery from one to two years after sale date. In contrast, the Paraguayans sell almost entirely in the short-term market. In a declining-price market such as the menthol market during our investigatory period, it may be normal commercial behavior to price the long-term contracts at a discount from the prevailing spot market prices since both seller and buyer expect the spot price at the time of delivery will be lower than the current spot price. This type of price differentiation is acceptable market behavior and should not be confused with dumping. However, we were unable to develop information needed to measure the extent to which differences in price may be attributable to differences in the date of delivery. In order to properly test the proposition that PRC pricing reflects a market response to long-term contracts, we would like to review PRC pricing patterns when the market price for natural menthol is rising.

In addition, Paraguayan and PRC sales are not strictly comparable because of differences in sales volume. Sales from PRC generally involve volumes up to ten times greater than Paraguayan sales. We have evidence that the Chinese regularly give volume related discounts. Quantity discounts are generally accounted for in an antidumping calculation by lowering the foreign market value by the discount available to foreign market buyers when volumes similar to those U.S. sales are involved. However, in this case we have no sales from Paraguay that approximate the volumes of PRC sales.

Data has been presented on sales from Brazil to the United States to demonstrate the relationship between price and quantity. The data reflect various prices and terms of delivery. It requires careful analysis before we can determine with any precision what sort of quantity discounting is normal practice in the sale of natural menthol. Unfortunately, this information was presented in the final stage of the investigation and there was insufficient time to refine, verify and analyze the data. It may, however, provide a basis for adjustment in a subsequent review of this case under section 751 of the Act.

Counsel for CNEC has claimed that we should adjust for losses incurred in currency conversion, since revenue from menthol exports from Paraguay must be converted at a fixed rate of exchange which results in a lower return of local currency than that which would be realized if the seller converted his dollars at the prevailing free rate. The sales of menthol from Paraguay were made in U.S. dollars, and we did not convert currency in calculating the foreign market value. Consequently, we do not believe an adjustment for currency conversion is appropriate.

CNEC has claimed that we should increase the deduction for export taxes since it has information that indicates that additional taxes were paid. Our deduction made was based on verified information. We are prepared to review this issue in any subsequent review of this finding.

CNEC claims that we should adjust foreign market value for inland freight in Paraguay. We uncovered, no indication of such freight charges during the verification. Consequently we rejected the claim.

Negative Determination of Critical Circumstances

The best information available at the time for the preliminary determination was not sufficient to support a finding, under section 733(e)(1) of the Act, that critical circumstances exist in this case. Therefore, we did not retroactively suspend liquidation in the preliminary determination (January 14, 1981).

Since the preliminary determination, the petitioner has submitted no additional information to establish a history of dumping.

With regard to knowledge of dumping of the part of importers, we have concluded that issues and problems associated with calculating fair value in this case are far too numerous and complex to warrant a finding that importers had reason to anticipate that CNEC was selling menthol at less than fair value.

Since there is neither a history of dumping nor a reasonable basis to impute knowledge of sales at less than fair value to importers of menthol from the PRC, there is no need to determine whether there have been massive imports from the PRC over a relatively short period of time.

For the reasons stated above, we have determined under section 735(a)(3) that critical circumstances do not exist in this case. Accordingly, the U.S. Custom Service will not suspend liquidation of entries of menthol for consumption prior to January 14, 1981.

Verification

In making our final determination, in accordance with section 776 of the Act, we have verified all the information we relied upon, using the corporate books and records of the Chinese and Paraguayan companies involved.

Final Determination

Based on the preceding criteria and in accordance with § 353.39(a)(2) of the Commerce Regulations, we have determined that exports of natural menthol from the PRC are being sold at less than fair value within the meaning of section 731 of the Act. Margins were found on 86 percent of the menthol sold during the period. They ranged from 2.9 to 3.8 percent, with the weighted average margin over all sales being 2.5 percent. We have provided interested parties an opportunity to present oral views in accordance with (19 CFR 353.47) and written views in accordance with (19 CFR 353.46(a)).

Continuation of Suspension of Liquidation

The liquidation of all entries, or withdrawals from warehouse, for comsumption of this merchandise will continue to be suspended. The Customs Service will require posting of a cash deposit, bond, or other security in the amount of 2.5 percent of the f.o.b. value of the natural nemthol from the PRC for all entries, or withdrawals from warehouse, for consumption on or after the date of publication of this notice. The cash deposits, bonds, or other security on merchandise entered since the preliminary determination will remain in effect.

ITC Notification

We have referred this case to the ITC so that it may determine whether these imports are materially injuring a U.S. industry. That determination is due on or before June 15, 1981.

As section 735(c)(1)(A) of the act requires, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. If the ITC rules that material injury does not exist, this case will be terminated, and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC rules that such injury does exist, within seven days we will issue an antidumping duty order, directing the customs officers to assess an antidumping duty on all menthol from the PRC, entered for consumption after the suspension of liquidation, which was sold at less than the foreign market value.

John D. Greenwald,

Acting Assistant Secretary for Trade Administration.

April 27, 1981.

[FR Doc. 81-13227 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Evaluation of Possible Marine Sanctuary Sites in Waters Off the Commonwealth of Puerto Rico; Availability of an Issue Paper and the Conduct of Public Workshops

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: An Issue Paper is being distributed which describes the resources of three sites off Puerto Rico which are Active Candiates for designation as marine sanctuaries and discusses the major issues involved in such designation. Comments on this paper are invited by June 1. Public workshops to consider this Issue Paper and other issues not discussed in it are scheduled for May 26, 28, 29.

SUPPLEMENTARY INFORMATION: OCZM and the Commonwealth of Puerto Rico have worked closely on a proposal to designate three sites as marine sanctuaries in waters off Puerto Rico. The sites are the waters around the islands of Mona and Monito, the waters off La Parguera and waters around the Cordillera Reefs/Culebra/Culerbrita Islands. These sites were selected as Active Candidates among six sites that were nominated by the Commonwealth of Puerto Rico, Department of Natural Resources. On December 18, 1980, an Active Candidate notice was published in the **Federal Register** (Vol. 45, No. 245).

Pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434, OCZM is evaluating the possibility of designating these three areas as marine sanctuaries. As part of the evaluation, an Issue Paper was prepared that describes the distinctive resources of the potential sites, the present and prospective uses, existing government programs aimed at protecting those resources, and alternative boundaries and management strategies that might be utilized for the marine sanctuaries.

The Issue Paper is being distributed to inform interested agencies and persons of the evaluation of the sites and to gather comments and information on the areas. Copies may be obtained from the contacts identified below. In order to facilities such comments and to answer questions concerning the Issue Paper and the Marine Sanctuary Program, OCZM will conduct three public workshops the week of May 26 as described below.

Written and oral comments and information received in response to the Issue Paper will provide guidance on OCZM's decision on whether to proceed to prepare a Draft Environmental Impact Statement on a specific proposal for establishing marine sanctuaries at these sites. To be fully considered in this decision, comments should be received by June 1, 1981.

DATES: Comments should be received by June 1, 1981. The following public workshops have been scheduled:

Tuesday, May 27, p.m.—Culebra Conservation Authority

Thursday, May 28, 7 p.m.—Community Center, La Parguera

Friday, May 29, 2 p.m.—Auditorium, Department of Natural Resources, Puerta de Tierra, San Juan

FOR FURTHER INFORMATION CONTACT: Edward Lindelof, Gulf and Caribbean Project Manager, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634–4236 or Sr. José Gonźalzes—Liboy, Areas de Investigaciones Cientificas, Departmento De Recursos Naturales, Apartado 5887 Puerta de Tierra, San Juan, Puerto Rico 00906, (809) 722–5501.

Dated: April 23, 1981.

William Matuszeski,

Acting Assistant Administrator, Office of Coastal Zone Management.

[FR Doc. 81-13121 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-08-M

Mid-Atlantic Fishery Management Council's Surf Clam/Ocean Quahog Resources Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Surf Clam/Ocean Quahog Resources Subpanel, which will meet to discuss amendment #3 to the Surf Clam/Ocean Quahog Fishery Management Plan, as well as other fishery matters. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The meeting, which is open to the public, will convene on Friday, May 29, 1981, at approximately 10 a.m., and will adjourn at approximately 4 p.m.

ADDRESS: The meeting will take place at Jonathan's-The Hub, Route 13 at Loockerman Street, Dover, Delaware.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: April 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13264 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Levels for Certain Cotton and Man-Made Fiber Textile Products From Haiti, Effective on May 1, 1981

April 28, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and man-made fiber textile products, produced or manufactured in Haiti and exported to the united States during the twelve-month period beginning on May 1, 1981.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979 between the Governments of the United States and Haiti established specific ceilings for cotton and man-made fiber textile products in Categories 337, 349/649, and 635, during the agreement year which begins on May 1, 1981 and extends through April 30, 1982. The agreement also provides consultation levels for certain categories of cotton and man-made fiber textile products, such as Category 652, which are not subject to specific ceilings and which may be increased during the year upon agreement between the two governments. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in Haiti and exported during the twelve-month period which begins on May 1, 1981 and extends through April 30, 1982, in excess of the designated levels of restraint.

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

EFFECTIVE DATE: May 1, 1981.

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

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 28, 1981.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 1, 1981 and for the twelve-month period extending through April 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 337, 349/649, 635, and 652, produced or manufactured in Haiti, in excess of the following levels of restraint:

Category	12-mo. level of restraint
337	98,003 dozen.
349/649	1,168,819 dozen.
635	149,697 dozen.
652	500,000 dozen.

In carrying out this directive, entries of textile products in the foregoing categories which have been exported to the United States on and after May 1, 1980 and extending through April 30, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraints established for such goods during the twelve-month period which began on May 1, 1980 and extended through April 30, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of August 17, 1979, between the Governments of the United States and Haiti which provide, in part, that: (1) For the second and third agreement years, each specific limit shall be increased by seven percent annually, except Cat. 349/649; (2) any specific ceiling may be exceeded in any agreement year by not more than seven percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

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

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13199 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-26-M

Adjusting the Import Restraint Levels for Certain Cotton and Man-Made Apparel Products from India

April 28, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the consultation levels for women's, girls' and infants' cotton coats in Category 335, cotton nightwear in Category 351, other cotton apparel in Category 359 and women's, girls' and infants' woven blouses of man-made fibers in Category 641, produced or manufactured in India and exported during the agreement year which began on January 1, 1981, as follows:

Category	Current level	Adjusted level
335	[1] 16,949	[1] 29,056
351	[1] 13,462	[1] 19,231
359	[2] 152,174	[2] 326,087
641	[1] 48,276	[1] 103,448

[1] Dozen.
[2] Pounds.

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

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, the consultation levels established for cotton and man-made fiber apparel products in Categories 335, 351, 359 and 641 are being increased for the agreement year which began on January 1, 1981 and extends through December 31, 1981, at the request of the Government of India.

EFFECTIVE DATE: April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, there was published in the **Federal Registe** (45 FR 83647) a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 335, 351, 359 and 641, produced or manufactured in India, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, in accordance with the terms of the bilateral agreement, the Chairman of the Committee for the Implementation oif Textile Agreements directs the Commissioner of Customs to increase the twelve-month levels previously established for Categories 335, 351, 359 and 641 to the designated amounts.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 28, 1981.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1980 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Effective on April 28, 1981, paragraph 1 of the directive of December 16, 1980 is further amended to increase the levels of restraint for cotton and man-made fiber textile products in categories 335, 351, 359 and 641 to the following:

Category	Adjusted 12-Mo. level of restraint [1]
335	29,056 dozen.
351	19,231 dozen.
359	326,087 dozen.
641	103,448 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

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

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13198 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-25-M

Import Restraint Levels for Certain Cotton and Man-Made Fiber Textile Products Under the Bilateral Agreement With Sri Lanka, Effective May 1, 1981

April 27, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for cotton gloves and mittens in Category 331, men's and boys' other cotton coats in Category 334, women's, girls' and infants' cotton coats in Category 335, woven shirts and blouses of cotton and man-made fibers in Categories 340, 341, 650, and 641, and women's, girls' and infants' cotton trousers in Category 348, produced or manufactured in Sri Lanka and exported to the United States during the twelve-month period which begins on May 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 4, 1980 (45 FR 85142).)

SUMMARY: The bilateral cotton, wool and man-made fiber textile agreement of July 7, 1980, between the Governments of the United States and Sri Lanka, as amended, establishes specific levels of restraint for Categories 331, 334, 335, 340, 341, 348, 640 and 641 during the agreement year which begins on May 1, 1981 and extends through April 30, 1982. The agreement also provides a consultation mechanism for categories of textile products which are not subject to specific ceilings and for which levels may be established during the year upon agreement between the two governments. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreements, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in Sri Lanka and exported during the twelve-month period which begins on May 1, 1981 and extends through April 30, 1982, in excess of the designated levels of restraint. Consultations to establish levels of restraint for the sub-limits under Category 340/341/640/641 have not yet been held. It is expected that consultations will be held in the near future. The sub-limits published below are being established on an interim basis pending consultations between the two governments. The levels include seven percent growth over the levels for the previous year. When new levels are agreed, they will be published in the **Federal Register.**

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 27, 1981.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on

December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of Julyn 7, 1980, as amended, between the Governments of the United States and Sri Lanka, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 1, 1981 for the twelve-month period extending through April 30, 1982 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 331, 334, 335, 340, 341, 348, 640 and 641 in excess of the following levels of restraint:

Category	12-mo level of restraint
331	749,000 dozen pairs.
334	146,000 dozen.
335	107,000 dozen.
340/341/640/641	1,230,500 dozen of which not more than 374,500 dozen shall be in Category 340; not more than 385,200 dozen shall be in Category 341; not more than 85,600 dozen shall be in Category 640; and not more than 385,200 dozen shall be in Category 641.
348	202,000 dozen.

In carrying out this directive, entries of textile products in the foregoing categories, exept Category 334, which have been exported to the United States on and after May 1, 1980 and extending through April 30, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period which began on May 1, 1980 and extended through April 30, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Category 334 which have been exported before May 1, 1981 shall not be subject to this directive.

Cotton textile products in Category 334 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of July 7, 1980, as amended, between the Governments of the United States and Sri Lanka, which provide, in part, that: (1) specific limits may be exceeded by not more than seven percent of their square yards equivalent total in any agreement period and sublimits of specific ceilings may be exceeded by not more than 10 percent within the overall specific limit; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

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

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13122 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-25-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 80-4]

1979 Cable Royalty Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Clarence L. James, Jr., Chairman, Copyright Royalty Tribunal, (202) 653-5175.

SUPPLEMENTARY INFORMATION: 17 U.S.C. 111(d)(4) authorizes the Copyright Royalty Tribunal (Tribunal) to distribute royalty fees paid by cable systems to certain copyright owners who have filed claims with the Tribunal.The procedure for distribution of the cable royalty fees is set forth at 17 U.S.C. 111(d)(5)

On March 2, 1981 the Tribunal pursuant to 17 U.S.C. 111(d)(5)(B) declared the existence of a controversy concerning the distribution among copyright owners of cable royalty fees paid by cable systems for secondary transmissions during 1979. 17 U.S.C. 804(e) requires the Tribunal to render a final decision within one year from the commencement of the proceeding.

After hearing the views of claimants, the Tribunal has determined that the proceeding shall be conducted in two separate phases. Phase I should be devoted to determining the percentages, if any, of the 1979 royalty fund which should be awarded to (a) motion picture and syndicated program suppliers; (b) sports, professional and collegiate; (c) public television; (d) music; (e) commercial television; (f) commercial radio; and (g) public radio. Phase II shall be devoted to resolving disputes, if any among claimants within each of these categories.

Any party desiring to present evidence and argument and participate in cross-examination during Phase I shall notify the Tribunal of its intention on or before May 15, 1981. Only those parties who provided such notice shall be permitted to participate in Phase I. Participation in Phase I is not a prerequisite to participation in Phase II. Any party participating in Phase I shall serve all other Phase I participants. The list of those parties participating in Phase I will be maintained in the Tribunal's office.

The following is the schedule for Phase I:

(1) Submit by June 15, 1981—Any prehearing statements and/or memorandum; witness lists; concise summary of each witness testimonyu; copies of all documentary evidence.

(2) For the purpose of identification of exhibits the following identification has been assigned to the categories and shall be used consecutively and throughout the entire proceeding irrespective of whether the exhibit is introduced during direct, cross or rebuttal:

a. Motion picture and syndicated program suppliers—alphabetical.

b. Sports—numerical.

c. Public television—PB—alphabetical.

d. Music—M—numerical.

e. Commercial television—CT—alphabetical.

f. Commercial radio—CR—numerical.

g. Public radio—PR—alphabetical.

In the event more than one claimant in a given category submits exhibits, the identification above shall be proceeded by no more than three letters which clearly identifies the party that is submitting the exhibit.

(3) Any economic or other studies to be introduced in this proceeding shall be prepared in *strict* accordance with § 301.51 of the Tribunal's Rules of Procedure, specifically Section (h) and (k).

(4) Documents should be submitted in the original with ten copies. Any items filed with the Tribunal shall be addressed to the Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Room 450, Washington, D.C. 20036.

The Tribunal has further determined that it will commence the hearings on the substantive aspects of this proceeding on July 7, 1981, and the hearings will continue on such subsequent days as are necessary. The Tribunal has determined that the order of presentation shall be as follows:

1. Motion Picture and Syndicated Program Suppliers.
2. Professional and Collegiate Sports.
3. Public Television.
4. Music.
5. Commercial Television and Radio.
6. Public Radio.

The participants in Phase I shall have the opportunity to submit rebuttal evidence. Three weeks after the conclusion of the direct case of all the parties the participants shall submit:

a. Names of rebuttal witnesses.

b. Concise summary of each witness rebuttal testimony.

c. Copies of rebuttal documentary evidence.

The hearings on the substantive aspects of the rebuttal proceeding shall commence on a day and time to be later determined by the Tribunal. At the conclusion of Phase I each party shall be required to submit a master copy of their exhibits with an index giving for each exhibit the exhibit identification; a description of the document; the date of the testimony when it was submitted, and the transcript page number.

Notwithstanding any other provision herein parties shall be permitted to submit documentary evidence during cross-examination in every aspect of the proceeding.

The parties will be advised at a later date of the hearings location.

Clarence L. James, Jr.,

Chairman, Copyright Royalty Tribunal.

April 28, 1981.

[FR Doc. 81-13221 Filed 4-30-81; 8:45 am]

BILLING CODE 1410-06-M

DEPARTMENT OF DEFENSE

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on May 20 and 21, 1981, from 8:00 a.m. to 5:00 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of the full-scale integration of naval forces and related intelligence. These matters contitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classifed pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant Kathleen M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Telephone number (703) 756-1205.

Dated: April 28, 1981.

P.B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-13126 Filed 4-30-81; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Privacy Act of 1974; Deletion of Two Systems Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of two systems notices.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notices for two systems of records: DWHS CD01, "OSD General Correspondence Files"; and DWHS CD02, "Cable Division Personnel Administration Files", subject to the Privacy Act of 1974. It has been determined that these systems of records do not qualify as systems of records under DoD Directive 5400.11 or the Privacy Act.

DATE: These deletions shall be effective June 1, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Public Law 93-579 were published in the **Federal Register.**

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981

M. S. Healy,*

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 28, 1981.

[FR Doc. 81-13225 Filed 4-30-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

International Atomic Energy Agreements, Civil Uses; Proposed Subsequent Arrangement; European Atomic Energy Community and Canada

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/CA(EU)-14, from Italy to Canada, 1,080 mixed oxide rodlets

containing 3.0 kilograms of plutonium and 600 kilograms of depleted uranium, to be used for lattice measurements in the ZED–2 test reactor at Atomic Energy of Canada, Ltd., Chalk River, Canada.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer 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, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: April 28, 1981

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-13295 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Grand-Rent-a-Car; 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: March 13, 1981. Comments by: June 1, 1981.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105. Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105, telephone (415) 764–7038.

SUPPLEMENTARY INFORMATION: On March 13, 1981, the Office of Enforcement of the ERA executed a Consent Order with Grand-Rent-A-Car of Los Angeles, California. 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

Grand-Rent-A-Car, with its home office located in Los Angeles, California, is a firm engaged in the retailing of motor gasoline, 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 Grand, the Office of Enforcement, ERA, and Grand entered into a Consent Order, the significant terms of which are as follows:

1. The ERA alleges that Grand's refueling service charges were in excess of the maximum lawful selling prices for gasoline during the period August 1, 1979 through January 28, 1981, in violation of the Mandatory Petroleum Price Regulations, 10 CFR 212.93.

2. Grand denies that the regulations have ever applied or currently apply to its refueling service charges, and further denies that it has in any way violated the regulations.

3. Grand shall refund $32,500, which sum includes principal and interest. The refund will be made in four installments of approximately equal amount, the first installment due March 15, 1981, the last installment due December 15, 1981.

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, Grand 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 $32,500, plus interest accruing after March 15, 1981, on or before December 15, 1981. Refunded overcharges will be in the form of a certified check made payable 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. 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 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 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 claimants 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 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 send your comments or written notification of a claim to the U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764–7038.

You should identify your comments or written notification of claim on the outside of your envelope and on the documents you submit with the designation "Comments on Grand-Rent-A-Car Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 1, 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 San Francisco, California on the 15th day of April 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-13291 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Loyce Phillips (Estate); Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

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.

EFFECTIVE DATE: April 20, 1981.

COMMENTS BY: June 1, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION, CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On April 20, 1981, the Office of Enforcement of the ERA executed a Consent Order with Loyce Phillips (Estate) of Gladewater, Texas. 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.

Because the DOE and Loyce Phillips (Estate) wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Loyce Phillips (Estate) effective as of the date of its execution by the DOE and Loyce Phillips (Estate).

I. The Consent Order

Loyce Phillips (Estate) is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation 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 Loyce Phillips (Estate) the Office of Enforcement, ERA and Loyce Phillips (Estate) entered into a Consent Order, the significant terms of which are as follows:

1. During the November 1973 through June 1980, Loyce Phillips (Estate) allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Loyce Phillips (Estate) and the DOE have agreed to a settlement of $39,340. The payment shall be made within thirty days from the effective date of this order i.e., $2,500 Penalty, Balance $36,840 refund. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Loyce Phillips (Estate).

3. This Consent Order constitutes neither an admission by Loyce Phillips (Estate) that ERA regulations have been violated nor a finding by the ERA that Loyce Phillips (Estate) has violated ERA regulations.

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, Loyce Phillips (Estate) 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 $39,340 in the manner specified in I.2. above. Refunded overcharges 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. The 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. Becasue 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 efects 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 205.1991(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 being required. Written notification of 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 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 send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

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 Loyce Phillips (Estate) Consent Order". We will consider all comments we received by 4:30 p.m., local time June 1, 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 Dallas, Texas on the 22nd day of April 1981.

Herbert F. Buchanan,

Deputy District Manager, Southwest Enforcement District, Economic Regulatory Administration.

[FR Doc. 81–13314 Filed 4–30–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration Mabee Petroleum Corp.; 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.

EFFECTIVE DATE: April 20, 1981.

COMMENTS: On or before June 1, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION, CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On April 20, 1981, the Office of Enforcement of the ERA executed a Consent Order with Mabee Petroleum Corporation of Midland, Texas. 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.

Because the DOE and Mabee Petroleum Corp. wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Mabee Petroleum Corporation effective as of the date of its execution by the DOE and Mabee.

I. The Consent Order

Mabee Petroleum Corporation (Mabee) is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation 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 Mabee the Office of Enforcement, ERA and Mabee entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through December 31, 1977, Mabee allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Mabee and the DOE have agreed to a settlement of $435,308, inclusive of interest. The refund and interest amount shall be paid within thirty (30) days after the Consent Order is executed. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Mabee.

3. This Consent Order constitutes neither an admission by Mabee that ERA regulations have been violated nor a finding by the ERA that Mabee has violated ERA regulations.

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, Mabee 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 $435,308 in the manner specified in I.2 above. Refunded overcharges 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. The funds will remain in a suitable account pending the determination of their proper dispostion.

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 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 being required. Written notification of the ERA at this time is requested primarily for the purpose of identify 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 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 send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

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 Mabee Petroleum Corp. Consent Order". We will consider all comments we received by 4:30 p.m., local time June 1, 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 Dallas, Texas on the 20th day of April, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–13293 Filed 4–30–81; 8:45 am]

BILLING CODE 6450–01–M

Mosbacher Production Co., a Corporation, Formerly Robert Mosbacher, a Sole Proprietorship; 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: Efective Date: April 8, 1981.

COMMENTS: June 1, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT:
Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235—(214) 767–7745.

SUPPLEMENTARY INFORMATION: On April 8, 1981, the Office of Enforcement of the ERA executed a Consent Order with Mosbacher Production Company, formerly Robert Mosbacher, a sole proprietorship (Mosbacher) of Houston, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalites and interest, may be made effective upon its execution. Because the DOE and MOSBACHER, wish to expeditiously resolve this matter as agreed, the DOE has determined that it is in the public interest to make the Consent Order effective as of the date of its execution by the DOE and Mosbacher.

I. The Consent Order

Mosbacher, with its office located in Houston, Texas, is a firm engaged in crude oil production, 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 audit of crude oil sales, the Office of Enforcement, ERA, and Mosbacher, entered into a Consent Order, the significant terms of which are as follows:

1. The initial audit period was from September 1, 1973 through December 31, 1978.

2. In this Consent Order, Mosbacher 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 above, the sum of $180,000.00 on or before May 8, 1981.

3. Refunded overcharges will be in the form of a certified check made payable 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.

4. 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).

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. 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 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 send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

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 Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 1, 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 Dallas, Texas on the 21st day of April, 1981.

Wayne I. Tucker,
District Manager for Enforcement, Southwest District Economic Regulatory Administration.

[FR Doc. 81-13294 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-01-M

Tippins Oil & Gas Co., 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: April 2, 1981.

Comments by: june 1, 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 April 2, 1981, the Office of Enforcement of the ERA executed a Consent Order with Tippins Oil and Gas Company, Inc. of Richmond, 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

Tippins Oil and Gas Company (Tippins) with its home office located in Richmond, Missouri, is a firm engaged in the sale of motor gasoline 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 Tippins the Office of Enforcement, ERA, and Tippins entered into a Consent Order.

The Consent Order encompasses Tippins sales of covered products during

the period March 1, 1979, through December 31, 1979.

II. Disposition of Refunded Overcharges

In this Consent Order, Tippins 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 twelve thousand dollars ($12,000.00) by December 31, 1982.

Refunds of overcharges to all customers of $12,000.00 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 envelope and on the documents you submit with the designation, "Comments on Tippins Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 1, 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 10th day of April 1981.

Dated: April 10, 1981.

William D. Miller,

District Manager of Enforcement.

Concurrence:

David H. Jackson,

Chief, Enforcement Counsel.

[FR Doc. 81-13315 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Key Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 295.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Key Oil Company, Highway 31 W. South, Route 3, Franklin, Kentucky 42134. This Proposed Remedial Order charges Key Oil Company with pricing violations in the amount of $91,327.55, connected with sales of diesel fuel during the period November 1, 1973 through March 31, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mr. James C. Easterday, District Manager of Enforcement, Southeast District, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, Telephone (404) 881–2396. On or before May 18, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 17th day of April 1981.

James C. Easterday,

District Manager.

Concurrence

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 81-13292 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Postponement of Meeting

This notice is given to advise of the postponement of the Energy Research Advisory Board meeting, originally scheduled to be held May 7–8, 1981. Notice of meeting was published in the issue of April 22, 1981 (46 FR 22930). When the meeting is rescheduled a notice will appear in the **Federal Register.**

Issued at Washington, D.C. on April 29, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-13420 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel

Date and Time:

Monday, May 18, 1981—9 a.m.–6 p.m.
Tuesday, May 19, 1981—9 a.m.–6 p.m.
Wednesday, May 20, 1981—9 a.m.–4 p.m.

Place: Brookhaven National Laboratory, South Room of the Brookhaven Center, Upton Road, Upton, New York.

Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, Department of Energy, Mail Stop J–309, Washington, D.C. 20545; telephone: 301–353–3367.

Purpose of Committee: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda:

- Final discussions and formulation of a planning report on the near term program in high energy physics
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the

Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 29, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-13421 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4342-000]

American Hydro Hydro Power Co.; Application for Preliminary Permit

April 29, 1981.

Take notice that the American Power Company (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4342 to be known as the Wallkill Village Dam Project located on the Wallkill River in Ulster County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, American Hydro Power Company, Two Aldwyn Center, Villanova, Pennsylvania 19085. 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 run-of-river project would consist of the following existing facilities: (1) the Wallkill Village Dam, a concrete structure approximately 250 feet long and varying in height from 3 to 8 feet; (2) a 500-foot long power canal, which is currently breached; (3) a powerhouse; and (4) appurtenant works.

The Applicant proposes to refurbish the above facilities and to install turbines and generating equipment with an installed rated capacity of approximately 1,450 kW.

The Applicant estimates that the average annual energy output would be 5,080,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for a FERC license. The Applicant estimates the cost of these studies under the permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, is issued, gloves 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 July 6, 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 September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 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. 4342. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13298 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-273-000]

Cities Service Gas Co.; Application

April 30, 1981.

Take notice that on April 3, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-273-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to render direct natural gas

service on an interruptible basis to three industrial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 3 taps and to provide direct sales on an interruptible basis to 3 industrial customers as follows:

1) Tap Applicant's Neodesha 6-inch transmission pipeline in Wilson County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Neodesha Readi Mix.

2) Tap Applicant's Quapaw 16-inch transmission pipeline in Ottawa County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Peer Enterprises.

3) Tap Applicant's Kansas-Hugoton 26-inch transmission pipeline in Gray County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to LaVern Schmidt.

Applicant estimates the total cost of the proposed taps to be $9,730 which would be paid for from treasury cash. Applicant further avers that the subject sales would not have any detrimental effect on its existing customers and that its current gas supply is sufficient to meet the needs of the proposed customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13299 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-260-000]

Colorado Interstate Gas Co.; Application

April 30, 1981.

Take notice that on March 31, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP81-260-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authority to revise its peak day and annual entitlements, to add sales delivery points to two existing jurisdictional customers, to make certain rate adjustments to jurisdictional transmission system general service customers, and to revise certain maximum daily volume obligations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to

(1) Increase peak day volume entitlements by a total of 75,895 Mcf.

(2) Increase the maximum daily volume obligation (MDVO) in the service agreements with Greeley Gas Company (Greeley) and the Town of Keyes, Oklahoma (Keyes), two of Applicant's single delivery point jurisdictional customers to accommodate the increased peak day entitlement.

(3) Construct and operate facilities to add East Quincy and Green Valley Ranch as new delivery points to the service agreement with Public Service Company of Colorado (Public Service)

(4) Add the existing Roundup Delivery Point to the service agreement with Western Slope Gas Company (Western Slope).

(5) Make appropriate adjustments in rates charged to jurisdictional transmission system general service customers to reflect the change in demand revenues caused by the increased peak day entitlements proposed herein.

(6) Decrease annual volume entitlements by a total of 1,966,000 Mcf.

Applicant states that its customers have requested an increase in their peak day volume entitlements. It is submitted that Applicant's jurisdictional full requirement transmission system customers have nominated an aggregate firm peak day increase of 63,050 Mcf for the 1981-1982 heating season. It is asserted that of such an increase in peak day gas, 76 percent would be used to serve the requirements of residential and small commercial customers in Priority 1, 17 percent would be allocated to Priority 2 and 7 percent to Priority 3.

Applicant further submits that its nonjuridictional direct sale customers have nominated an aggregate firm peak day increase of 12,845 Mcf for the 1981-1982 heating season which would be allocated to Priority 3.

Applicant also states that Greeley and Keyes have requested an increase in peak day entitlement and, consequently, require an increase of 502 Mcf and 356 Mcf, respectively, in MDVO. Applicant submits that the MDVO is the maximum volume that Applicant is obligated to deliver at any specified delivery point. It is asserted that these changes in MDVO would have no significant impact upon the operation of Applicant's system nor would any additional facilities be required to deliver the higher MDVO.

Applicant further states that Public Service has requested that two new delivery points, the East Quincy and Green Valley Ranch sales meter stations, be added to its service agreement with Applicant to be effective October 1, 1981. It is asserted that the addition of the proposed delivery points would enable Public Service to serve the growing Denver region.

Applicant proposes to construct and operate the East Quincy sales meter station on its Watkins-to-Colorado Springs main line at the section line between Sections 6 and 7, T5S, R65W, Arapahoe County, Colorado. It is stated that the East Quincy sales meter station would be established with a MDVO of 30,000 Mcf and would serve Priority 1 end-users. Applicant estimates the cost of this new delivery point to be $121,600.

Applicant further proposes to construct and operate the Green Valley Ranch meter station on its Wyoming main line at the northwest corner of the northwest quarter of Section 22, T3S, R66N, Denver County, Colorado. It is submitted that the MDVO for the Green Valley sales meter station would be 2,000 Mcf and that the gas from this delivery point would serve Priority 1

end-users. Applicant estimates the cost for the new delivery point to be $41,500. It is explained that the capital required for the construction of the facilities proposed herein would be obtained from current funds on hand, funds from operation, short-term borrowing or long-term financing.

Applicant states that Western Slope has requested that the existing Roundup meter station be added to the service agreement with Applicant to be effective beginning October 1, 1981. It is asserted that Roundup is an existing delivery point under a transportation transaction between Applicant and Western Slope and the addition of the delivery point to the service agreement would enable Western Slope to receive purchased gas for the Roundup storage field.

Applicant also asserts that Western Slope requires the additional delivery point to facilitate injecting gas into its newly developed Roundup storage field which would provide operational flexibility and protection for its market during periods of peak demand to maintain uninterrupted gas service to high-priority customers. It is submitted that the MDVO at Roundup would be 35,000 Mcf but that deliveries would be on a best-efforts basis subject to capacity and delivery pressure constraints on Applicant's system.

Applicant proposes, pursuant to Article II of the Uncontested Settlement Agreement on Reserved Issues in Docket No. RP79-59 approved by the Commission on March 4, 1981, to make an appropriate adjustment in rates charges to its transmission system jurisdictional general service customers to reflect the change in demand revenue caused by the increased peak day entitlement proposed herein. Applicant states that the proposed demand rate reduction would be 8.0 cents per Mcf.

Applicant proposes to decrease total customer annual volume entitlements by 1,966,000 Mcf. Applicant proposes to decrease total annual entitlements to its jurisdictional full requirement transmission system customers by 2,351,000 Mcf or approximately 0.9 percent to be effective beginning October 1, 1981. It is asserted that the aggregate reduction can be principally attributed to the conservation efforts of end-users.

Applicant states that its jurisdictional partial requirement transmission system customers have nominated an increase of 284,000 Mcf to be effective beginning October 1, 1981. Applicant submits that this increase is attributable to a purchase by Natural Gas Pipeline Company of America.

Applicant further proposes to increase its total annual entitlements to its nonjurisdictional direct sale customers by 101,000 Mcf. It is stated that this increase is required by the City of Trinidad, Colorado, for its electric generation facility.

Applicant states that it has available an additional 30,000 Mcf of peak day gas a result of a reduction in obligation to Amarillo Oil Company which results in a net peak day increase of 45,895 Mcf rather than the full 75,895 Mcf as proposed herein. Applicant, however, assures that it would continue to engage in an aggressive gas supply acquisition program to ensure adequate long-term supplies to its existing customers. Applicant believes that its gas supply projects would enable it to sufficiently accommodate the peak day entitlements which have been requested by its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practices and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13300 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4431-000]

Columbia Basin Project Irrigation Districts; Application for Preliminary Permit

April 28, 1981.

Take notice that the Columbia Basin Project Irrigation Districts (Applicant) filed on March 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4431 to the be known as the Rocky Coulee Wasteway Project located on the Rocky Coulee Wasteway in Grant County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard A. Lemargie, Attorney, P.O. Box 908, Ephrata, Washington 98823. 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 a development at each of the two chutes on the Water and Power Resources Service's existing Rocky Coulee Wasteway. Each development would include an intake structure, a penstock, a powerhouse and associated electrical equipment. In addition the lower development would include a gate at the head of the chute. The upper development would have a capacity of 2,900 kW and the lower development a capacity of 3,800 kW.

The Applicant estimates that the average annual energy output would be 32,000 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed study to determine the technical, economic, and environmental feasibility of the proposed project. Applicant estimates the costs of its studies and preparation of an application for license to be $200,000.

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 permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 11, 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 the § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 12, 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. 4431. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies requried by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13273 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-146-002]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 27, 1981.

Take notice that on April 21, 1981, Columbia Gas Transmission Corporation (Columbia Transmission) tendered for filing the following substitute tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Substitute Seventieth Revised Sheet No. 16
Substitute Eighteenth Revised Sheet No. 16A

Said substitute tariff sheets bear an issue date of April 21, 1981, and an effective date of April 1, 1981.

Columbia Transmission states that the foregoing substitute tariff sheets revise its filing of March 13, 1981 in the above-captioned docket solely to reflect a reduction in the cost of service of Columbia Transmission's affiliate, Columbia Gulf Transmission Company (Columbia Gulf), due to a decrease in Columbia Gulf's offshore depreciation accrual rate from 12.00% (10.00% basic rate plus 2.00% negative salvage rate) to 9.30% (9.00% basic rate plus 0.30% negative salvage rate). By letter order issued March 27, 1981 in Columbia Gulf Transmission Company, Docket Nos. RP75-105, *et al.* (Offshore Plant Depreciation Rate), the Commission approved a Stipulation and Agreement which, *inter alia*, fixed Columbia Gulf's basic offshore depreciation accrual rate at 9.00% and its negative net salvage rate at 0.30% in Docket No. RP80-145, effective April 1, 1981. Columbia Gulf made a companion filing in Docket RP80-145 to reflect this reduction in its offshore depreciation accrual rate.

This revised filing represents an annual reduction of $5,565,768 in Columbia Transmission's rates, as compared with its March 13, 1981 filing in Docket No. RP80-146. Columbia Transmission states that the remainder of its March 13, 1981 filing in this docket continues in full force and effect.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.18 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia Transmission's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13274 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-145-002]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

April 27, 1981.

Take notice that on April 21, 1981, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume Nos. 1 and 2:

Original Volume No. 1

Second Substitute Twenty-Sixth Revised Sheet No. 7

Original Volume No. 2

Second Substitute Seventh Revised Sheet No. 72
Second Substitute Seventh Revised Sheet No. 73
Second Substitute Fourth Revised Sheet No. 92
Second Substitute Fourth Revised Sheet No. 93
Second Substitute Fourth Revised Sheet No. 126
Second Substitute Fifth Revised Sheet No. 145
Second Substitute Fifth Revised Sheet No. 146

Second Substitute Fourth Revised Sheet No. 263
Second Substitute Third Revised Sheet No. 320
Second Substitute Third Revised Sheet No. 337
Second Substitute Third Revised Sheet No. 386
Second Substitute Third Revised Sheet No. 387
Second Substitute Third Revised Sheet No. 440
Second Substitute Third Revised Sheet No. 484
Second Substitute Third Revised Sheet No. 493
Second Substitute Third Revised Sheet No. 567
Second Substitute Third Revised Sheet No. 596
Second Substitute Second Revised Sheet No. 628
Second Substitute First Revised Sheet No. 663
Second Substitute Second Revised Sheet No. 750
Second Substitute First Revised Sheet No. 1097

Columbia Gulf states that the foregoing tariff sheets represent an annual reduction of $7,142,551 in its Cost of Service at Docket No. RP80-145 by reflecting the effect of the Commission's letter order issued March 27, 1981 in Docket Nos. RP75-105 and RP76-94. Said order, which has not become final, adopts the uncontested Stipulation and Agreement filed on February 3, 1981, which specifies a basic depreciation rate of 9.0% and a negative net salvage rate of .30% for the offshore plant of Columbia Gulf.

Columbia Gulf states that copies of the filing were served upon each of its jurisdictional customers and each of the parties set forth on the official service list in the proceedings of Docket No. RP80-145.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 19, 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. 81-13275 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-271-000]

Columbia Gas Transmission Corp.; Application

April 30, 1981.

Take notice that on April 3, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-271-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing 65 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc.: 4 taps for residential service. (Estimated annual usage of 600 Mcf)
(2) Columbia Gas of Ohio, Inc.:
30 taps for residential service
3 taps for commercial service
1 tap for combined residential and commercial service
1 tap for combined residential and industrial service
(Estimated annual usage of 6,787 Mcf)
(3) Columbia Gas of Pennsylvania, Inc.:
4 taps for residential service
1 tap for industrial service
(Estimated annual usage of 10,550 Mcf)
(4) Columbia Gas of West Virginia, Inc.:
14 taps for residential service
2 taps for commercial service
1 tap for combined residential and commercial service
(Estimated annual usage of 39,474 Mcf)
(5) The West Ohio Gas Company:
2 taps for residential service
1 tap for commercial service
(Estimated annual usage of 420 Mcf)
(6) Washington Gas Light Company: 1 tap for residential service. (Estimated annual usage of 35,750 Mcf)

Applicant estimates the total cost of the proposed taps to be $41,035 which would be financed by internally generated funds. Applicant further submits that the average cost of each tap would be $300 while one tap would be installed at an estimated cost of $21,700.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13301 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-268-000]

Consolidated Gas Supply Corp.; Application

April 30, 1981.

Take notice that on April 2, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP-81-268-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon service to The River Gas Company (River) at delivery points near Parkersburg and Sistersville, West Virginia, and of facilities related thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that because River's operations in Ohio have changed such

that service is no longer required at the subject delivery points near Parkersburg and Sistersville, West Virginia. Applicant proposes to abandon service to River at these points. Applicant further proposes to abandon the facilities necessary for such service.

Applicant states that the pipeline would be abandoned in-place while the metering and appurtenant facilities would be removed from service and returned to stock for future use.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13302 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4382-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4382 to be known as Yellow Creek 1.5, Plumas located on Yellow Creek in Plumas, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 140-foot long, 5 foot-high, 8-foot wide concrete diversion structure; (3) a 10,000-foot long diversion conduit or channel; (4) a 700-foot long, 40-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,580-kW; and (6) a 3-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 28.1 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 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 September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 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. 4382. Any comments, notices of intent, competing applications,

protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13303 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4406]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 4406 to be know as Big French Creek, Trinity located on Big French Creek in Trinty, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 185-foot long, 5 foot-high, 8-foot wide concrete diversion structure; (3) a 7,600-foot long diversion conduit or channel; (4) a 650-foot long, 49-inch diameter penstock, (5) a powerhouse containing generating equipment with a combined capacity of 2,700-kW; and (6) a 1.5-mile long, 12.5-kV transmission line

The Applicant estimates that the average annual energy output would be 10.8 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies, prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 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 September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 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. 4406. Any comments, notices or intent, completing 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, Applicant Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13304 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4381-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4381 to be known as Mosquito Creek, Plumas located on Mosquito Creek in Plumas, California. The application is on file with the Commisison and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this

notice should read the entire notice and must comply with the requirements specified for the particular kind of response that persons wishes to file.

Project Description—The proposed project would consist of: (1) a nautral rock diversion structure; (2) a 125-foot long, 5-foot-high, 8-foot wide concrete structure; (3) a 10,750-foot long diversion conduit or channel; (4) a 725-foot long, 41-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,900-kW; and (6) a 0.3-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 11.2 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 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 September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notice 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 filing must also state that it is made in response to this notice of application for preliminary permit for Project No. 4381. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13305 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4363-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4363 to be known as Lower Yellow Creek, Plumas located on Yellow Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 148-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 14,900-foot long diversion conduit or channel; (4) a 1,200-foot long, 40-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,800 kW; and (6) a 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 31.5 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geologic studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 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 September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 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. 4363. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition ot intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-13306 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4378-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 4378 to be known as Hostler Creek, Humboldt located on Hostler Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description— The proposed project would consist of two facilities. The Upper Facility would consist of: (1) a natural rock diversion structure; (2) a 48-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 4,000-foot lone diversion conduit or channel, (4) an 825-foot long, 30-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 1,250-kW; and (6) a 2-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Upper Facility would be 4.9 million kWh.

The Lower Facility would consist of: (1) a natural rock diversion structure; (2) a 67-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 9,250-foot long diversion conduit or channel; (4) an 1,020-foot long, 33-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,010-kW; and (6) a 0.5-mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output from the Lower Facility would be 7.9 million kWh.

Purpose of Project— The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments— Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications— Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 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 September 4, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the

requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 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 appliocable. Any of theses filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4378. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13307 filed 4-30-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4178-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 28, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4178 to be known as Hugo Lake Dam Project located on the Kiamichi River in Choctaw County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Hugo Dam and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 18.9 MW; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 32.1 GWH.

Purpose of Project—Project energy would be sold to the Public Service Company of Oklahoma or to nearby public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $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 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 City of Broken Bow's Hugo Dam Project No. 3555 filed on October 10, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 26, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4178. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Wasington,

D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13276 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-420-000]

Indiana & Michigan Electric Co.; Filing

April 27, 1981.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on April 17, 1981 tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (Indiana Company) Modification No. 7 dated April 15, 1981, to the Agreement, dated January 2, 1977 between City of Richmond, Indiana and Indiana & Michigan Electric Company, I&M's Rate Schedule FERC No. 70.

Section 1 of Modification No. 7 provides for a new initial rate schedule entitled "Limited Term Power"—Service Schedule H, with a demand rate of $5.50/kW-month and a transmission charge of $1.00/kW-month for third party transactions. This schedule proposed to become effective April 15, 1981.

Applicant states that since the use of Limited Term Power cannot be accurately estimated, for the twelve month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from this modification for such period.

Copies of the filing were served upon Richmond Power & Light, the Public Service Commission of Indiana and the Michigan Public Service Commission.

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 Rule of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. 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. 81-13277 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-26-000]

JKJ Co.; Application for Adjustment and Request for Interim Relief

April 27, 1981.

On March 31, 1981, JKJ Company (JKJ), P.O. Box 666, Graham, Texas 76046, filed an application for a staff adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. § 3412(c) (Supp. II 1978), and § 1.41 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure.

Specifically, JKJ alleges that it is an oil and gas operator in Texas which sells natural gas under a contract to the Lone Star Gas Company (Lone Star). JKJ states that its Ramsey Corley No. 1 Well, gas well I.D. number 21389, in Graham S. Field, Young County, Texas, qualified as a stripper well under NGPA section 108 in 1980. JKJ states that, under the terms of the contract, it is obligated to compress the gas and place it in Lone Star's pipeline at pressures up to 500 psi. JKJ claims that it collected $1.10 per Mcf for gas from the well in 1980 and thereby suffered an operating loss by continuing to produce the well.

JKJ alleges that Lone Star, upon discovering that the well's production had risen so as to disqualify it from stripper well status, has reduced the gas price to that specified in the contract, $.85 per Mcf. At the present price of $.85 per Mcf, the maximum lawful price under NGPA section 105, JKJ claims that it intends to shut the well in effective May 1, 1981, because its operating costs are such that it cannot afford to produce and compress the gas and place it in Lone Star's pipeline. JKJ requests an adjustment from NGPA section 110 and the Commission regulations implementing the section so it can continue to produce gas from the well. In addition, JKJ seeks interim relief under § 1.41(m) of the Commission regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before May 18, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13278 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4128-000]

Long Lake Energy Corp.; Application for Preliminary Permit

April 28, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4128 to be known as the Bakers Falls Hydro Project located on the Hudson River in Washington and Saratoga Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017. 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 Niagara Mohawk Power Corporation's existing Bakers Falls—Moreau Falls Dam and Reservoir (FERC License No. 2482) and would consist of: (1) a new intake structure with control gates; (2) a new 500-foot long penstock; leading to (3) a new powerhouse with an installed generating capacity of 20,000 Kw; (4) a new tailrace; (5) the existing switchyard equipment; (6) a new transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 103,000,000 kWh.

Purpose of Project—Project energy generated would be sold to the Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the

studies under the permit would be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(a) and (d) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 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. 4128. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13279 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4214-000]

The Montana Power Co.; Application for Preliminary Permit

April 28, 1981.

Take notice that The Montana Power Company (Applicant) filed on February 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4214 to be known as the Carter Ferry Project located on the Missouri River in Chouteau and Cascade Counties, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. R. J. Labrie, Vice President, Engineering and Technology, The Montana Power Company, 40 East Broadway Street, Butte, Montana 59701.

Project Description—The proposed project would consist of: (1) a proposed concrete gravity dam with a maximum heigth of 132 feet and a crest length of 1,160 feet; (2) a proposed powerhouse, integral with the dam on the east bank of the river, with an installed generating capacity of 75 MW; (3) a proposed reservoir with a surface of 3,100 acres at a normal water elevation 2,802 msl containing 150,000 acre-feet of gross storage capacity; (4) a proposed 2½-mile long 161-KV transmission line; (5) two proposed 22-foot diameter penstocks through the dam to the powerhouse; (6) a proposed 150-foot wide tailrace; and (7) appurtenant facilities. It is estimated that the project would include 157 acres of Federal lands. The Applicant estimates that the average annual energy output would be 487 GWh.

Purpose of Project—The Applicant proposed to utilize the power output by integrating it with the Applicant's existing five hydroelectic plants and associated transmission system in the Great Falls, Montana area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates costs of studies under its permit would be about $900,000.

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 July 6, 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 September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices or 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 4214. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13280 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-311-000 and ER80-181]

Northern States Power Co. (Wisconsin); Order Accepting for Filing and Suspending Rates, Waiving Notice Requirements, Consolidating Proceedings, and Establishing Procedures

Issued April 22, 1981.

On January 11, 1980, in Docket No. ER80-181, Northern States Power Company (Wisconsin) (NSP) tendered for filing revised rates applicable to its eleven full requirements wholesale customers located in Wisconsin. In addition, the company proposed a new rate for partial requirements service, although no customer was then scheduled to take service under the partial requirements tariff rate.[1]

On February 20, 1981, a settlement of the rates for full requirements service was accepted for filing by the Commission.[2] A public hearing has been scheduled to commence on April 28, 1981, concerning the partial requirements rate.

Subsequently, on March 2, 1981, NSP submitted for filing in Docket No. ER81-311-000, a revised partial requirements rate and a service agreement with the City of Barron, Wisconsin (Barron) implementing service under the partial requirements rate.[3] The currently proposed rate schedules reflect a reduction in rate level to that of the full requirements settlement rate and a clarification of the billing demand provisions. NSP requests waiver of the notice requirements, and an effective date of April 26, 1981, to coincide with the effective date of the partial requirements service agreement between NSP and Barron.

Notice of the filing was issued on March 11, 1981, with comments, protests, or petitions to intervene due on or before March 31, 1981. No responses were filed.

Discussion

Although the instant submittal represents a reduction in the partial requirements rate level, we note that the design of the partial requirements rate is an issue which is still outstanding in Docket No. ER80-181.[4] Our analysis of NSP's filing indicates that it has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept NSP's submittal for filing and suspend it as ordered below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. As discussed above, the anticipated effective date of the partial requirements service agreement between NSP and Barron is April 26, 1981; if we were to order an extended suspension, initiation of the desired service might be delayed and Barron would be precluded from receiving service during the suspension period at the lower rate proposed in this docket. Furthermore, we note that no protests or objections to the filing have been received. Accordingly, we find that good cause exists to waive the notice requirements and to suspend the revised partial requirements rate schedules for one day from April 25, 1981, to become effective on April 26, 1981, subject to refund.

Because the design of the partial requirements rate is currently under investigation in Docket No. ER80-181, common questions of law and fact are presented and we shall consolidate the instant docket with that ongoing proceeding.

The Commission orders:

(A) Waiver of the notice requirements is hereby granted.

(B) NSP's submittal is hereby accepted for filing and suspended for one day from April 25, 1981 to become effective on April 26, 1981, subject to refund.

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[1] By order issued March 7, 1980, the full requirements rate was suspended for two months to become effective on May 11, 1980, subject to refund. The Commission suspended the new partial requirements rate for one day to become effective on March 12, 1980, subject to refund, and the outcome of a hearing. In addition, NSP was directed to file service agreements for any customer subsequently electing to take partial requirements service under the new tariff rate.

[2] *Northern States Power Company (Wisconsin)*, Docket No. ER80-181, order issued February 20, 1981.

[3] *See* Attachment A for rate schedule designations.

[4] *See Northern States Power Company (Wisconsin)*, Docket No. ER80-181, ALJ orders, issued September 19, 1980 and January 9, 1981.

[5] *E.g., Boston Edison Co.*, Docket No. ER80-506 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illumination Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

(C) 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 (1980))], a public hearing shall be held concerning the justness and reasonableness of NSP's submittal.

(D) Docket No. ER81-311-000 is hereby consolidated with the proceedings in Docket No. ER80-181, for purposes of hearing and decision.

(E) The administrative law judge designated to preside in Docket No. ER80-181 shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81-311-000 with the pending proceeding.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A, Northern States Power Co. (Wisconsin), Docket No. ER81-311-000; Rate Schedule Designations

FERC Electric Tariff Original Volume No. 1

Sheet No., Supersedes and Description

1st Revised Sheet No. 1, Original Sheet No. 1, First Revised Schedule B
1st Revised Sheet No. 2, Original Sheet No. 2, First Revised Schedule B
Original Sheet No. 2A, First Revised Schedule B
Service Agreement under FERC Electric Tariff Original Volume No. 1, Partial requirements service to City of Barron, Wisconsin

[FR Doc. 81-13040 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4218-000]

Northwest Hydroelectric Co.; Application for Preliminary Permit

April 28, 1981.

Take notice that Northwest Hydroelectric Company filed on February 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4218 to be known as Tonga Project located on the Foss River in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas J. Brewer, B. Gerald Johnson, Charles A. Goldmark, Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Washington 98104. 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 7-foot high and 150-foot long, prefabricated steel-and-concrete diversion dam; (2) a 14,700-foot long and 72-inch diameter steel penstock; (3) a powerhouse containing one generating unit rated at 10 MW; (4) a tailrace; and (5) a one-mile long transmission line.

The Applicant estimates that the average annual energy output would be 60 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct geotechnical and engineering studies, perform preliminary designs, make an economic and financial analysis, conduct environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Ground disturbing activities include test borings, surveys, and stream gage installation. The cost of the work to be done under the preliminary permit is estimated to be $680,000.

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 July 6, 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 September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 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. 4218. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of

any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13281 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-418-000]

Ohio Power Co.; Filing

April 27, 1981.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on April 17, 1981 tendered for filing on behalf of its affiliate Ohio Power Company (Ohio Power) Modification No. 12, dated March 1, 1981, to the Facilities and Operating Agreement, dated September 6, 1962, between Duquesne Light Company and Ohio Power Company, Ohio Power's Rate Schedule FERC No. 33.

Section 1 of Modification No. 12 provides for an increase in the demand charge for Short Term Power from $0.85 to $1.05 per kilowatt per week. This schedule is proposed to become effective on March 1, 1981.

Applicant states that since the use of Short Term Power cannot be accurately estimated, for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from its modification for such period. Applicant's Appendix V which was included with the filing of this modification, demonstrates that the increase in revenues which would have resulted had the modification been in effect during the twelve-month period ending December 1980, would have been $54,000.00 (i.e., from $1,204,888.90 to $1,258,888.90) for Short Term Power.

Copies of the filing were served upon Duquesne Light Company, the Public Utilities Commission of Ohio and the Public Utility Commission of Pennsylvania.

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, 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 May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. 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. 81-13287 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-419-000]

Ohio Power Co.; Filing

April 27, 1981.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on April 17, 1981 tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Power), Modification No. 17 dated October 31, 1980 to the Interconnection Agreement dated June 14, 1962 (1962 Agreement), between Ohio Power and The Cleveland Electric Illuminating Company (Cleveland Electric), designated Ohio Power's Rate Schedule FERC No. 31.

Modification No. 17 provides for participation by the parties in Economy Energy transactions involving systems which are not parties to the 1962 Agreement.

Under the proposed Modification transactions with systems not a party to the 1962 Agreement between the parties would be priced, as was previously contemplated under the 1962 Agreement between the parties, on the basis of costs incurred, plus a sharing by all of the participants of the savings realized by the ultimate receiving system. Transmission losses are one of the costs incurred. Each system participating in an Economy Energy transaction other than as the supplying or receiving system would receive 15% of the savings and the remainder of the savings. Applicant states that the proposed 15% of savings allocated to each intermediate system was arrived at through negotiation and is intended to recognize participation in the transaction. Applicant further states that since Economy Energy, the need of another system for such energy and possible transmission restrictions, it is impossible to estimate the transactions and revenues resulting from the proposed service.

Copies of the filing were served upon The Cleveland Electric Illuminating Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or 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 May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. 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. 81-13282 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-581]

Pataya Storage Co.; Intent To Prepare a Draft Environmental Impact Statement

April 20, 1981.

Notice is hereby given that, based upon its own assessment and on letters of comment on environmental issues, the staff of the Federal Energy Regulatory Commission (FERC) has determined that approval of the project proposed in Docket No. CP80-581 would constitute a major Federal action significantly affecting the quality of the human environment. Therefore, pursuant to § 2.82(b) of the Commission's Rules of Practice and Procedure (18 CFR 2.82(b)), a draft environmental impact statement (DEIS) will be prepared.

The DEIS will deal with the application by Pataya Storage Company (Pataya), a wholly owned subsidiary of Southwest Gas Corporation (Southwest), for a certificate of public convenience and necessity. The application is filed pursuant to section 7(c) of the Natural Gas Act. The certificate would authorize construction and operation of an underground gas storage facility near Red Lake in Mohave County, Arizona. Natural gas would be stored under pressure during low demand summer months and redelivered during high demand to an interconnection with a main transmission pipeline of the El Paso Natural Gas Company (El Paso).

The applicant specifically seeks authorization to develop, by conventional methods of subsurface solution mining, two underground gas storage caverns in a massive halite (salt) deposit below Hualapai Valley in Mohave County, Arizona. The caverns would store 4 billion cubic feet (Bcf) of natural gas under 1,000 to 3,000 pounds

per square inch of pressure: 3 Bcf would be working gas; 1 Bcf would be cushion gas to maintain sufficient delivery pressure in the reservoir. Solution mining of the caverns would require withdrawing approximately 4,000 acre feet (1.3 billion gallons) of groundwater over 14 months and about 1.3 square miles of diked evaporating ponds to dispose of the brine solution that would be produced.

The applicant proposes to construct a compressor station to operate the storage facility. It would consist of three 1,800-horsepower reciprocating engine compressor units. Also proposed is approximately 30 miles of 16-inch diameter gas pipeline from the proposed storage facility near Red Lake south to El Paso's main transmission pipeline near Kingman, Arizona. In addition, authorization is requested to provide Southwest with up to 100 million cubic feet per day (cfd) of natural gas and a total of 3 Bcf annually from the proposed storage facility.

Approximately 26 miles of electric power transmission line generally paralleling the proposed pipeline and approximately 6 miles of improved access roadway would be constructed.

On December 29, 1980, the staff issued a notice of request for comments on the scope and significance of potential environmental impacts related to the proposed project; 25 responses were received. Based upon the responses to the scoping notice, the staff will focus its analysis on the following major issues or areas of potential impact: feasibility of the proposed brine disposal ponds, protection of groundwater quality, air quality, cultural resources, and aesthetic effects.

Other areas of potential impact will be analyzed and discussed in the DEIS. However, the staff's preliminary analysis and the scoping comments indicate that those topics are of less significance and therefore will receive less emphasis.

The staff will consider alternatives to the proposal and possible mitigating measures in its DEIS. Alternatives such as deep well disposal of the brine, engineering modifications or uses for the proposed evaporation ponds, onsite power generation, and mitigating measures such as avoidance or recovery of cultural resources, powerline modifications to prevent raptor electrocution, and use of neutral colored paints on surface structures will be analyzed. Anyone wishing to contribute further comments on these topics to the staff is encouraged to do so.

The FERC will be the lead agency responsible for preparing the DEIS. The Department of the Interior, Bureau of Land Management, has requested to be a cooperating agency. Other Federal and state agencies are encouraged to contribute to the DEIS and should contact Mr. Lonnie Lister, Project Manager, FERC, Room 7403, 825 North Capitol Street NE., Washington, D.C. 20426; telephone (202) 357-8870.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13041 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-47-000]

Plateau, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

April 27, 1981.

Take notice that Plateau, Inc. on April 20, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before May 12, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before May 12, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40 (e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Indpendence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13283 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-290-000]

Southern Natural Gas Co.; Application

April 30, 1981.

Take notice that on April 16, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-290-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in East Cameron Block 240, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 4.9 miles of 16-inch pipeline, one 800 horsepower compression station, and one receiving station and appurtenant facilities. It is stated that the proposed pipeline would attach natural gas reserves being purchased by Applicant from Shell Oil Company in East Cameron Block 240.

Applicant asserts that the proposed pipeline would extend from the producer's platform in East Cameron Block 240 to a point of interconnection at an existing subsea tap on Sea Robin Pipeline Company's 24-inch pipeline in East Cameron Block 248. The receiving station and the compression facilities would also be installed on the producer's platform. Applicant submits that absent the 800 horsepower compression station Applicant would be unable to take delivery of the gas.

Applicant estimates the total cost of the proposed facilities to be $6,324,282 which would initially be financed by short-term financing and/or cash from current operations and ultimately from permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the

appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must fule a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and suject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13308 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4340-000]

Stockport Milling Co., Inc.; Application for Preliminary Permit

April 28, 1981.

Take notice that the Stockport Milling Co., Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4340 to be known as the Stockport Lock and Dam No. 6 Project located on the Muskingum River in Morgan County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. M. Lewis, 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662. 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 run-of-river project would consist of: (1) an existing rockfill crib and concrete cap type dam, 12.5 feet high and 480 feet long; (2) a reservoir extending 9.5 miles upstream at a water surface elevation of 640.05 feet msl; (3) a new 40 by 60-foot concrete powerhouse located at the western dam abutment containing two turbine/generator units with a total capacity of 3.5–5.0 MW; (4) a new 69–kV transmission line less than one mile long; (5) a new switching station; and (6) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 21,100,000 kWh.

Purpose of Project—Project power would be used by the Applicant to serve the present needs of its commercial milling operations. Any excess would be utilized by and wheeled by the Ohio Power Company to an organization of municipal utilities, American Municipal Power—Ohio.

Proposed Scope and Cost of Studies Under Permit—The applicant seeks issuance of a preliminary permit for a period of two years, during which it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 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 September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 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. 4340. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13284 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-276-000]

Texas Eastern Transmission Corp.; Application

April 30, 1981.

Take notice that on April 8, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-276-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Sabine Production Company (Sabine), 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 previously purchased gas from Sabine from Wells #1 and #2, Breton Sound Block 53, offshore Louisiana, and that Sabine has requested assistance in obtaining small volumes of gas in order to conduct a gas lift operation to recover the remaining oil reserves from Wells #1 and #2.

It is asserted that Applicant and Sabine have agreed to an arrangement whereby Sabine would dedicate and sell to Applicant gas reserves from four wells located in Panola County, Texas, with Sabine reserving quantities of gas for gas lift operations. Applicant proposes to deliver the reserved gas to Sabine at Wells #1 and #2. It is explained that the gas produced in Panola County would be delivered to United Gas Pipe Line Company which would deliver the gas to Applicant. Applicant states it would deliver Sabine's reserved gas by backflowing to Wells #1 and #2 from its system.

The amount of gas to be delivered to Sabine is estimated to be 500-600 Mcf per day to commence gas lift operation and thereafter approximately 100 Mcf per day for a period of approximately 18 months.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13309 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-272-000]

Transcontinental Gas Pipe Line Corp., Application

April 30, 1981.

Take notice that on April 6, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-272-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipelines and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate (1) approximately 2.91 miles of 8-inch pipeline which would connect the existing Corpus Christi Exploration Company (Corpus Exploration) No. 2 production platform in Block 437, Brazos Area, offshore Texas, to a subsea tie-on in Brazos Block 409 to Applicant's existing Brazos Block 438 lateral; and (2) approximately 1.00 mile of 6-inch pipeline which would connect the existing Corpus Exploration No. 1 production platform in Block 437 to a subsea tie-in on the proposed 8-inch pipeline in Block 437. Applicant also proposes to construct metering, regulating and other appurtenant facilities on the production platforms.

It is stated that the proposed facilities would have a maximum capability of 20,000 Mcf per day. Applicant asserts it would purchase 100 percent of the production from such platforms. The estimated deliverability for the two fields are estimated at 53,000,000 Mcf and averaging 15,000 Mcf per day for 1982 through 1985.

Applicant estimates the cost of such facilities to be $5,168,000 which would be financed through short-term loans and available cash with permanent financing to be undertaken at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 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 or Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13310 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-9-001]

Transwestern Pipeline Co., Petition To Amend

April 30, 1981.

Take notice that on April 6, 1981, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in docket No. CP80-9-001 a petition to amend the order issued January 10, 1980, in the instant Docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize an increase in its total annual expenditure limitation prescribed by said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized by order issued January 10, 1980, to construct and operate certain gas supply facilities during an indefinite period commencing with the date of the order. It is asserted that the order limited the total cost of said facilities to $13,000,000 for 1980 and thereafter to three percent of Applicant's gas-plant-in-service balance up to $20,000,000 with no single project to exceed $2,500,000.

Petitioner requests herein that the total cost limitation of $14,106,388, 3 percent of its gas-plant balance as of February 28, 1981, be increased to $32,000,000 in order to construct additional gas purchase facilities. Petitioner states that the single project limitation of $2,500,000 would remain unchanged.

Petitioner submits such a waiver is necessary due to the increased costs of construction and the number of new gas supply sources in Petitioner's gas supply area.

In the alternative, Applicant requests that the Commission issue a certificate for those projects already completed thereby allowing Applicant to remove the related expenditures from its 1981 budget authorization and to have its full limits restored to it for the remainder of the year.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13311 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3687-000]

Tuolumne County Water District No. 2; Application for Preliminary Permit

April 28, 1981.

Take notice that Tuolumne County Water District No. 2 (Applicant) filed on November 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3687 to be known as Lilly-Bell Hydroelectric and Water Supply Project located on Middle and South Fork Stanislaus River and Lilly and Bell Creeks in Tuolumne County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary N. Egger, General Manager and District Engineer, Tuolumne County Water District No. 2, P.O. Box 728, Sonora, California 95370. 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 have a total installed capacity of 45 MW and would consist of: (1) a 30-foot high, 400-foot long concrete diversion dam across the South Fork Stanislaus River to be called South Fork Stanislaus Diversion Dam (SFSDD); (2) a 14,000-foot long tunnel carrying water from SFSDD to; (3) Bell Meadows Reservoir with a usable storage capacity of 17,000 acre-feet at elevation 6,620 feet (mean sea level) to be formed by; (4) a 110-foot high, 630-foot long dam across the Bell Creek; (5) a 120-foot high, 1,200-foot long dam across the Lilly Creek forming; (6) a reservoir (Coffin Hollow Reservoir) with a usable storage capacity of 12,600 acre-feet at elevation 6,760 feet m.s.l.; (7) a 9-mile long penstock and tunnel system connecting Bell Meadows and Coffin Hollow Reservoirs with; (8) a power plant, to be located adjacent to the existing Philadelphia Power Plant of FERC Project No. 2130, containing generating units with a total rated capacity of 22,000 kW; (9) a 15-foot high, 50-foot long diversion dam on South Fork Stanislaus River, immediately downstream of the existing Philadelphia Ditch Diversion intake of FERC Project No. 2130, diverting 180 to 200 cfs of flow into; (10) a 5,000-foot long penstock, leading to; (11) a power plant, to be located adjacent to the existing Spring Gap Power Plant of FERC Project No. 2130, containing generating units with a total rated capacity of 23,000 kW; and (12) appurtenant facilities. The Applicant estimates that the average annual energy output would be 167.3 million kWh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) test borings would be done in areas which are clear of vegetation, boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $500,000.

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 comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 12, 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", "PROTESTS", 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. 3687. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13286 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4288-000]

Village of Tupper Lake, New York; Application for Preliminary Permit

April 28, 1981.

Take notice that the Village of Tupper Lake, New York (Applicant) filed on March 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the proposed Project No. 4288 to be known as the Bog River Project located on the Bog River in Hamilton and St. Lawrence Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Don Trudeau, Superintendent, Electric Department, Village of Tupper Lake, 53 Park Street, Tupper Lake, New York 12986. 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) two existing concrete dams, the Lower Lows Dam being 23 feet high and 250 feet long while the Upper Lows Dam (2.5 miles downstream) is 24 feet high and 150 feet long creating, respectively; (2) Hitchins Pond with a maximum storage capacity of 1,745 acre-feet and an area of 397 acres at an elevation of 1,723 feet m.s.l. and Lows Lake with corresponding figures of 19,500, 4,591 and 1,742; (3) an existing penstock at each dam; (4) a rebuilt powerhouse at the upper dam housing a 350-kW unit and a refurbished powerhouse at the lower dam housing a 650-kW unit; (5) two new transmission lines, one rated at 13.2 kV and 10.5 miles long and the other at 13.0 kV and 2.5 miles long; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,700 kWh.

Purpose of Project—The Applicant intends to use the project power in its existing municipal electric distribution system.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $66,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 11, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 10, 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 Intevene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 11, 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. 4288. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13287 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-265-000]

United Gas Pipe Line Co.; Application

April 30, 1981.

Take notice that on April 1, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-265-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 2.8 miles of 10-inch pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 2.8 miles of 10-inch pipeline and appurtenant facilities (HI A-570 Line) in order to attach Applicant's 98.41 percent interest in gas reserves underlying High Island Area Block A-570, offshore Texas. It is stated that the proven and proven plus potential reserves in the A-570 Field are estimated to be 65,180,000 Mcf and 73,000,000 Mcf, respectively, while the average deliverability is estimated to be 50,000 Mcf of natural gas per day. Applicant submits that it is further negotiating for the remaining 1.59 percent interest in that field.

Applicant states that the HI A-570 Line would commence at the producer's platform in High Island Block A-570 and would extend in a northeasterly direction to interconnect with an existing subsea tap on an existing 20-inch line located in High Island Block A-571. Applicant anticipates capacity rights in the latter line, it is stated. Applicant further contends that the proposed line would facilitate delivery of its dedicated gas reserves from the A-570 Field to the High Island Offshore System for further transport onshore.

Applicant estimates the cost of the proposed pipeline to be $4,149,700 which would be financed by Applicant's general corporate funds and existing lines of credit with commercial lending institutions.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13312 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4116-000]

Vermont Public Power Supply Authority; Application for Preliminary Permit

April 28, 1981.

Take notice that the Vermont Public Power Supply Authority (Applicant) filed on February 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4116 to be known as the Richford Hydroelectric Project located on the Missisquoi River in Franklin County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harland G. Titemore, General Manager, Vermont Public Power Supply Authority, 585 Pine Street, Burlington, Vermont 05401. 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 16-foot high, 275-foot-long concrete dam to be located approximately 650 feet upstream of the Main Street Bridge in Richford, Vermont; (2) a 55-acre reservoir with pool elevation of 447 feet msl.; (3) a powerhouse which would have units with an installed capacity of 1,500 kW; and (4) appurtenant facilities. The

Applicant estimates that the average annual energy output would be 3,500,000 kWh.

Purpose of Project—Project energy would be allocated to and used by the electrical utility members of the Vermont Public Power Supply Authority.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would make preliminary and final designs and cost estimates, and investigate the environmental, hydraulic, power generation, construction, and economic aspects of the project. If the project is found to be feasible, Applicant would then prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 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. 4116. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13286 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 27, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
					Issued April 27, 1981			
					CALIFORNIA DEPARTMENT OF CONSERVATION			
-TENNECO OIL COMPANY					RECEIVED: 04/06/81 JA: CA			
8124065	81-4-0020	0402956195	103		BENNETT 48X	YOWLUMNE	3.0	ATLANTIC RICHFIELD C
8124066	81-4-0019	0402955943	103		BRADFORD ET AL #1	YOWLUMNE	376.0	ATLANTIC RICHFIELD C
					LOUISIANA OFFICE OF CONSERVATION			
-LYNAL INC					RECEIVED: 04/06/81 JA: LA			
8124063	80-3387	1710922218	102		LL&E NO 1 (165825)	BAYOU PENCHANT	301.7	TRANSCONTINENTAL GAS
-MAY PETROLEUM INC					RECEIVED: 04/06/81 JA: LA			
8124064	80-4271	1707522647	102		STATE LEASE 7817 #1 (164563)	LAKE WASHINGTON	365.0	LOUISIANA INTRASTATE
8124064	80-4271	1707522647	103		STATE LEASE 7817 #1 (164563)	LAKE WASHINGTON	365.0	LOUISIANA INTRASTATE
					OKLAHOMA CORPORATION COMMISSION			
-A P CALLAHAN & ASSOCIATES INC					RECEIVED: 04/02/81 JA: OK			
8124053	06731	3509321723	103		M SCHROEDER NO 2	ALINE / MISSISSIPPI (SOO	25.2	AMINOIL USA INC
-AMAREX INC					RECEIVED: 04/02/81 JA: OK			
8124024	08027	3503920330	103		CHRISTENSEN D #1	S E CRANE	12.0	
-AMOCO PRODUCTION CO					RECEIVED: 04/02/81 JA: OK			
8124029	08083	3500736468	108		OSBORNE GAS UNIT C NO 1	MOCANE LAVERNE	16.0	INTERNORTH INC
-AN-SON CORPORATION					RECEIVED: 04/02/81 JA: OK			
8124018	07844	3504520840	103		HININGER NO 1	MOCANE LAVERNE	547.0	DELHI GAS PIPE LINE
-ANDOVER OIL COMPANY					RECEIVED: 04/07/81 JA: OK			
8124151	07310	3501721494	103		ALFADALE FARMS #2-4		185.0	DELHI GAS PIPELINE C
8124152	07674	3501721557	103		ATKINSON #11-4		180.0	DELHI GAS PIPELINE C
8124154	07814	3501721602	103		CLOUSE #5-2		185.0	DELHI GAS PIPELINE C
8124150	07285	3501721534	103		FLOYD MILLER #31-2		185.0	DELHI GAS PIPELINE C
8124155	07914	3501721667	103		FLOYD MILLER #31-4		185.0	DELHI GAS PIPELINE C
-APACHE CORPORATION					RECEIVED: 04/07/81 JA: OK			
8124149	06618	3514920039	103		WEBB #1-14		388.0	ARKANSAS LOUISIANA G
-ARCO OIL AND GAS COMPANY					RECEIVED: 04/02/81 JA: OK			
8124058	08066	3509321752	103		LLOYD VICKERY #3	NE CEDARDALE	73.0	MICHIGAN WISCONSIN P
8124057	08067	3504721902	103		MACK BARTLETT #1	SOONER TREND	5.0	PANHANDLE EASTERN PI
-ARCO OIL AND GAS COMPANY					RECEIVED: 04/07/81 JA: OK			
8124179	07939	3504722016	103		GERTRUDE GILBERT #1	SOUTH DOUGLAS	73.0	
-B & H EXPLORATION CO					RECEIVED: 04/02/81 JA: OK			
8124026	08063	3510521369	103		MANUEL #3		10.0	A G SYSTEMS INC
8124023	08064	3510521381	103		MANUEL #5		30.0	A G SYSTEMS INC
8124025	08061	3510521390	103		MATHES NO 1		20.0	A-G SYSTEMS INC
-B & H EXPLORATION CO					RECEIVED: 04/07/81 JA: OK			
8124158	08062	3510521873	103		MATHES #2		33.0	A G SYSTEMS INC

JO NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-B R POLK INC					RECEIVED: 04/07/81 JA: OK			
8124161	08072	3508320716	103		ENMEIER VCULEK #1	S MARSHALL	50.0	EASON OIL CO
8124160	08071	3508320712	103		MURPHY ROXANA #3-A	S MARSHALL	50.0	EASON OIL CO
-CLARK RESOURCES INC					RECEIVED: 04/02/81 JA: OK			
8124016	08023	3507322642	103		SIEBER 12-1	SOONER TREND	168.0	EASON OIL
-CORE OIL & GAS CORP					RECEIVED: 04/07/81 JA: OK			
8124182	08082	3504722161	103		JIMMY #1	NE ELK HORN	0.0	AMINOIL USA INC
-DALCO PETROLEUM INC					RECEIVED: 04/07/81 JA: OK			
8124180	07931	3507322463	103		GEORGE #1	SOONER TREND	91.3	DALCO PETROLEUM US L
8124173	07950	3507322467	103		GLENN #1	SOONER TREND	91.3	DALCO PETROLEUM US L
8124172	07951	3507322476	103		SIGL #1	SOONER TREND	91.3	CITIES SERVICE GAS C
-DAVIS OIL COMPANY					RECEIVED: 04/02/81 JA: OK			
8124051	07679	3501721478	103		SMRCKA NO 1	NORTH FORK	150.0	DELHI GAS PIPELINE C
-EXXON CORPORATION					RECEIVED: 04/02/81 JA: OK			
8124042	08046	3500700000	108		BOWDEN B #1	S E COMO (LOVELL)	19.5	NORTHERN NATURAL GAS
8124043	08047	3500700000	108		BOWDEN UNIT #1	COMO (TONKAWA)	8.2	NORTHERN NATURAL GAS
8124041	08045	3513700000	108		SPEARS HEIRS #2	SHO VEL TUM	16.5	GETTY OIL CO
8124045	08048	3500700000	108		W A GRAY #1	CAMRICK (LOWER MORROW)	19.6	NORTHERN NATURAL GAS
-GETTY OIL COMPANY					RECEIVED: 04/07/81 JA: OK			
*8124174	07946	3513722220	103		RINGER UNIT WELL NO 2	SHO-VEL-TUM (HUNTON & SY	730.0	OKLAHOMA NATURAL GAS
-HADSON OHIO OIL COMPANY					RECEIVED: 04/07/81 JA: OK			
8124156	07927	3507920384	102		WOOD 1-1	KINTA	610.0	ARKANSAS LOUISIANA G
8124156	07927	3507920384	103		WOOD 1-1	KINTA	610.0	ARKANSAS LOUISIANA G
-HALLIBURTON OIL PRODUCING COMPANY					RECEIVED: 04/02/81 JA: OK			
8124022	08074	3513321333	103		GROTHAUS #2	S W BUTNER	73.0	ARCO OIL & GAS CO
8124030	08073	3513321203	103		GROTHAUS NO 1	SW BUTNER	73.0	ARCO OIL & GAS CO
8124048	07730	3507322413	103		POLLARD #1	WEST LOVELL	0.0	EASON OIL CO
-HAMILTON BROTHERS OIL CO					RECEIVED: 04/07/81 JA: OK			
8124168	07618	3512120680	102		BERNARDI JONES #1	WILDCAT	50.0	
8124167	07619	3512120681	102		WINSHIP-BROWNE #1-31	WILDCAT	50.0	
-HARPER OIL COMPANY					RECEIVED: 04/02/81 JA: OK			
8124032	07993	3503920304	102		PERRY #1	W ARAPAHO	550.0	NATURAL GAS PIPELINE
-HOOVER & BRACKEN ENERGIES					RECEIVED: 04/02/81 JA: OK			
8124047	8057	3504321076	103		MARSHALL #1-3	HUCMAC	90.0	PHILLIPS PETROLEUM C
-JAMES C MEADE					RECEIVED: 04/02/81 JA: OK			
8124052	07666	3501520791	102		EBERLY AND MEADE DOLCH #3-11	N VERDON	42.0	MOBIL OIL CORP
-JAN OIL CO					RECEIVED: 04/02/81 JA: OK			
8124040	08029	3510321055	103		DOLEZAL NO 1-27	SOUTH LONE ELM PROSPECT	54.0	AMINOIL USA INC
-JOHN C OXLEY					RECEIVED: 04/07/81 JA: OK			
8124176	07943	3512120205	108		ARGIE VAUGHN NO 1	SOUTH BLOCKER	0.0	OKLAHOMA GAS & ELECT
-JONES & PELLOW OIL CO					RECEIVED: 04/02/81 JA: OK			
8124044	08054	3513702208	103		MACKINNON #22-1	TUSSY	109.0	MOBIL OIL CORP
8124046	08055	3504300000	108		SEAL #1	PUTNAM	16.0	MOBIL OIL CORP
-KAISER-FRANCIS OIL COMPANY					RECEIVED: 04/02/81 JA: OK			
8124020	07753	3504520815	102		BUCKLES FARM #1	W ARNETT	600.0	NORTHERN NATURAL GAS
8124020	07753	3504520815	103		BUCKLES FARM #1	W ARNETT	600.0	NORTHERN NATURAL GAS
8124019	07850	3501121008	102		HAYS NO 1	WEST GEARY	450.0	DELHI GAS PIPELINE C
8124019	07850	3501121008	103		HAYS NO 1	WEST GEARY	450.0	DELHI GAS PIPELINE C
8124038	07314	3501121458	102		WILKINSON #1	E WATONGA	700.0	DELHI GAS PIPELINE C
8124038	07314	3501121458	103		WILKINSON #1	E WATONGA	700.0	DELHI GAS PIPELINE C
-L & N EXPLORATION INC					RECEIVED: 04/07/81 JA: OK			
8124148	08080	3508321395	103		FAGAN #2-19	WEST RUSSELLVILLE	73.0	EASON OIL CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-LOUIS KAHAN					RECEIVED: 04/07/81 JA: OK			
8124166	07659	3504722199	103		SATTELMEIER #1	ENID NORTHEAST	110.0	GRACE PETROLEUM CORP
8124165	07660	3504700000	103		SATTELMEIER #2	ENID NORTHEAST	100.0	GRACE PETROLEUM CORP
-MAGUIRE OIL COMPANY					RECEIVED: 04/07/81 JA: OK			
8124169	08032	3500320749	103		OBANNON #2	CHANEY DELL	0.0	PANHANDLE EASTERN PI
-MARLIN OIL CORPORATION					RECEIVED: 04/07/81 JA: OK			
8124157	08044	3500721800	103		GIRK NO 1	MOCANE	146.0	COLORADO INTERSTATE
-MARSHALL OIL CORP					RECEIVED: 04/02/81 JA: OK			
8124055	08079	3509520258	102		CROFT #1	ISOM SPRINGS	365.0	NATURAL GAS PIPELINE
-NATIONAL OIL COMPANY					RECEIVED: 04/07/81 JA: OK			
8124175	07944	3509321712	103		UNWIN #093-59548	TRIVOLI	2.5	PHILLIPS PETROLEUM C
-PETROLEUM INC					RECEIVED: 04/02/81 JA: OK			
8124015	07743	3513920751	102		JOLIFFE #1-36	CAMRICK	200.0	PANHANDLE EASTERN PI
8124031	08096	3504321088	103		OKLAHOMA STATE N #1	SE CESTOS	365.0	DELMI GAS PIPELINE C
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/07/81 JA: OK			
8124170	07955	3513700000	108		CREEL #3	DOYLE	0.0	AMINOIL USA INC
8124178	07940	3501721447	103		HUFNAGEL A #1	N CONCHO	0.0	DELMI GAS PIPELINE C
8124177	07942	3501721647	103		SCHROEDER C #1	N CONCHO	0.0	PANHANDLE EASTERN PI
-QUANAH CO					RECEIVED: 04/07/81 JA: OK			
8124162	08078	3508120936	103		ST - SLOAN #1	SE MT VERNON	145.0	COLORADO GAS COMPRES
-ROLLAND ELLIS					RECEIVED: 04/07/81 JA: OK			
8124163	07846	3510900000	108		ELLIS #2 (#032522)	ELLIS #2	12.6	PHILLIPS PETEROLEUM
-SAMEDAN OIL CORPORATION					RECEIVED: 04/07/81 JA: OK			
8124159	08070	3513722232	103		VAN BEBBER WELL NO 1	NORTH ALMA	70.0	MOBIL OIL CORP
-SENECA OIL CO					RECEIVED: 04/07/81 JA: OK			
8124164	07821	3509321793	102		CAMPBELL NO 1-26	S ORIENTA	96.0	PANHANDLE EASTERN PI
8124164	07821	3509321793	103		CAMPBELL NO 1-26	S ORIENTA	96.0	PANHANDLE EASTERN PI
-SOUTHLAND ROYALTY CO					RECEIVED: 04/02/81 JA: OK			
8124036	08094	3513921304	102		BUTLER #1-12	NORTH HOOKER	100.0	KANSAS NEBRASKA NATU
8124028	08093	3513921316	102		HAYES #1-7	NORTH HOOKER	110.0	KANSAS NEBRASKA NATU
-SOUTHLAND ROYALTY CO					RECEIVED: 04/07/81 JA: OK			
8124181	07869	3509321528	103		PITTMAN #1-13	N E CHESTER	80.0	PANHANDLE EASTERN PI
-SULLIVAN AND CO					RECEIVED: 04/02/81 JA: OK			
8124021	08109	3508121025	103		JACKSON #1	SOUTHWEST PRAIRIE GEM	767.0	
8124037	08108	3508121070	103		P MCNULTY NO 1	SOUTHWEST PRAIRIE GEM	183.0	
-SUNDANCE ENERGY CORP					RECEIVED: 04/02/81 JA: OK			
8124027	08013	3504722255	103		HOELTZEL #1	NE ENID	25.0	GRACE PETROLEUM CORP
-TENNECO OIL COMPANY					RECEIVED: 04/02/81 JA: OK			
8124056	08069	3513700000	108		MABEL PAYNE A #2	SHO-VEL-TUM	5.5	AMINOIL USA INC
8124059	08068	3513700000	108		MABEL PAYNE T #1	SHO-VEL-TUM	12.5	AMINOIL USA INC
-TEXACO INC					RECEIVED: 04/02/81 JA: OK			
8124049	7689	3512920350	102		GAMBLE UNIT NO 1	HAMBURG N W	400.0	KANS -NEB NAT GAS CO
8124054	08111	3513900431	108		HARRY BROWN UNIT NO 1	CAMRICK	14.0	NATURAL GAS PIPELINE
-TEXACO INC					RECEIVED: 04/07/81 JA: OK			
8124171	07952	3508735600	108		BAXTER-DUDLEY UNIT #1	GOLDEN TREND	6.0	WARREN PETROLEUM CO
-THE WIL-MC OIL CORP					RECEIVED: 04/02/81 JA: OK			
8124035	08116	3505320616	103		PRIVETT #2	S WAKITA	800.0	
8124034	08115	3505320606	103		SWANSON A-3	S W WAKITA	720.0	CITIES SERVICE GAS C
-VANDERBILT RESOURCES CORPORATION					RECEIVED: 04/07/81 JA: OK			
8124153	07368	3515300000	108		CROISANT 1-29	QUINLAN N W	12.0	NATURAL GAS PIPELINE
-VULCAN ENERGY CORP					RECEIVED: 04/02/81 JA: OK			
8124033	08025	3507322529	103		HARRISON #1	SOONER TREND	123.0	CITIES SERVICE CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-WALKER & WITHROW INC			RECEIVED: 04/02/81 JA: OK					
8124039	08053	3501721816	103		MACH 13-2	YUKON	288.0	DELHI GAS PIPELINE C
-WILSHIRE OIL CO OF TEXAS			RECEIVED: 04/02/81 JA: OK					
8124017	07960	3504321071	102		BLAINE #1	CESTOS	292.0	MICHIGAN WISCONSIN P
-WOODS PETROLEUM CORPORATION			RECEIVED: 04/02/81 JA: OK					
8124050	07683	3512920446	102		ROUNDS #8-1	S W LEEDY	504.0	DELHI GAS PIPELINE C
UTAH DIVISION OF OIL,GAS, & MINING								
-CIG EXPLORATION INC			RECEIVED: 04/06/81 JA: UT					
8124061	K-129-2	4304730554	103		CIGE 65-19-10-22	NATURAL BUTTES	301.0	COLORADO INTERSTATE
-CONOCO INC			RECEIVED: 04/06/81 JA: UT					
8124060	K-117-2	4304730664	103		CONOCO HALL ET AL 31 NO 18	OURAY	150.0	MOUNTAIN FUEL SUPPLY
-GETTY OIL COMPANY			RECEIVED: 04/06/81 JA: UT					
8124062	K-132-1	4300730031	108		JACK CANYON NO 8	JACK CANYON	13.8	UINTA PIPELINE CORP
WEST VIRGINIA DEPARTMENT OF MINES								
-ALCO OIL CO			RECEIVED: 04/06/81 JA: WV					
8124144		4706100608	108		A W WHISLER #2	BATTELLE	0.8	CARNEGIE NATURAL GAS
8124141		4704900679	108		ASH #1	MANNINGTON	4.5	CARNEGIE NATURAL GAS
8124145		4706100610	108		BROOKS MILLER #1	CASS	5.0	CARNEGIE NATURAL GAS
8124147		4710301195	108		ED LITMAN #1	CHURCH	0.3	CARNEGIE NATURAL GAS
8124142		4705100678	108		ELLA MCGINNIS #1	CAMERON	4.5	CARNEGIE NATURAL GAS
8124143		4705100679	108		ELLA MCGINNIS #2	CAMERON	4.5	CARNEGIE NATURAL GAS
8124139		4702103683	108		H B KEISTER #2	PROCTOR	2.0	CONSOLIDATED GAS SUP
8124140		4702103684	108		H B KEISTER #3	PROCTOR	2.0	CONSOLIDATED GAS SUP
8124146		4706100611	108		NIMROD TENNANT #1	CLAY	11.0	CARNEGIE NATURAL GAS
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED: 04/06/81 JA: WV					
8124077		4705900919	107		COTIGA DEVELOPMENT CO 820674	WEST VIRGINIA FIELD AREA	14.7	COLUMBIA GAS TRANS C
8124068		4705900918	107		COTIGO DEVELOPMENT CO 820673	WEST VIRGINIA FIELD AREA	28.8	COLUMBIA GAS TRANS C
8124079		4705900936	107		MINGO OIL GAS CO 820443	WEST VIRGINIA FIELD AREA	17.5	COLUMBIA GAS TRANS C
8124067		4704301656	107		TCO MINERAL TRACT NO 1 (820402)	FIELD AREA B	20.8	COLUMBIA GAS TRANS C
8124128		4704301648	107		TCO MINERAL TRACT NO 1 820401	FIELD AREA B	24.9	COLUMBIA GAS TRANS C
8124127		4704301637	107		TCO MINERAL TRACT NO 1 820403	FIELD AREA B	36.2	COLUMBIA GAS TRANS C
8124078		4705900923	107		W H PARSLEY 820672	WEST VIRGINIA FIELD AREA	20.4	COLUMBIA GAS TRANS C
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 04/06/81 JA: WV					
8124080		4703302055	108		GUINN-MINTER 12591	WEST VIRGINIA OTHER A857	7.0	GENERAL SYSTEM PURCH
8124081		4703302054	108		W J LAW 12590	WEST VIRGINIA OTHER A857	12.0	GENERAL SYSTEM PURCH
-J & J ENTERPRISES INC			RECEIVED: 04/06/81 JA: WV					
8124072		4701702683	103		J-129	NEW MILTON	200.0	CONSOLIDATED GAS SUP
8124070		4701702762	103		J-288	NEW MILTON	200.0	CARNEGIE NATURAL GAS
8124071		4701702466	103		J-81	GRANT	200.0	EQUITABLE NATURAL GA
-NRM PETROLEUM CORPORATION			RECEIVED: 04/06/81 JA: WV					
8124076		4700101334	103		HARRIS A #2	TYGART VALLEY RIVER	0.0	COLUMBIA GAS TRANSMI
8124075		4709702096	103		KOON-HUBER #6	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
-PENNZOIL COMPANY			RECEIVED: 04/06/81 JA: WV					
8124114		4706100469	108		A DARRAH #3	CLAY	2.4	
8124130		4706100460	108		A F CONAWAY #3	CLAY	1.8	
8124091		4708701970	108		A W SUMMERS #25	WALTON	2.1	
8124102		4706100547	108		ABE VARNER #5	CLAY	2.4	
8124113		4706100473	108		ACCHA EDDY #4	BATTELLE	2.4	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124112		4706100474	108		ACCHA EDDY #6	BATTELE	2.4	
8124129		4706100461	108		ANDREW CONAWAY #3	CLAY	2.4	
8124117		4706100463	108		ANDREW CONAWAY #4	CLAY	2.4	
8124118		4706100462	108		ANDREW CONAWAY #4	CLAY	2.4	
8124103		4706100548	108		AVE VARNER #6	CLAY	2.4	
8124123		4704900619	108		C A & E J THOMAS #1	MANNINGTON	0.0	
8124122		4704900620	108		C A & E J THOMAS #2	MANNINGTON	0.0	
8124119		4706100052	108		CONAWAY-TENNANT #5	BATTELLE	2.4	
8124115		4706100468	108		COOK & TENNANT #3	BATTELLE	2.4	
8124087		4706100481	108		D J EDDY #10	CLAY	2.4	
8124086		4706100483	108		D J EDDY #12	CLAY	2.4	
8124085		4706100487	108		D J EDDY #16	CLAY	2.4	
8124111		4706100476	108		D J EDDY #4	CLAY	2.4	
8124088		4706100479	108		D J EDDY #8	CLAY	2.4	
8124101		4706100543	108		D L TOOTHMAN #10	CLAY	2.4	
8124100		4706100539	108		D L TOOTHMAN #2	CLAY	2.4	
8124093		4708701968	108		E J TAYLOR #4	HARPER	2.1	
8124084		4706100488	108		E W EDDY #2	CLAY	2.4	
8124083		4706100490	108		EDDY & TENNANT #2	CLAY	0.0	
8124120		4704900640	108		GEORGE RICE #1	MANNINGTON	1.7	
8124116		4706100465	108		J G CONAWAY #2	CLAY	2.4	
8124094		4708701967	108		J H HINKLE #9	HARPER	2.1	
8124095		4708701965	108		J H HIVELY #12	WALTON	2.1	
8124090		4708701976	108		J H SUMMERS #7	WALTON	2.1	
8124135		4706100448	108		J S WALKER #2	CLAY	2.4	
8124134		4706100450	108		J S WALKER #4	CLAY	2.4	
8124107		4706100556	108		JAMES EDDY #5	CLAY	2.4	
8124108		4706100559	108		JAMES EDDY #8	CLAY	2.4	
8124096		4708701964	108		JAMES H HARLESS #7	WALTON	3.4	
8124092		4708701969	108		JOHN JARVIS #12	HARPER	2.1	
8124109		4708700438	108		JOHN W LYNCH #10	WALTON	2.1	
8124098		4708701960	108		LAURA HUNT #4	HARPER	2.1	
8124131		4706100456	108		M A AMMONS #10	CLAY	2.4	
8124133		4706100451	108		M A AMMONS #3	CLAY	6.0	
8124132		4706100452	108		M A AMMONS #4	CLAY	2.4	
8124125		4704900615	108		M A BEATTY #15	LINCOLN	2.6	
8124124		4704900617	108		M A BEATY #16	LINCOLN	3.9	
8124121		4704900621	108		M E BROOKOVER #1	PAW PAW	2.4	
8124137		4706100445	108		MICHAEL WRIGHT #4	CLAY	2.4	
8124106		4706100552	108		MILT WILSON #2	CLAY	2.4	
8124136		4706100447	108		NOAH WRIGHT #3	CLAY	2.4	
8124097		4708701961	108		S E PHILLIPS #6	HARPER	2.1	
8124082		4706100492	108		S J HARVEY #5	BATTELLE	2.4	
8124099		4706100538	108		SAUL THOMAS #2	CLAY	2.4	
8124110		4704900610	108		SUSAN YOST #10	PAW PAW	2.4	
8124089		4704900611	108		SUSAN YOST #11	PAW PAW	2.4	
8124126		4704900614	108		WATSON HEIRS #1	MANNINGTON	3.9	
8124104		4706100549	108		WILSON HEIRS #1	CLAY	2.4	
8124105		4706100550	108		WILSON HEIRS #8	CLAY	2.4	
-QUAKER STATE OIL REFINING CORP					RECEIVED: 04/06/81 JA: WV			
8124069		4709520724	103		HARRY ASH #3	CENTERVILLE DISTRICT	18.3	COLUMBIA GAS TRANSMI
-RAY RESOURCES CORP					RECEIVED: 04/06/81 JA: WV			
8124074		4710500848	103		JESS ASHLEY #846	BURNING SPRINGS	0.0	COLUMBIA GAS TRANS
8124073		4710500851	103		THOM ROBERTS #862	BURNING SPRINGS	0.0	COLUMBIA GAS TRANS
-UNITED OPERATING COMPANY					RECEIVED: 04/06/81 JA: WV			
8124138		4700700863	108		ROY CLAYPOOL A	OBRIANS FORK	0.8	PARTNERSHIP PROPERTI

OTHER PURCHASERS VOLUME NO :411

8124174 LONE STAR GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13256 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 27, 1981.

Issued April 27, 1981

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES								
-AMOCO PRODUCTION CO					RECEIVED: 04/08/81 JA: MI			
8124387		2105533823	102		STATE WHITEWATER UNIT /L/ 4-35	* WHITEWATER 35A	193.0	MICHIGAN CONSOLIDATE
-TRAVERSE OIL CO					RECEIVED: 04/08/81 JA: MI			
8124388		2105533474	102		GEMBIS-MACDONALD #1-10	EAST BAY 10 T26N R10W	100.0	CONSUMERS POWER CO
NORTH DAKOTA GEOLOGICAL SURVEY								
-AL-AQUITAINE EXPLORATION LTD					RECEIVED: 04/06/81 JA: ND			
8124392	351	3300700608	102		WHISKEY JOE 2-15A	WHISKEY JOE	180.0	WESTERN GAS PROCESSO
-ENERGETICS INC					RECEIVED: 04/06/81 JA: ND			
*8124393	352	3305301117	103		BRENNA 22-14	UNION CENTER	35.0	MONTANA-DAKOTA UTILI
*8124389	348	3310500831	103		HOVE 44-15	TIOGA ORDOVICIAN	25.0	MONTANA-DAKOTA UTILI
-GULF OIL CORPORATION					RECEIVED: 04/06/81 JA: ND			
8124390	349	3300799491	102		ERNEST KULISH 1-14-4D	LITTLE KNIFE	14.0	MONTANA DAKOTA UTILI
-SHELL OIL CO					RECEIVED: 04/06/81 JA: ND			
8124394	353	3305301126	102		FRENCH - QUINNEL 12-24	SQUAW GAP	17.0	MONTANA DAKOTA UTILI
-TERRA RESOURCES INC					RECEIVED: 04/06/81 JA: ND			
8124391	350	3303300077	102		MOSSER #2-18	BICENTENNIAL	70.0	
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
-AMERADA HESS CORPORATION					RECEIVED: 04/06/81 JA: NM			
8124426		3002526886	103		MONUMENT ABO UNIT NO 1	MONUMENT ABO	67.7	WARREN PETROLEUM COR
-AMOCO PRODUCTION CO					RECEIVED: 04/06/81 JA: NM			
8124417		3001523470	103		EMPIRE SOUTH DEEP #21	SOUTH EMPIRE MORROW	177.9	CABOT PIPELINE CORP
8124415		3004523559	103		JACQUEZ GAS COM A NO 3E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8124428		3004524233	103		NYE GAS COM B NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8124416		3004524409	103		SANCHEZ GAS COM B NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8124427		3004524081	103		SKELLY GAS COM NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8124418		3002526980	103		STATE A #38	BOWERS SEVEN RIVERS	54.4	PHILLIPS PETROLEUM C
8124419		3002526532	103		STATE HR #1	UND AIRSTRIP WOLFCAMP	107.7	WARREN PETROLEUM CO
-ARCO OIL AND GAS COMPANY					RECEIVED: 04/06/81 JA: NM			
8124414		3002526873	103		W C ROACH #7	EUMONT MONUMENT GRBG	14.0	PHILLIPS PETROLEUM C
-CONOCO INC					RECEIVED: 04/06/81 JA: NM			
8124413		3002500000	108		EUMONT-HARDY UNIT NO 26	ARROWHEAD E-M-E	0.7	WARREN PETROLEUM
-DUGAN PRODUCTION CORP					RECEIVED: 04/06/81 JA: NM			
8124406		3004500000	108		COM #1	BASIN-DAKOTA	0.5	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY					RECEIVED: 04/06/81 JA: NM			
8124412		3004523447	108		HUERFANITO UNIT NO 86A	BLANCO-MESAVERDE	5.0	EL PASO NATURAL GAS
8124407		3003920691	108		RINCON UNIT #194	SOUTH BLANCO - PICTURED	20.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8124411		3003920488	108		SAN JUAN 27-5 UNIT #136	TAPACITO - PICTURED CLIF	23.0	EL PASO NATURAL GAS
*8124425		3003922309	103		SAN JUAN 27-5 UNIT #8A	SOUTH BLANCO PICTURED CL	50.0	EL PASO NATURAL GAS
8124424		3003922309	103		SAN JUAN 27-5 UNIT #8A	BLANCO MESAVERDE	250.0	EL PASO NATURAL GAS
8124423		3004524196	103		SAN JUAN 32-9 UNIT #57A	BLANCO MESAVERDE	110.0	EL PASO NATURAL GAS
8124422		3004524200	103		SAN JUAN 32-9 UNIT #63A	BLANCO MESAVERDE	110.0	EL PASO NATURAL GAS
8124404		3003906966	108		SJ 27-4 UNIT #23 PC & MV	TAPACITO-PICTURED CLIFFS	15.0	EL PASO NATURAL GAS
-GETTY OIL COMPANY					RECEIVED: 04/06/81 JA: NM			
8124431		3002526344	102		HNG STATE 4F WELL NO 1	UNDESIGNATED ATOKA	66.4	PHILLIPS PETROLEUM C
-HNG OIL COMPANY					RECEIVED: 04/06/81 JA: NM			
8124420		3001570408	103		VASQUEZ 4 COM #1	WEST MALAGA MORROW	547.5	EL PASO NATURAL GAS
-J GREGORY MERRION&ROBERT L BAYLESS					RECEIVED: 04/06/81 JA: NM			
8124429		3004523127	108		BARTLESVILLE #1 *	WAW FRUITLAND PICTURED C	4.0	EL PASO NATURAL GAS
-JAKE L HAMON					RECEIVED: 04/06/81 JA: NM			
8124435		3002526866	102		CHILDERS #1	NORTH OSUDO	155.0	WARREN PETROLEUM CO
-MANANA GAS INC					RECEIVED: 04/06/81 JA: NM			
8124408		3004522869	108		CHARLIE #1	AZTEC-PICTURED CLIFFS PO	21.0	EL PASO NATURAL GAS
8124405		3004523555	108		MARY ACKROYD #2	AZTEC-PICTURED CLIFFS	21.0	EL PASO NATURAL GAS
-MARBOB ENERGY CORPORATION					RECEIVED: 04/06/81 JA: NM			
8124421		3001523391	103		STATE U #2	ARTESIA QUEEN GRAYBURG S	67.0	PHILLIPS PETROLEUM C
-NORTHWEST PIPELINE CORPORATION					RECEIVED: 04/06/81 JA: NM			
8124430		3004521484	108		HOLT #4 *	BLANCO PICTURED CLIFFS	21.5	NORTHWEST PIPELINE C
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/06/81 JA: NM			
8124433		3002526517	103		EAST VACUUM GB/SA TRACT 2864 NO 001	VACUUM GB/SA	9.5	EL PASO NATURAL GAS
8124432		3002526653	103		EAST VACUUM GB/SA TRACT 3202 NO 014	VACUUM GB/SA	101.0	EL PASO NATURAL GAS
8124402		3002526385	108		EAST VACUUM GB/SA 2913 #006	VACUUM GB/SA	9.8	EL PASO NATURAL GAS
8124403		3002502981	108		EAST VACUUM GB/SA 3333 #1	EAST VACUUM GB/SA POOL	12.8	EL PASO NATURAL GAS
8124434		3002527087	103		MEXCO A #5	MALJAMAR GB/SA	40.5	EL PASO NATURAL GAS
-PIONEER PRODUCTION CORPORATION					RECEIVED: 04/06/81 JA: NM			
8124409		3004500000	108		FEDERAL NO 1	BASIN DAKOTA	0.0	PIONEER NATURAL GAS
8124410		3004500000	108		JOHNSTON NO 1	BASIN DAKOTA	0.0	PIONEER NATURAL GAS
**********								
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
**********								
-BENNETT PETROLEUM CORP					RECEIVED: 04/08/81 JA: NY			
8124311	887	3105113868	102		KENNETH MCBRIDE #1 31-051-13868	UNNAMED	65.0	COLUMBIA GAS TRANSMI
-E & R LEASING					RECEIVED: 04/08/81 JA: NY			
8124306	860	3101313984	103		RAMMELT FEE #1	LAKE SHORE	10.8	NATIONAL FUEL GAS
-ENVIROGAS INC					RECEIVED: 04/08/81 JA: NY			
8124323	1125	3101314161	103		#1 A DAVIDSON	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124304	1121	3101314859	103		#1 ALDEWEIN ACRES	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124302	1123	3101314159	103		#1 J NERATKO	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124301	1124	3101314836	103		#1 MONROE	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124307	1127	3101314860	103		#2 ALDEWEIN ACRES	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124305	1126	3101314861	103		#3 ALDEWEIN ACRES	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124303	1122	3101314633	103		G NUTBROWN #1	LAKESHORE	18.0	NATIONAL FUEL GAS DI
-GEORGE J LOPATOFSKY					RECEIVED: 04/08/81 JA: NY			
8124310	678	3102912920	108		WILSON WELL #2	FARNHAM	8.3	NATIONAL FUEL GAS DI
-LENAPE RESOURCES CORP					RECEIVED: 04/08/81 JA: NY			
*8124309	1129	3103713986	103		THATER #2	PAVILION	20.0	ELIZABETHTOWN GAS CO
*8124314	1128	3105114169	102		WADSWORTH #2	WILDCAT	18.0	ELIZABETHTOWN GAS CO
*8124308	1130	3103713969	103		WALTER C GUTHRIE #2	LEICESTER	20.0	ELIZABETHTOWN GAS CO
-PARAGON RESOURCES INC					RECEIVED: 04/08/81 JA: NY			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124317	372	3101313279	108		A ALLENBRAND UNIT NO 548	LAKESHORE	2.6	NATIONAL FUEL GAS DI
8124334	400	3101311604	108		ALBERT VANDETTE UNIT NO 305	LAKESHORE	1.5	NATIONAL FUEL GAS DI
8124325	447	3101311941	108		ANTHONY MARRANO UNIT NO 298	LAKESHORE	13.3	NATIONAL FUEL GAS DI
8124345	362	3101312608	108		ANTHONY PANZICA UNIT NO 513	LAKESHORE	8.7	NATIONAL FUEL GAS DI
8124319	375	3101311341	108		CHARLES MEDER UNIT NO 321	LAKESHORE	1.5	NATIONAL FUEL GAS DI
8124327	382	3101311353	108		CLYDE MCEWAN UNIT NO 263	LAKESHORE	6.2	NATIONAL FUEL GAS DI
8124341	356	3101312600	108		DAVID PARKER UNIT NO 503	LAKESHORE	11.0	NATIONAL FUEL GAS DI
8124342	358	3101312603	108		ERNEST NICKERSON UNIT NO 508	LAKESHORE	7.6	NATIONAL FUEL GAS DI
8124326	381	3101311457	108		HENRY SLOMINSKI UNIT NO 278	LAKESHORE	17.5	NATIONAL FUEL GAS DI
8124322	351	3101312243	108		JACK E NOEL UNIT NO 491	LAKESHORE	1.2	NATIONAL FUEL GAS DI
8124331	397	3101311339	108		JAMES BENDER UNIT NO 284	LAKESHORE	8.6	NATIONAL FUEL GAS DI
8124343	359	3101312604	108		JAMES MULHOLLAND UNIT NO 509	LAKESHORE	6.7	NATIONAL FUEL GAS DI
8124337	404	3101311514	108		KENNETH SWANSON UNIT NO 330	LAKESHORE	4.5	NATIONAL FUEL GAS DI
8124338	406	3101311373	108		KERMIT JOHNSON UNIT NO 334	LAKESHORE	2.8	NATIONAL FUEL GAS DI
8124348	365	3101312611	108		KINGSMITH FARM INC UNIT NO 525	LAKESHORE	5.3	NATIONAL FUEL GAS DI
8124349	366	3101312612	108		KINGSMITH FARM INC UNIT NO 526	LAKESHORE	6.7	NATIONAL FUEL GAS DI
8124344	360	3101312605	108		LARRY SMITH UNIT NO 510	LAKESHORE	6.2	NATIONAL FUEL GAS DI
8124339	414	3101311406	108		LEON DARBY UNIT NO 336	LAKESHORE	2.0	NATIONAL FUEL GAS DI
8124346	363	3101312609	108		LUKE BOYD UNIT NO 514	LAKESHORE	9.9	NATIONAL FUEL GAS DI
8124347	364	3101312610	108		LUKE BOYD UNIT NO 524	LAKESHORE	9.3	NATIONAL FUEL GAS DI
8124321	380	3101311513	108		PAUL PADDOCK UNIT NO 269	LAKESHORE	12.0	NATIONAL FUEL GAS DI
8124318	374	3101311869	108		RALPH WILSON UNIT NO 390	LAKESHORE	15.6	NATIONAL FUEL GAS DI
8124333	399	3101311584	108		REXFORD INGHAM UNIT NO 306	LAKESHORE	7.1	NATIONAL FUEL GAS DI
8124320	377	3101311342	108		RICHARD CRANDALL UNIT NO 326	LAKESHORE	4.2	NATIONAL FUEL GAS DI
8124328	387	3101311415	108		RICHARD CRANDALL UNIT NO 327	LAKESHORE	2.9	NATIONAL FUEL GAS DI
8124336	402	3101311094	108		RICHARD KENNEDY UNIT NO 521	LAKESHORE	2.6	NATIONAL FUEL GAS DI
8124340	417	3101311603	108		ROY WILKENS UNIT NO 343	LAKESHORE	13.6	NATIONAL FUEL GAS DI
8124315	376	3101311372	108		UNIT NO 325 - WILLIAM MILLS	LAKESHORE	15.2	NATIONAL FUEL GAS DI
8124335	401	3101310968	108		W REX SMITH UNIT NO 517	LAKESHORE	7.1	NATIONAL FUEL GAS DI
8124330	394	3101311352	108		WALFRED JOSEPHSON UNIT NO 329	LAKESHORE	10.9	NATIONAL FUEL GAS DI
8124350	367	3101312615	108		WESLEY WEISE UNIT NO 529	LAKESHORE	3.5	NATIONAL FUEL GAS DI
8124324	369	3101313080	108		WILLIAM DEPEW UNIT NO 539	LAKESHORE	2.3	NATIONAL FUEL GAS DI
8124329	388	3101311485	108		WILLIAM WILLS UNIT NO 331	LAKESHORE	14.3	NATIONAL FUEL GAS DI
8124332	398	3101311112	108		Y M C A UNIT NO 523	LAKESHORE	5.9	NATIONAL FUEL GAS DI
-ROBERT D LIPMAN					RECEIVED: 04/08/81 JA: NY			
8124312	1003A	3102908969	108		ROBERT D LIPMAN #1 - 1529	BUFFALO FIELD	3.0	NATIONAL FUEL GAS DI
8124313	1003	3102908847	108		ROBERT D LIPMAN #2 - 1528	BUFFALO FIELD	3.0	NATIONAL FUEL GAS DI
-TROY ENERGY CO					RECEIVED: 04/08/81 JA: NY			
8124300	675	3102913583	108		MANN WELL #2	EVANS	3.9	NATIONAL FUEL GAS DI
8124316	676	3102913582	108		MANN WELL #3	EVANS	13.7	NATIONAL FUEL GAS DI
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OKLAHOMA CORPORATION COMMISSION								
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-AMAREX INC					RECEIVED: 04/06/81 JA: OK			
8124471	08026	3512920403	102		BAKER #1-35		80.0	NORTHERN NATURAL GAS
-AMBER OIL CO					RECEIVED: 04/08/81 JA: OK			
8124362	08041	3507322453	103		ROOF NO 1	SOONER TREND	300.0	CITIES SERVICE GAS C
-ANDOVER OIL COMPANY					RECEIVED: 04/08/81 JA: OK			
8124386	8142	3501721659	102		VON TUNGELN #6-2		185.0	DELHI GAS PIPELINE C
8124365	8084	3501721555	102		WALTER MILLS #4-4		185.0	DELHI GAS PIPELINE C
-APACHE CORPORATION					RECEIVED: 04/08/81 JA: OK			
8124372	08162	3503920346	102		K C CATTLE #1-5	CARPENTER NE	109.5	ARKANSAS LOUISIANA G

JD NO	JA DKT	API NO	SEC	D	WELL NAME	RECEIVED	JA	FIELD NAME	PROD	PURCHASER
-ARCO OIL AND GAS COMPANY						04/06/81	OK			
8124448	07999	3504722897	102		KURT KRAUSSE #1			SOUTH DOUGLAS	73.0	
-ARDBR PETROLEUM CORP						04/06/81	OK			
8124446	7937	3505920901	102		ADKINS #1			NORTH LOVEDALE	182.5	DELHI GAS PIPELINE C
-B & H EXPLORATION CO						04/06/81	OK		13.0	A G SYSTEMS INC
8124463	8081	3510521386	103		FIRST NATL BANK-CLAREMORE #1					
-B & H EXPLORATION CO						04/08/81	OK		48.0	A-G SYSTEMS INC
8124385	8138	3510521356	103		MANUEL #1					
-BOGERT OIL CO						04/06/81	OK	SOONER TREND	98.0	CONOCO INC
8124468	7969	3507322542	103		GARRETT 1-22					
-CENTRAL CALIFORNIA OIL CO						04/08/81	OK	MOUNDS	108.0	PHILLIPS PETROLEUM C
8124361	8035	3511121816	103		STONE #1					
-CHASE EXPLORATION CORP						04/06/81	OK		2.9	CITIES SERVICE GAS C
*8124464	7916	3507121231	103		CUMMINGS #2-1			UNNAMED	5.2	CITIES SERVICE GAS C
8124445	7569	3507121169	103		ROWE #1-34					
-CIMARRON PETROLEUM CORPORATION						04/06/81	OK		36.5	PHILLIPS PETROLEUM C
8124440	8149	3507322580	103		CPC #106-2 THIEMS					
-CITIES SERVICE COMPANY						04/08/81	OK	S E HARMON	465.0	
8124358	08151	3504520832	103		BALDWIN A #1			WEST KIOWA	547.0	
8124357	08150	3512120720	103		HALL D #1					
-DICK BAILEY						04/08/81	OK	EAST HENRYETTA	7.0	PHILLIPS PETROLEUM C
8124354	7706	3509100000	108		DERRISAW #1					
-EXXON CORPORATION						04/06/81	OK	COMO (BASAL MORROW)	18.7	NORTHERN NATURAL GAS
8124439	8100	3500700409	108		BALDWIN UNIT #1			GOLDEN TREND NORTH (BROM	11.3	WARREN PETROLEUM CO
8124437	8099	3504900000	108		L B BROWN #1					
-FUNK EXPLORATION INC						04/06/81	OK	SOONER TREND	248.0	CONOCO INC
8124443	07228	3507322452	103		WALLER #1					
-GULF OIL CORPORATION						04/08/81	OK	WEST OMEGA	114.0	ONG WESTERN INC
8124371	08163	3501121007	102		HENRY C OPPEL #1-25			ALTONA/CHESTER	229.0	ONG WESTERN INC
*8124369	08166	3507322416	103		HUBBARD NO 1			COOPER	94.0	
8124370	08165	3501121459	103		MARSHALL CHARLES NO 1-8			S E ALTONA	114.0	ONG WESTERN INC
8124373	08167	3507322512	103		WITTROCK #1-25					
-HARPER OIL COMPANY						04/06/81	OK	W ARAPAHO	365.0	NATURAL GAS PIPELINE
8124455	08158	3503920321	102		SCHREINER #1					
-HESTON OIL CO						04/06/81	OK	SE BEARDEN	65.0	WELLHEAD ENTERPRISES
8124466	7384	3510720518	103		FORRESTER #22-1			ROSCOE	25.0	ARCO OIL & GAS
8124444	07608	3513321038	103		S & M #20-1					
-HESTON OIL CO						04/08/81	OK	S E CLEO SPRINGS	380.5	PIONEER GAS PRODUCTS
8124360	07852	3509321860	103		BERTHA #8-2					
-HIGHLANDS GOODALL & GREER INC						04/08/81	OK	NW IRON CHAPEL	0.0	SUN GAS CO
8124364	8058	3508720477	103		PYBAS #2					
-HILL RESOURCES INC						04/08/81	OK	SOONER TREND	35.0	OKLAHOMA GAS & ELECT
8124374	8176	3507322379	103		OHERN 25-3					
-HUNT ENERGY CORPORATION ET AL						04/06/81	OK		712.0	MICHIGAN WISCONSIN P
8124453	08152	3501520851	102		KING #1-19 (RED FORK)				712.0	MICHIGAN WISCONSIN P
8124454	08153	3501520851	102		KING #1-19 (SKINNER)					
-HUNT ENERGY CORPORATION ET AL						04/08/81	OK	WILDCAT	519.0	ARKANSAS LOUISIANA G
8124375	08181	3506120350	103		JANKOWSKY #1					
-HUNTON OIL & GAS CORP						04/06/81	OK	CRESCENT	0.0	CONOCO INC
8124456	08140	3508300000	103		DENNEY #1			CRESCENT	0.0	CONOCO INC
8124459	8139	3508300000	103		OPAL #2					
-HUNTON OIL & GAS CORP						04/08/81	OK			

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8124368	08157	3508300000	103		KEVIN LYNN #2
					RECEIVED: 04/08/81 JA: OK
-KAISER-FRANCIS OIL COMPANY					
8124384	08137	3506120218	103		EPPLER NO 1
8124383	08130	3509321981	102		OAKLEY #2
					RECEIVED: 04/08/81 JA: OK
-NATIONAL OIL COMPANY					
8124359	08154	3506120355	103		KANE #X 061-63008
					RECEIVED: 04/08/81 JA: OK
-OKLAND OIL CO					
8124380	08122	3515121039	103		WOOLLEY #1-33
					RECEIVED: 04/08/81 JA: OK
-OLEUM INC					
8124351	08159	3501922112	103		LETHA HESTER NO 2
					RECEIVED: 04/08/81 JA: OK
-PETROS ENERGY & LAND CORP					
8124381	08123	3504722208	103		ROBERT #25-1
					RECEIVED: 04/06/81 JA: OK
-PHILLIPS PETROLEUM COMPANY					
8124457	8145	3515320669	108		STRICKER A #1
8124438	8097	3513900000	108		WAUGH #1
					RECEIVED: 04/08/81 JA: OK
-PHILLIPS PETROLEUM COMPANY					
8124356	8146	3505100000	103		NEILL A #1
8124352	08180	3501721542	103		ZUM MALLEN F #1
					RECEIVED: 04/06/81 JA: OK
-PORTS OF CALL CO					
8124436	8018	3501721573	103		MITCHELL #29-1
					RECEIVED: 04/08/81 JA: OK
-POTTS-STEPHENSON EXPLORATION CO					
8124382	8125	3507920385	103		LOWERY #1-2
					RECEIVED: 04/06/81 JA: OK
-R J WALKER OIL CO INC					
8124451	8086	3513900000	103		ROSS NO 1
					RECEIVED: 04/06/81 JA: OK
-REPUBLIC GAS GATHERING SYSTEMS INC					
8124467	7822	3500721814	103		BASS #1
					RECEIVED: 04/06/81 JA: OK
-ROBERT P LAMMERTS					
8124469	8017	3501721636	102		RENBARGER #1-33
					RECEIVED: 04/06/81 JA: OK
-SABINE PRODUCTION COMPANY					
8124470	8021	3509321915	103		COOK #1-26
					RECEIVED: 04/08/81 JA: OK
-SABINE PRODUCTION COMPANY					
8124376	08095	3512920340	103		BOGGESS #1-29
					RECEIVED: 04/08/81 JA: OK
-SAMEDAN OIL CORPORATION					
8124363	08052	3501721483	102		SCHULTE WELL NO 1
					RECEIVED: 04/06/81 JA: OK
-SERVICE DRILLING CO					
8124447	7954	3506120388	102		QUICK #3-16
					RECEIVED: 04/06/81 JA: OK
-SOUTHWESTERN EXPLOR CONSULTANTS INC					
8124441	08110	3508320805	103		AUDREY #1
					RECEIVED: 04/08/81 JA: OK
-SOUTHWESTERN EXPLOR CONSULTANTS INC					
8124379	08120	3508320747	103		SANTA FE #1
					RECEIVED: 04/08/81 JA: OK
-SULLIVAN AND CO					
8124378	8107	3508121026	102		RAMEY-WILSON NO 1
					RECEIVED: 04/08/81 JA: OK
-SUN OIL COMPANY (DELAWARE)					
8124353	03501	3505920749	103		A M HICKMAN WELL NO 3
					RECEIVED: 04/06/81 JA: OK
-TEXAS OIL & GAS CORP					
8124458	08118	3512120722	103		CRABTREE B #1
					RECEIVED: 04/06/81 JA: OK
-THE WIL-MC OIL CORP					
8124461	8114	3505320579	103		FRANK FORRESTER #1
8124460	8113	3505320595	103		PRIVETT #1
8124452	8089	3505320549	103		SWANSON #1
8124449	8088	3505320550	103		SWANSON #2
8124450	08087	3505320548	103		SWANSON A-1
8124442	8090	3505320605	103		SWANSON A-2

FIELD NAME	PROD	PURCHASER
CRESCENT	0.0	CONOCO INC
KINTA	36.0	ARKANSAS LOUISIANA G
W RINGWOOD	550.0	PANHANDLE EASTERN PI
S E STIGLER	129.5	ARKANSAS LOUISIANA G
NORTHWEST WAYNOKA	200.0	PANHANDLE EASTERN PI
JOINER CITY	90.0	
SOONER TREND	10.0	ONG WESTERN INC
	0.0	DELHI GAS PIPELINE C
GUYMON HUGOTON	18.0	PANHANDLE EASTERN PI
	0.0	TRANSOK PIPELINE CO
	0.0	PANHANDLE EASTERN PI
NW YUKON	0.0	PHILLIPS PETROLEUM C
RED OAK	0.0	
CAMERICK FIELD	273.0	KANSAS - NEBRASKA NA
MOCANE-LAVERNE	105.0	TRANSWESTERN PIPELIN
N CONCHO	0.0	PHILLIPS PETROLEUM C
ORION	30.0	PHILLIPS PETROLEUM C
S E CHEYENNE	198.0	EL PASO NATURAL GAS
	100.0	DELHI GAS PIPELINE C
WEST STIGLER	180.0	DELHI GAS PIPELINE C
	0.0	EASON OIL CO
	0.0	EASON OIL CO
WEST CARNEY	798.0	CITIES SERVICE CO
MOCANE-BEAVER	84.0	MICHIGAN WISCONSIN P
SOUTH BREWER	85.0	DELHI GAS PIPELINE C
W NUMA	72.0	
S WAKITA	800.0	
S W WAKITA	720.0	CITIES SERVICE GAS C
S W WAKITA	360.0	CITIES SERVICE GAS C
S W WAKITA	720.0	CITIES SERVICE GAS C
S W WAKITA	720.0	CITIES SERVICE GAS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-TREPEL PETROL EXPLOR & DEV CORP					RECEIVED: 04/08/81 JA: OK			
8124355	7883	3511921105	108		STILES NO 1-31	MARCH	12.8	SUN GAS CO
-UNION OIL COMPANY OF CALIF					RECEIVED: 04/08/81 JA: OK			
8124367	08092	3508520371	102		HOFFMANN #3-2	N E ORR	73.0	
8124366	08091	3508520386	102		LITTLE-TRUST #1-5	N E ORR	30.0	
-UNIT OPERATIONS					RECEIVED: 04/06/81 JA: OK			
8124465	8014	3508321374	102		ANNA #1-20	NORTH GUTHRIE	18.3	EASON OIL CO
-WESTERN OIL RESOURCES LTD					RECEIVED: 04/06/81 JA: OK			
8124462	8038	3511720819	103		JOHNSON #8	HALLETT SECTION 12-20N-7	40.0	MID-AMERICA GAS LINE
-WILLIAM M FULLER					RECEIVED: 04/08/81 JA: OK			
8124377	08098	3509332190	103		CRAWFORD NO 1	SOONER TREND	300.0	PHILLIPS PETROLEUM C

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TEXAS RAILROAD COMMISSION

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-AMERICAN DELTA CORP					RECEIVED: 03/30/81 JA: TX			
8124232	28378	4205130816	102		VAVRA #1	GIDDINGS (AUSTIN CHALK)	700.0	UNI GAS INC
-AMERICAN QUASAR PETROLEUM CO					RECEIVED: 03/30/81 JA: TX			
8124289	23994	4215730938	102		MILLER GAS UNIT #1-C	ROSENBURG (FRIO 5340)	500.0	UNITED GAS PIPELINE
8124203	23321	4221530965	102		RAYMOND GEE #1	SEC 276 1800 FWL 500 FSL	730.0	TRUNK LINE GAS CO
8124203	23321	4221530965	103		RAYMOND GEE #1	SEC 276 1800 FWL 500 FSL	730.0	TRUNK LINE GAS CO
-AMMEX PETROLEUM CORP					RECEIVED: 03/30/81 JA: TX			
8124198	19334	4228700000	102		MARY B #1 RRC OIL LEASE NO 12482	GIDDINGS (AUSTIN CHALK)	152.0	CLAJON GAS CO
8124198	19334	4228700000	103		MARY B #1 RRC OIL LEASE NO 12482	GIDDINGS (AUSTIN CHALK)	152.0	CLAJON GAS CO
8124225	26947	4214930517	102		WOLFF UNIT #1	GIDDINGS (AUSTIN CHALK G	180.0	CLAJON GAS CO
8124225	26947	4214930517	103		WOLFF UNIT #1	GIDDINGS (AUSTIN CHALK G	180.0	CLAJON GAS CO
-AMOCO PRODUCTION CO					RECEIVED: 03/30/81 JA: TX			
8124189	18004	4229530634	103		ADOLPH REDELSPERGER WELL #2	N MAMMOTH CREEK	438.0	NORTHERN NATURAL GAS
8124287	31576	4220330751	107		EMANUEL WASHINGTON GAS UNIT NO 1	BLOCKER (COTTON VALLEY)	256.0	UNITED GAS PIPELINE
8124277	31386	4220330656	107		H G BECKER GAS UNIT NO 1	BLOCKER (COTTON VALLEY)	328.0	UNITED GAS PIPELINE
8124246	29987	4220330769	102		JUBLE D GRIFFIS GAS UNIT WELL NO 2	WOODLAWN/TRAVIS PEAK/	365.0	EAST TEXAS INDUSTRIA
8124278	31387	4220330742	107		MAUDE B BROWN GAS UNIT WELL NO 1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELINE
-ANCIL T FULLER					RECEIVED: 03/30/81 JA: TX			
8124238	29334	4246900000	102		ANCIL T FULLER -- ARVEL KEERAN #1	INEZ SOUTH (5850)	100.0	HOUSTON PIPELINE CO
8124238	29334	4246900000	103		ANCIL T FULLER -- ARVEL KEERAN #1	INEZ SOUTH (5850)	100.0	HOUSTON PIPELINE CO
-ARCADIA REFINING CO					RECEIVED: 03/30/81 JA: TX			
8124262	30761	4240130951	102		A F COOPER NO 1	CYRIL (TRAVIS PEAK A)	0.0	HENDERSON CLAY PRODU
-BILL J GRAHAM					RECEIVED: 03/30/81 JA: TX			
8124267	31110	4237100000	108		W E ROBERTS	FORT STOCKTON	14.6	NUECES GAS CO
-BLADE OIL CO					RECEIVED: 03/30/81 JA: TX			
8124281	31453	4223330885	103		J M SANFORD E821 04570	PANHANDLE	0.0	PHILLIPS PETROLEUM C
-BRAZOS RESOURCES INC					RECEIVED: 03/30/81 JA: TX			
8124266	31031	4205100000	103		FRANKLIN NO 1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING PI
-BURNS PETROLEUM					RECEIVED: 03/30/81 JA: TX			
8124202	22328	4207700000	103		SHEPHERD NO 1	DEER CREEK SE (MISSISSIP	13.0	FAGADAU SANFORD P
8124201	22327	4207700000	103		SHEPHERD NO 2	DEER CREEK SE (MISSISSIP	0.0	FAGADAU SANFORD P
8124199	22325	4214900000	103		TILLI JUERGEN #2	GIDDINGS (AUSTIN CHALK)	27.0	PHILLIPS PETROLEUM
8124200	22326	4214900000	103		TILLI JUERGEN NO 1	GIDDINGS (AUSTIN CHALK)	27.0	PHILLIPS PETROLEUM
-CAMBRIDGE & NAIL					RECEIVED: 03/30/81 JA: TX			
8124284	31521	4248330763	102		SIMS NO 1 WELL ID NO 90593	MO-TEX (MEISNER)	0.0	PALO DURO PIPELINE C
-CAVALLA ENERGY EXPLORATION CO					RECEIVED: 03/30/81 JA: TX			
8124280	31449	4235130320	103		HANKAMER NO 1	SABINE TRAN (YEGUA 7400)	36.5	TRUNKLINE GAS CO
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 03/30/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124194	21332	4236530927	103		CARTHAGE GAS UNIT NO 3-3	CARTHAGE (COTTON VALLEY)	17.2	TENNESSEE GAS PIPELI
8124194	21332	4236530927	107		CARTHAGE GAS UNIT NO 3-3	CARTHAGE (COTTON VALLEY)	17.2	TENNESSEE GAS PIPELI
-CHARLES L WALKER					RECEIVED: 03/30/81 JA: TX			
*8124207	23436	4200332010	102		FISHER 10 #1	BLOCK A-34 (SAN ANDRES)	4.3	PHILLIPS PETROLEUM C
*8124207	23436	4200332010	103		FISHER 10 #1	BLOCK A-34 (SAN ANDRES)	4.3	PHILLIPS PETROLEUM C
-CITIES SERVICE COMPANY					RECEIVED: 03/30/81 JA: TX			
8124298	31631	4213533408	103		CUMMINS S NO 5	GOLDSMITH	9.0	PHILLIPS PETROLEUM C
-CONOCO INC					RECEIVED: 03/30/81 JA: TX			
8124188	17748	4213500000	108		L E WIGHT 18-7 #5 ID #25220	NORTH COWDEN	4.9	AMOCO PROD CO
-COQUINA OIL CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124294	31613	4246131615	103		HALFF A #1	SPRAYBERRY (TREND AREA)	22.0	UNION TEXAS PETROLEU
8124295	31614	4246131616	103		HALFF B #1	SPRAYBERRY (TREND AREA)	22.0	UNION TEXAS PETROLEU
-CORPUS CHRISTI OIL AND GAS CO					RECEIVED: 03/30/81 JA: TX			
8124247	30039	4242731428	102		HEARD #2	EL BENADITO SOUTH	0.0	VALERO INTERSTATE TR
8124239	29342	4232130121	102		NO 16 STATE TRACT 528-L NW/4	EL GORDO (12100)	0.0	HOUSTON PIPE LINE CO
-DANDEN PETROLEUM INC					RECEIVED: 03/30/81 JA: TX			
8124211	24341	4223300000	108		THOMPSON #2	PANHANDLE	28.8	WESTERN GAS INTERSTA
8124212	24342	4223300000	108		THOMPSON #3	PANHANDLE	28.8	WESTERN GAS INTERSTA
8124210	24340	4223300000	108		THOMPSON #4	PANHANDLE	28.8	WESTERN GAS INTERSTA
-DANIEL OIL COMPANY					RECEIVED: 03/30/81 JA: TX			
8124237	29222	4231300000	102		KEY WELL NO 1	MADISONVILLE NW (8300) F	0.0	
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124217	25301	4229530775	103		GOTTFRED JERGENSON ETAL NO 3	BRADFORD	332.0	
-EDWIN L COX					RECEIVED: 03/30/81 JA: TX			
8124191	19552	4235531348	102		N CALDWELL NO 2-C	CORPUS CHRISTI WEST (L-2	200.0	UNITED GAS PIPE LINE
-EXXON CORPORATION					RECEIVED: 03/30/81 JA: TX			
*8124253	30321	4249930792	103		HAWKINS FIELD UNIT #822	HAWKINS	91.0	ARMCO STEEL CORP
8124242	29841	4248930625	102		S H BELL B 6-F (90774)	WILLAMAR (GRABEN 4720)	400.0	NATURAL GAS PIPELINE
8124285	31566	4246131567	103		VINA VANCE B #1	SPRABERRY (TREND AREA)	7.0	EL PASO NATURAL GAS
-FREEMAN JAMES C					RECEIVED: 03/30/81 JA: TX			
8124257	30660	4217500000	102		M E OCONNOR A-49 WELL NO 4	OCONNOR (4700)	100.0	HOUSTON PIPE LINE CO
8124258	30701	4217500000	102		M E OCONNOR A-49 WELL NO 5	OCONNOR (3800)	100.0	HOUSTON PIPE LINE CO
-G M LEHNERTZ					RECEIVED: 03/30/81 JA: TX			
8124195	21517	4220300000	108		MITCHELL HEIRS GAS UNIT #1 #83726	LCG (PAGE) MARTHA DUNCAN	15.0	ARKANSAS LOUISIANA G
-GAGE & CO					RECEIVED: 03/30/81 JA: TX			
8124282	31482	4223733283	103		WELCH #2 (19951)	RUSMAG SE (CONGL 4900)	0.0	LONE STAR GAS
-GETTY OIL COMPANY					RECEIVED: 03/30/81 JA: TX			
8124299	31644	4223330967	103		YAKE D NO 3	PANHANDLE HUTCHINSON	2.6	PANHANDLE EASTERN P/
-GOLDEN SPREAD LAND CO INC					RECEIVED: 03/30/81 JA: TX			
8124219	25528	4208700000	103		HAWKINS #1	PANHANDLE EAST	8.0	EL PASO NATURAL GAS
-GRACE PETROLEUM CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124273	31285	4228930346	107		SAVAGE NO 1	BEAR GRASS	1250.0	DELHI GAS PIPELINE C
-GUS EDWARDS CO					RECEIVED: 03/30/81 JA: TX			
8124227	27638	4204130528	102		B G R S UNIT WELL NO 6	KURTEN (WOODBINE)	400.0	PRODUCERS GAS CO
-HAWKEYE OIL & GAS CORP					RECEIVED: 03/30/81 JA: TX			
8124213	25010	4223700000	103		JACKIE WORTHINGTON NO 1 RRC #	AVIS N ATOKA CONGL	350.4	SOUTHWESTERN GAS PIP
-HOU-TEX OIL & GAS CO					RECEIVED: 03/30/81 JA: TX			
8124221	26131	4240100000	102		YANDLE UNIT NO 2 WELL NO 1	HENDERSON NORTH (COTTON	1095.0	DELHI GAS PIPELINE C
8124221	26131	4240100000	107		YANDLE UNIT NO 2 WELL NO 1	HENDERSON NORTH (COTTON	1095.0	DELHI GAS PIPELINE C
-HOWELL DRILLING INC					RECEIVED: 03/30/81 JA: TX			
8124235	29108	4228531491	102		LAY MCCORD GAS UNIT NO 1 WELL NO 1	SWEET HOME	120.0	VALERO TRANSMISSION
-HUMBLE EXPLORATION CO INC					RECEIVED: 03/30/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124192	19915	4228730491	102		IRIS #1 - 12389	GIDDINGS	293.0	PHILLIPS PETROLEUM
8124192	19915	4228730491	103		IRIS #1 - 12389	GIDDINGS	293.0	PHILLIPS PETROLEUM
-HURLEY PETROLEUM CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124243	29916	4220330683	107		HOLCOMBE GAS UNIT WELL NO 5-T	BETHANY (COTTON VALLEY)	180.0	TENNESSEE GAS PIPELI
-INDIAN WELLS OIL CO					RECEIVED: 03/30/81 JA: TX			
8124264	30908	4223531604	103		HARRIS 61-1	PROBANDT (CANYON)	58.0	NORTHERN NATURAL GAS
8124263	30901	4210532512	103		MCMULLAN 36-3	OZONA CANYON SAND	144.0	NORTHERN NATURAL GAS
-J CLEO THOMPSON					RECEIVED: 03/30/81 JA: TX			
8124231	28234	4210532976	102		UNIVERSITY 33E-2	UNIVERSITY 31 STRAWN-DET	228.0	PHILLIPS PETROLEUM C
-JONES-O'BRIEN INCORPORATED					RECEIVED: 03/30/81 JA: TX			
8124244	29929	4207330389	102		S G WATSON #1 RRC LSE NO 10330	PERCY WHEELER	66.0	UNITED GAS PIPE LINE
-KLING INC					RECEIVED: 03/30/81 JA: TX			
8124234	28627	4217531379	103		P A ALBRECHT B NO 1	BOYCE (REKLAW)	141.0	UNITED GAS PIPELINE
-M D ABEL					RECEIVED: 03/30/81 JA: TX			
8124272	31279	4217531396	103		HENRY HORNEY #3 ID #90936	A-B-R (VICKSBURG UPPER S	55.0	UNITED GAS PIPELINE
-MAY PETROLEUM INC					RECEIVED: 03/30/81 JA: TX			
8124268	31123	4229530797	103		PIPER #1 (ID UNASSIGNED)	BRADFORD (CLEVELAND)	36.5	TRANSWESTERN PIPELIN
-MGF OIL CORP					RECEIVED: 03/30/81 JA: TX			
8124297	31630	4231732176	103		EILAND #1 (26240)	SPRABERRY (TREND AREA)	0.0	
8124224	26847	4205130805	102		JAMES J JOHNSTON #13188	GIDDINGS (AUSTIN CHALK)	125.0	CLAJON GAS CO
8124224	26847	4205130805	103		JAMES J JOHNSTON #13188	GIDDINGS (AUSTIN CHALK)	125.0	CLAJON GAS CO
8124236	29112	4205130841	102		JAMES J JOHNSTON #13188	GIDDINGS (AUSTIN CHALK)	182.0	CLAJON GAS CO
8124236	29112	4205130841	103		JAMES J JOHNSTON #13188	GIDDINGS (AUSTIN CHALK)	182.0	CLAJON GAS CO
-MITCHELL ENERGY CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124289	31586	4249700000	108		BESSIE DICKENSON #2	BOONSVILLE (BEND CONGLOM	9.0	NATURAL GAS PIPELINE
8124291	31595	4249700000	108		CITY OF WEATHERFORD #1	WEATHERFORD (STRAWN)	6.0	SOUTHWESTERN GAS PIP
8124290	31589	4249700000	108		J W CRAWFORD #2	BOONSVILLE (BEND CONGL G	10.0	NATURAL GAS PIPELINE
8124288	31584	4236300000	108		L W PUREFOY #1 63567	GRAFORD (BEND CONGL)	12.0	SOUTHWESTERN GAS PIP
-MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 03/30/81 JA: TX			
8124255	30425	4219931402	102		KIRBY LUMBER CORP NO 4-LT	SOUR LAKE E (YEGUA LOWER	416.1	TRANSCONTINENTAL GAS
-MONSANTO CO					RECEIVED: 03/30/81 JA: TX			
8124274	31286	4221131267	103		RESERVE #4	HUMPHREYS (DOUGLAS)	0.0	CITIES SERVICE GAS C
-PDC GAS CO					RECEIVED: 03/30/81 JA: TX			
8124259	30703	4237100000	103		UNIVERSITY #8	CARDINAL (QUEEN W)	28.0	NORTHERN NATURAL GAS
-PETRO-SEARCH INC					RECEIVED: 03/30/81 JA: TX			
8124250	30158	4223733128	102		C O TILGHMAN #2	BOGEN (MISSISSIPPIAN)	0.0	SOUTHWESTERN GAS PIP
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 03/30/81 JA: TX			
8124233	28548	4235700000	108		RICHARDSON A #1	FARNSWORTH E	18.0	TRANSWESTERN GAS PIP
-RICHEY EXPLORATION CO					RECEIVED: 03/30/81 JA: TX			
8124296	31625	4249731786	103		REED	BOONSVILLE (BEND CONGL G	0.0	LONE STAR GAS CO
-ROY G NIVENS					RECEIVED: 03/30/81 JA: TX			
8124218	25408	4223300000	108		HERRING 5	PANHANDLE HUTCHINSON FIE	12.0	PANHANDLE PRODUCING
-SAGE ENERGY CO					RECEIVED: 03/30/81 JA: TX			
8124275	31301	4205130760	102		BEARD UNIT #1 - RRC #13294	GIDDINGS (AUSTIN CHALK)	119.0	FALCON GAS CO
8124276	31302	4205130808	102		BIRCH CREEK UNIT #1 RRC #13462	GIDDINGS (AUSTIN CHALK)	151.0	FALCON GAS CO
8124222	26152	4214930473	102		PLUM A #1 RRC# 12864	GIDDINGS(AUSTIN CHALK)	73.4	PHILLIPS PETROLEUM C
8124269	31192	4214930631	102		PLUM C #1 RRC #13442	GIDDINGS (AUSTIN CHALK)	82.0	FALCON GAS CO
-SEAGULL INTERNATIONAL EXPLORATION I					RECEIVED: 03/30/81 JA: TX			
8124283	31520	4236500000	102		BRADY ESTATE UNIT WELL NO 1	PINEHILL SE (TRAVIS PEA)	0.0	UNITED GAS PIPELINE
-SHELL OIL CO					RECEIVED: 03/30/81 JA: TX			
8124292	31607	4246131563	103		NORTH CROSS (DEV) UNIT #38	CROSSETT (DEVONIAN)	66.0	SHELL ET AL
8124293	31609	4249531252	103		SEALY SMITH FOUNDATION #178	MONAHANS (QUEEN SAND)	2.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SHOW PETROLEUM INC					RECEIVED: 03/30/81 JA: TX			
8124256	30628	4204903226	103		BATES #2 (90714)	BROWN COUNTY REGULAR (MA	204.0	ODESSA NATURAL CORP
-SIGMOR CORP					RECEIVED: 03/30/81 JA: TX			
8124265	30948	4208300000	103		LAMAR TURNER #7	BETLIN (FRY) FIELD	180.0	BRADY TEXAS MUNICIPA
-SKLAR & PHILLIPS OIL CO					RECEIVED: 03/30/81 JA: TX			
8124223	26766	4236531127	102		WOOLWORTH NO 1	BECKVILLE NORTH (COTTON	720.0	ARKANSAS LOUISIANA G
8124223	26766	4236531127	103		WOOLWORTH NO 1	BECKVILLE NORTH (COTTON	720.0	ARKANSAS LOUISIANA G
-SPINDLETOP OIL & GAS CO					RECEIVED: 03/30/81 JA: TX			
8124193	20487	4236731731	103		HARMS #3-C (85789)	RENO (CONGL)	500.0	LONE STAR GAS CO
-STALLWORTH OIL & GAS INC					RECEIVED: 03/30/81 JA: TX			
8124270	31209	4222130596	103		BLACK RANCH 345 #3 STALLWORTH OIL -	BLACK RANCH (ATOKA 800)	0.0	LONE STAR GAS CO
8124271	31210	4222130593	103		BLACK RANCH 539 #1 STALLWORTH OIL	BLACK RANCH (ATOKA 800)	0.0	LONE STAR GAS CO
-SUBURBAN PROPANE GAS CORP					RECEIVED: 03/30/81 JA: TX			
8124279	31417	4241330832	107		R L MCWHORTER NO 1	HENRY-SPECK (CANYON)	55.0	INTRATEX GAS CO
8124279	31417	4241330832	103		R L MCWHORTER NO 1	HENRY-SPECK (CANYON)	55.0	INTRATEX GAS CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 03/30/81 JA: TX			
8124261	30735	4213533140	103		EAST GOLDSMITH SAN ANDRES UT #10-1	GOLDSMITH E (SAN ANDRES)	12.0	PHILLIPS PETROLEUM
8124260	30731	4236530823	103		M LASHLEY GAS UNIT WELL NO 1	CARTHAGE	397.0	DELHI GAS PIPELINE C
-SUOCO OIL CORP					RECEIVED: 03/30/81 JA: TX			
8124185	11437	4221100000	103		HUMPHREYS 02950 WELL #2	FELDMAN TONKAWA	72.0	PANHANDLE EASTERN PI
-TARTAN PRODUCTION CO					RECEIVED: 03/30/81 JA: TX			
8124208	23782	4240931422	102		HENRICHSON UNIT NO A-2	BERRY (6100E)	250.0	TEXAS EASTERN TRANSM
-TEE OPERATING CO					RECEIVED: 03/30/81 JA: TX			
8124226	27223	4215730914	102		WEGNER GAS UNIT NO 1-U	WILDCAT	0.0	LONE STAR GAS CO
-TENNECO OIL COMPANY					RECEIVED: 03/30/81 JA: TX			
8124220	26092	4239330793	103		CHAMBERS 2-5	MENDOTA NW (GRANITE WASH	360.0	PIONEER NATURAL GAS
8124230	28220	4217930789	103		WORLEY 95	PANHANDLE	2.0	PHILLIPS PETROLEUM C
-TEXACO INC					RECEIVED: 03/30/81 JA: TX			
8124229	28119	4240130968	102		ROGERS GAS UNIT O/A #1	OAK HILL NW (COTTON VALL	730.0	TRANSCONTINENTAL GAS
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 03/30/81 JA: TX			
8124240	29515	4205131041	102		BOHACEK #1	GIDDINGS (AUSTIN CHALK)	474.0	CLAJON GAS CO
-TEXOMA PRODUCTION CO					RECEIVED: 03/30/81 JA: TX			
8124254	30379	4270630103	102		STATE TRACT 245-L #1	BLOCK 245 (5960)	1095.0	NATURAL GAS PIPELINE
-THOMAS D COFFMAN INC					RECEIVED: 03/30/81 JA: TX			
8124228	27805	4214930346	102		FARRAH B UNIT NO 3 050814	GIDDINGS (AUSTIN CHALK)	146.0	RESERVE GAS SYSTEMS
8124248	30107	4214930708	102		MULLINS NO 6 091260	GIDDINGS (AUSTIN CHALK)	20.0	SOUTH CEN-TEX GAS CO
8124249	30108	4214930735	102		MULLINS NO 7 093540	GIDDINGS (AUSTIN CHALK)	20.0	SOUTH CEN-TEX GAS CO
-W A MONCRIEF JR					RECEIVED: 03/30/81 JA: TX			
8124286	31572	4236730235	108		WINSTON NO 5 (U&L)	ALEDO SE (1200 STRAWN) W	4.3	SOUTHWESTERN GAS PIP
-W B TRAMMELL					RECEIVED: 03/30/81 JA: TX			
8124245	29975	4215130981	102		W B TRAMMELL FEE #1	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
-W C MILLER					RECEIVED: 03/30/81 JA: TX			
8124251	30159	4231100000	102		J W ATKINSON #1-C 89370	LOMA ALTA (3850)	90.0	TEXAS EASTERN TRANSM
8124252	30160	4231100000	102		J W ATKINSON #1-T 89369	LOMA ALTA (3900) YEGUA)	90.0	TEXAS EASTERN TRANSM
-WILLIAM PERLMAN					RECEIVED: 03/30/81 JA: TX			
8124186	13966	4243532143	103		ADA CAUTHORN 4-2 87388	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
8124186	13966	4243532143	108		ADA CAUTHORN 4-2 87388	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
8124215	025109	4243500000	103		ADA CAUTHORN 7-1	SHIRLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
8124215	025109	4243500000	107		ADA CAUTHORN 7-1	SHIRLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
8124187	14954	4243532144	107		ALBERT WARD 18 NO 1	SHURLEY RANCH (CANYON)	36.0	EL PASO NATURAL GAS
8124187	14954	4243532144	103		ALBERT WARD 18 NO 1	SHURLEY RANCH (CANYON)	36.0	EL PASO NATURAL GAS
8124214	25104	4243532253	103		DAN CAUTHORN D-2 87389	SHIRLEY RANCH (CANYON)	20.0	EL PASO NATURAL GAS
8124214	25104	4243532253	107		DAN CAUTHORN D-2 87389	SHIRLEY RANCH (CANYON)	20.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124216	25112	4243532240	103		DAN CAUTHORN 22-1 87055	SHIRLEY RANCH (CANYON)	20.0	EL PASO NATURAL GAS
8124216	25112	4243532240	108		DAN CAUTHORN 22-1 87055	SHIRLEY RANCH (CANYON)	20.0	EL PASO NATURAL GAS
-WINDSOR GAS CORP			RECEIVED: 03/30/81 JA: TX					
8124183	08513	4243500000	108		DUKE WILSON 173-2	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8124184	08516	4243500000	108		DUKE WILSON 176-1	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
-WOOD MCSHANE & THAMS			RECEIVED: 03/30/81 JA: TX					
8124241	29635	4200331107	108		G T HALL A #1 RRC #69451	BLOCK A-34 (YATES)	2.0	EL PASO NATURAL GAS
-WORLD PRODUCERS INC			RECEIVED: 03/30/81 JA: TX					
8124205	23379	4236731809	102		ELLIS E #6	MOBY DICK (CONGL)	50.0	NATURAL GAS PIPELINE
8124204	23378	4236731874	102		ELLIS F #7	MOBY DICK (CONGL)	50.0	NATURAL GAS PIPELINE
8124206	23380	4236731599	102		HARRY E COLE #1	MOBY DICK (CONGL)	75.0	NATURAL GAS PIPELINE
8124196	21942	4223732689	102		MARLEY PARRISH A #2	BOGEN (MISS)	40.0	SOUTHWESTERN GAS PIP
8124197	21943	4223732705	102		MARLEY PARRISH C #4	BOGEN (MISS)	70.0	SOUTHWESTERN GAS PIP
8124198	21944	4223732821	102		MARLEY PARRISH D #5	BOGEN (MISS)	40.0	SOUTHWESTERN GAS PIP
UTAH DIVISION OF OIL,GAS, & MINING								
-AMERICAN QUASAR PETROLEUM CO			RECEIVED: 04/06/81 JA: UT					
8124396	K 107-11(A)	4304330125	103		BINGHAM 2-1A	PINEVIEW - SEC 2-2N-7E	0.0	MOUNTAIN FUEL SUPPLY
8124397	K 107-11(B)	4304330116	103		NEWTON SHEEP 4-6	PINEVIEW - SEC 4 T2N-R7E	0.0	MOUNTAIN FUEL SUPPLY
8124395	K 107-11(C)	4304330107	103		UPRR 9-2	PINEVIEW SEC 9 T2N-R7E	0.0	MOUNTAIN FUEL SUPPLY
-TENNECO OIL COMPANY			RECEIVED: 04/06/81 JA: UT					
8124399	K 130-6	4301930571	103		DIETLER STATE #2-14	BRYSON CANYON	300.0	SOUTHWEST GAS CORP
8124400	K 130-3	4301930605	103		TENNECO STATE #36-14	DAKOTA/MORRISON	300.0	SOUTHWEST GAS
8124398	K 130-4	4301930606	103		TENNECO STATE #36-16	UND PALMER	120.0	SOUTHWEST GAS CORP
** DEPARTMENT OF ENERGY								
-NAVAL PETROLEUM RESERVES IN CALIFOR			RECEIVED: 04/06/81 JA: CA 9					
8124401		0402900000	103		24Z - #356	NAVAL PETROLEUM RESERVES	183.0	CHEVRON USA INC

OTHER PURCHASERS

8124287	EL PASO NATURAL GAS CO
8124253	HOUSTON LIGHTING & POWER CO
8124308	NEW JERSEY NATURAL GAS
8124309	NEW JERSEY NATURAL GAS
8124314	NEW JERSEY NATURAL GAS
8124369	DELHI GAS PIPE LINE COMPANY
8124389	AMINOIL
8124393	AMINOIL
8124411	NORTHWEST P L CORP
8124425	NORTHWEST P L CORP
8124464	CHASE GATHERING SYSTEMS INC

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or decription of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13269 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 27, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME Issued April 27, 1981	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION								
-ALEXANDER G KASPAR					RECEIVED: 04/06/81 JA: TX			
8124560	26278	4246100000	103		J H SHIRK ESTATE #2	FRADEAN (STRAWN)	49.0	PHILLIPS PETROLEUM C
-AMERICAN DELTA CORP					RECEIVED: 04/06/81 JA: TX			
8124734	31801	4205131068	102		ESTES #2 (13022)	GIDDINGS (AUSTIN CHALK)	0.0	UNI OIL INC
-AMERICAN QUASAR PETROLEUM CO					RECEIVED: 04/06/81 JA: TX			
8124525	23127	4218130648	102		PETRO LEWIS-KUSCH WELL #1	WEST MINERAL CREEK HIRAM	2737.0	DOW CHEMICAL CO
8124520	22691	4243532290	103		SHURLEY RANCH WELL #2-3	SEC 3 RUSK TRANSP CO SUR	10.0	EL PASO NATURAL GAS
8124520	22691	4243532290	107		SHURLEY RANCH WELL #2-3	SEC 3 RUSK TRANSP CO SUR	10.0	EL PASO NATURAL GAS
-AMMEX PETROLEUM CORP					RECEIVED: 04/06/81 JA: TX			
8124488	19330	4205100000	102		BIRCH CREEK RANCH #1 RRC # 12330	GIDDINGS (AUSTIN CHALK)	83.0	CLAJON GAS CO
8124488	19330	4205100000	103		BIRCH CREEK RANCH #1 RRC # 12330	GIDDINGS (AUSTIN CHALK)	83.0	CLAJON GAS CO
8124490	19392	4205100000	102		LINDA UNIT #1 RRC #12513	GIDDINGS (AUSTIN CHALK)	490.0	CLAJON GAS CO
8124490	19392	4205100000	103		LINDA UNIT #1 RRC #12513	GIDDINGS (AUSTIN CHALK)	490.0	CLAJON GAS CO
8124489	19390	4205100000	102		MASSEY GRAVES #1 RRC #12527	GIDDINGS (AUSTIN CHALK)	380.0	CLAJON GAS CO
8124489	19390	4205100000	103		MASSEY GRAVES #1 RRC #12527	GIDDINGS (AUSTIN CHALK)	380.0	CLAJON GAS CO
-AMOCO PRODUCTION CO					RECEIVED: 04/06/81 JA: TX			
8124702	31707	4218930333	103		ANTON-IRISH CLEARFORK UNIT #454	ANTON-IRISH	1.9	PIONEER NATURAL GAS
8124523	22980	4213532177	103		E F COWDEN A #138	COWDEN SOUTH/CANYON 8790	14.2	PIONEER NATURAL GAS
8124700	31702	4221932763	103		ELLWOOD A #143	SMYER N (CANYON)	2.0	AMOCO PRODUCTION CO
8124739	31821	4200332439	103		FULLERTON SAN ANDRES UNIT #47	FULLERTON SAN ANDRES	16.4	AMOCO PRODUCTION CO
8124742	31830	4200332445	103		FULLERTON SAN ANDRES UNIT #54	FULLERTON SAN ANDRES	7.3	AMOCO PRODUCTION CO
8124743	31832	4200332453	103		FULLERTON SAN ANDRES UNIT #59	FULLERTON SAN ANDRES	12.4	AMOCO PRODUCTION CO
8124741	31828	4200332433	103		FULLERTON SAN ANDRES UNIT #63	FULLERTON SAN ANDRES	7.7	AMOCO PRODUCTION CO
8124740	31827	4200332432	103		FULLERTON SAN ANDRES UNIT #65	FULLERTON SAN ANDRES	7.7	AMOCO PRODUCTION CO
8124565	26493	4239530675	103		J B WATERFIELD C WELL #2	NW MENDOTA (MORROW LOWER	58.0	MICHIGAN WISCONSIN P
8124649	30962	4204730860	103		MESTINA OIL & GAS WELL NO 8	ALTA MESA NORTH (1850)	102.0	VALERO INTERSTATE TR
8124701	31705	4222732217	103		TEXAS LAND & MORTGAGE A R/A B #117	COAHOMA NORTH (FUSSEL)	1.8	GETTY OIL CO
-ANDERSON PETROLEUM INC					RECEIVED: 04/06/81 JA: TX			
8124532	23615	4210532585	103		AUSTIN MILLSPAUGH B #1-70	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE CO
-ARCO OIL AND GAS COMPANY					RECEIVED: 04/06/81 JA: TX			
8124657	31190	4207931166	103		F D MASTEN 20 #5	LEVELLAND (SAN ANDRES) F	8.3	CITIES SERVICE
-ARMOUR PROPERTIES					RECEIVED: 04/06/81 JA: TX			
8124716	31736	4207731762	103		SCALING 10-C	LACY ARMOUR (STRAWN UPPE	8.2	FAGADAU ENERGY CORP
8124715	31735	4207731761	103		SCALING 11-C	LACY ARMOUR (STRAWN UPPE	5.2	FAGADAU ENERGY CORP
-BILL J GRAHAM					RECEIVED: 04/06/81 JA: TX			
8124697	31697	4230100000	108		ALLEN #1	WHEAT DELAWARE	1.5	PHILLIPS PETROLEUM C
8124698	31698	4210300000	108		CHARLES EDWARDS JR #1	ARMER (6350)	1.3	WARREN PETROLEUM COR
8124699	31699	4210300000	108		CHARLES EDWARDS JR #3	ARMER (GLORIETTA)	2.6	WARREN PETROLEUM COR
8124696	31696	4238900000	108		GARTON #1	SCREWBEAN NE (DELAWARE)	1.2	CONTINENTAL OIL CO
-BOURNE OIL CO					RECEIVED: 04/06/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8124599	28996	4213100000	103		WILLIE DE LA FUENTE
					RECEIVED: 04/06/81 JA: TX
-BURMAN OIL & GAS CO					
8124554	25971	4235130323	102		T H PERKINS ET AL NO 1
					RECEIVED: 04/06/81 JA: TX
-BURNS PETROLEUM					
8124493	20011	4250333233	102		SPEER NO 1
					RECEIVED: 04/06/81 JA: TX
-CAG PETROLEUM CORP					
8124633	30665	4205130947	102		HUTCHINGS NO 1 #13561
8124582	28183	4205130908	102		LAUDERDALE NO 1 13304
8124695	31694	4205131191	102		ROSE NO 1 13682
					RECEIVED: 04/06/81 JA: TX
-CAROLINA GROUP INC					
8124735	31806	4214300000	103		CALLAWAY #1
8124737	31816	4214300000	103		HAMMOND #1
8124736	31807	4214300000	103		YOUNG #1
					RECEIVED: 04/06/81 JA: TX
-CHAMPLIN PETROLEUM COMPANY					
8124580	27919	4235330863	103		C E BOYD NO 4 (02879)
8124542	25151	4217331052	102		I W TERRY NO 5
8124555	26011	4220100000	102		UNIT DEVELOPMENT CO NO 1
					RECEIVED: 04/06/81 JA: TX
-CHEVRON U S A INC					
8124728	31774	4200530026	102		P G CROSSMAN ET AL #1
					RECEIVED: 04/06/81 JA: TX
-CIRCLE SEVEN PRODUCTION CO					
8124643	30819	4223732935	103		C GIFFORD NO 1 WELL ID NO 87016
					RECEIVED: 04/06/81 JA: TX
-CITIES SERVICE COMPANY					
8124679	31632	4213533528	103		TXL Q #2
					RECEIVED: 04/06/81 JA: TX
-COASTAL OIL & GAS CORP					
8124648	30956	4237530711	103		BIVINS 5017RD
					RECEIVED: 04/06/81 JA: TX
-CONOCO INC					
8124547	25491	4213500000	108		WIGHT UNIT #2 ID #20661
					RECEIVED: 04/06/81 JA: TX
-CRAWFORD ENERGY					
8124653	31114	4236332292	103		J W PADGETT #3 90803
8124654	31115	4236332291	103		J W PADGETT #4 90663
					RECEIVED: 04/06/81 JA: TX
-DAVIS OIL COMPANY					
8124574	27616	4228931485	102		CAROLYN S COE UNIT #1
					RECEIVED: 04/06/81 JA: TX
-DEETER IMPROVEMENT INC					
8124548	25550	4204730838	102		CANTU WELL NO 1
					RECEIVED: 04/06/81 JA: TX
-DELTA DRILLING CO					
8124534	23935	4241300000	103		JONES A #2
8124534	23935	4241300000	107		JONES A #2
8124533	23933	4241300000	103		PARKER #2
8124533	23933	4241300000	107		PARKER #2
8124553	25827	4236531099	102		TALLENT #1
8124553	25827	4236531099	103		TALLENT #1
8124528	23162	4236500000	102		WERNER-CARAWAY #1
8124528	23162	4236500000	103		WERNER-CARAWAY #1
					RECEIVED: 04/06/81 JA: TX
-DIAMOND SHAMROCK CORPORATION					
8124668	31544	4221100000	108		CHARLES BROWN NO 7
8124667	31543	4229500000	108		MAY WRIGHT H NO 1
					RECEIVED: 04/06/81 JA: TX
-DISCOVERY OPERATING INC					
+8124749	31885	4200332378	103		UNIVERSITY 11 B #2
					RECEIVED: 04/06/81 JA: TX
-DUNCAN CORP					
8124595	28904	4221100000	108		BRAINARD C 34064
					RECEIVED: 04/06/81 JA: TX
-EL PASO NATURAL GAS COMPANY					
8124541	24941	4243532181	108		SHURLEY #11
					RECEIVED: 04/06/81 JA: TX
-ENERGETICS INC					

FIELD NAME	PROD	PURCHASER
LABBE (2360)	0.0	TENNESSEE GAS PIPELI
DEWEYVILLE WEST (NODOSAR	100.0	ARCO OIL & GAS CO
SPEER (MARBLE FALLS CONG	140.0	SOUTHWESTERN GAS PIP
GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
GIDDINGS AUSTIN CHALK	3600.0	FERGUSON CROSSING PI
GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
LIBERTY OAK (BIG SALINE)	73.9	NORTHERN GAS PRODUCT
LIBERTY OAK (BIG SALINE)	31.1	NORTHERN GAS PRODUCT
LIBERTY OAKS (BIG SALINE	68.9	NORTHERN GAS PRODUCT
DORA NORTH (CAMBRIAN)	7.3	PALO DURO PIPELINE C
S W CONGER (PENN)	60.0	NORTHERN NATURAL GAS
SOUTH TOMBALL	328.5	
RAINTREE (COTTON VALLEY)	84.0	
WOLFE (CONGLOMERATE)	0.0	SOUTHWESTERN GAS PIP
GOLDSMITH WEST (SAN ANDR	59.0	
PANHANDLE (RED CAVE)	12.0	COLORADO INTERSTATE
COWDEN NORTH	0.1	AMOCO PRODUCTION CO
PALO PINTO COUNTY REG (G	12.8	SOUTHWESTERN GAS PIP
PALO PINTO COUNTY REG (G	14.6	SOUTHWESTERN GAS PIP
APPLING POINT F-22	54.0	ALUMINUM CO OF AMERI
LOMA BLANCA NORTH 6800	135.0	HOUSTON PIPELINE CO
ELDORADO'	46.0	NORTHERN NATURAL GAS
ELDORADO	46.0	NORTHERN NATURAL GAS
ELDORADO (CANYON)	80.0	NORTHERN NATURAL GAS
ELDORADO (CANYON)	80.0	NORTHERN NATURAL GAS
NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
WILDCAT (COTTON VALLEY)	500.0	WESTERN GAS CORP
WILDCAT (COTTON VALLEY)	500.0	WESTERN GAS CORP
CANADIAN SE	5.6	SOUTHWESTERN PUBLIC
LIPSCOMB	1.8	NATURAL GAS PIPELINE
BLOCK 11 (WICHITA LOWER)	32.4	PHILLIPS PETROLEUM C
CANADIAN WEST (MORROW UP	4.1	HIGH PLAINS NATURAL
SAWYER-CANYON	15.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8124575	27619	4214930459	102		S Y ROBBINS #1 ID #068708
-ENERGY UNLIMITED INC					RECEIVED: 04/06/81 JA: TX
8124481	18806	4239131330	103		K D ROCHE ESTATE #B-3
-ENRE CORP					RECEIVED: 04/06/81 JA: TX
8124609	29043	4205932535	102		LEA MCDONALD #1 (89269)
-ENRICH OIL CORPORATION					RECEIVED: 04/06/81 JA: TX
8124494	20153	4242931807	102		ED FORD A #1 ID-14332
-ENSERCH EXPLORATION INC					RECEIVED: 04/06/81 JA: TX
8124518	22305	4249731684	103		T S WALKER A NO 2
-ESPERANZA ENERGY CORP					RECEIVED: 04/06/81 JA: TX
8124673	31616	4235330950	103		WHITE # 4
-EXXON CORPORATION					RECEIVED: 04/06/81 JA: TX
8124502	20600	4233930411	103		CONROE FIELD UNIT #1629
8124724	31755	4216531806	103		EXXON-SHELL FEE #7
8124726	31757	4239330763	103		FLOWERS TRUST A #3-U
*8124727	31758	4247532063	103		FRANCES J HAYMORE #4
*8124676	31622	4249930845	103		HAWKINS FIELD UNIT #3425
*8124678	31624	4249930858	103		HAWKINS FIELD UNIT #53
*8124677	31623	4249930874	103		HAWKINS FIELD UNIT #8
*8124675	31621	4249930844	103		HAWKINS FIELD UNIT #9320
8124729	31775	4210332370	103		J B TUBB A/C 1 #234U
8124725	31756	4200332401	103		J S MEANS A/C 4 #323
*8124484	19044	4215730441	103		LOCKWOOD & SHARP B-59
8124681	31646	4226130548	102		MRS S K EAST 109-D (91175)
8124703	31711	4226130548	102		MRS S K EAST 109-F (ID PENDING)
8124597	28954	4226130562	103		SARITA GAS UNIT #7 WELL 2-D (91299)
8124672	31615	4226130575	102		SOUTH MAY GU #4 WELL #1 (90587)
*8124745	31838	4240130944	103		TRAWICK GAS UNIT NO 32 WELL 2
*8124744	31837	4234730489	103		TRAWICK GAS UNIT 11 #3
*8124746	31839	4234730491	103		TRAWICK GAS UNIT 44 #3
-FISHER-WEBB INC					RECEIVED: 04/06/81 JA: TX
8124646	30899	4208130896	103		PRICE 309 NO 4
-GEODYNAMICS OIL & GAS INC					RECEIVED: 04/06/81 JA: TX
8124651	31004	4205130967	102		PATTERSON B NO 4
-GEOLOGICAL EXPLORATION CO					RECEIVED: 04/06/81 JA: TX
8124526	23128	4218330407	102		HENRY FOSTER NO 1 10228
-GETTY OIL COMPANY					RECEIVED: 04/06/81 JA: TX
8124670	31599	4241330881	103		JOHN H TREADWELL 70 WELL NO 1
8124537	24067	4236500000	103		KELLY-LINCOLN #2
8124473	03979	4204931621	103		R D SHELTON NO 1
8124536	24063	4236530826	103		SOUTHLAND PAPER CO #1
8124544	25404	4205730959	103		T S T 95 #2
8124539	24705	4216300000	103		W L HENDERSON #2
8124535	24057	4236500000	103		WERNER-GENEVA #2
-GIBSON DRILLING CO					RECEIVED: 04/06/81 JA: TX
8124549	25726	4218330417	103		ADAMS GAS UNIT NO 1
-GOLDKING PRODUCTION COMPANY					RECEIVED: 04/06/81 JA: TX
8124529	23202	4239131389	102		HYNES NO 4
8124581	28024	4224531425	102		L N EVANS NO 1
-GRACE PETROLEUM CORPORATION					RECEIVED: 04/06/81 JA: TX
8124640	30756	4241330941	103		HARKEY A 4
-GREAT WESTERN DRILLING COMPANY					RECEIVED: 04/06/81 JA: TX

FIELD NAME	PROD	PURCHASER
GIDDINGS AUSTIN CHALK	210.0	PHILLIPS PETROLEUM C
KATHLEEN (SINTON-A)	180.0	
TWIN LAKE (DUFFER)	216.0	BENGAL GAS TRANSMISS
LUCKY LANE (STRAWN) FIEL	23.0	LEW-TEX OIL & GAS IN
BOONSVILLE	629.0	LONE STAR GAS CO
WHITE (GARDNER SAND) FIE	14.6	ESPERANZA PIPELINE C
CONROE	220.0	MORAN UTILITIES
NEWSOM (YATES)	104.0	
MENDOTA NW (DOUGLAS LO)	4.0	TRANSWESTERN PIPELIN
RHODA WALKER (CANYON 590	3.0	INTRATEX GAS CO
HAWKINS	20.0	ARMCO STEEL CORP
HAWKINS	20.1	ARMCO STEEL CORP
HAWKINS FIELD	33.0	ARMCO STEEL CORP
HAWKINS	40.2	ARMCO STEEL CORP
SAND HILLS (JUDKINS)	8.0	EL PASO NATURAL GAS
MEANS SOUTH (WOLFCAMP)	11.0	PHILLIPS PETROLEUM C
THOMPSON	65.0	ARMCO STEEL CORP
RITA (7-G II)	949.0	NATURAL GAS PIPELINE
RITA (7-L IIA)	1058.0	NATURAL GAS PIPELINE
SARITA (2-F SW)	284.0	NATURAL GAS PIPELINE
MAY SOUTH (J-22)	730.0	NATURAL GAS PIPELINE
TRAWICK (TRAVIS PEAK)	400.0	ARMCO STEEL CORP
TRAWICK (TRAVIS PEAK)	400.0	ARMCO STEEL CORP
TRAWICK (JAMES) FIELD	400.0	ARMCO STEEL CORP
ARLEDGE (PENN SAND)	150.0	SUN GAS CO
STONE CITY (AUSTIN CHALK	87.0	CLAJON GAS CO
ALPINE (PETTIT)	36.0	ARKANSAS-LOUISIANA G
FT MCKAVITT N (CANYON LO	35.0	ARCO OIL & GAS CO
CARTHAGE (COTTON VALLEY)	400.0	DELHI GAS PIPELINE C
BROWN COUNTY REGULAR (MA	9.0	BROWN INDUSTRIAL GAS
CARTHAGE (COTTON VALLEY)	423.0	DELHI GAS PIPELINE C
NW PANTHER REEF	302.0	
PEARSALL	13.0	CACAHUATE GAS CORP
CARTHAGE (COTTON VALLEY)	239.0	DELHI GAS PIPELINE C
WILLOW SPRINGS MACKEY TR	360.0	WESTERN GAS CORP
E PAPALOTE (6320 FRIO)	309.0	HOUSTON PIPELINE
STOWELL (CRAWFORD)	73.0	WINNIE PIPELINE CO
TOE NAIL	25.0	ARCO OIL & GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER	
8124692	31675	4221932941	103		GLIMP UNIT #8-12	SLAUGHTER	13.0	AMOCO PRODUCTION CO	
8124693	31676	4244530856	103		GLIMP UNIT #8-13	SLAUGHTER	11.0	AMOCO PRODUCTION CO	
-GULF ENERGY PRODUCING COMPANY					RECEIVED: 04/06/81 JA: TX				
8124576	27887	4250531176	103		BLAS RAMIREZ #4	LOPENO (WILCOX G)	144.0	TENNESSEE GAS PIPELI	
8124557	26050	4236332318	103		NASH #1-T (16070)	GRAFORD (ELLENBERGER)	0.0	TEXAS UTILITIES FUEL	
-GULF OIL CORPORATION					RECEIVED: 04/06/81 JA: TX				
8124613	29375	4247531973	103		CRAWAR FIELD UNIT NO 14	CRAWAR	11.0	TRANSWESTERN PIPELIN	
8124704	31712	4221131202	103		ISAACS #3-208	RED DEER CREEK	572.0	PIONEER NATURAL GAS	
8124514	21866	4247531702	107		J W CADENHEAD WELL NO 2	G-M PENN	786.0	INTRATEX GAS CO	
-GUNN OIL CO					RECEIVED: 04/06/81 JA: TX				
8124656	31124	4226930882	102		GUNN OIL CO -- J J GIBSON 1-1	TOM (B CONGL)	0.0	PALO DURO PIPELINE C	
8124656	31124	4226930882	103		GUNN OIL CO -- J J GIBSON 1-1	TOM (B CONGL)	0.0	PALO DURO PIPELINE C	
-HANLEY COMPANY					RECEIVED: 04/06/81 JA: TX				
8124722	31747	4238331710	103		S E STOUT B (7C-04554) WELL #4	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS	
8124723	31748	4238331709	103		S E STOUT B (7C-04554) WELL NO 3	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS	
8124721	31744	4238331708	103		SE STOUT A (7C-01453) WELL NO 6	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS	
-HENDERSON CLAY PRODUCTS INC					RECEIVED: 04/06/81 JA: TX				
8124586	28618	4240131027	102		BALLOW GAS UNIT WELL NO 1	OAKHILL NW (COTTON VALLE	475.0	UNITED GAS PIPELINE	
8124586	28618	4240131027	107		BALLOW GAS UNIT WELL NO 1	OAKHILL NW (COTTON VALLE	475.0	UNITED GAS PIPELINE	
-HIGH CHAPPARAL OIL CO					RECEIVED: 04/06/81 JA: TX				
8124661	31339	4247330323	102		COWAN-ZOLLMAN-HIGH CHAPPARAL #2	WILDCAT (REQUESTING CORO	125.0	LONE STAR GAS CO	
-HILL PRODUCTION CO					RECEIVED: 04/06/81 JA: TX				
8124665	31450	4240130842	103		Z K TALIAFERRO #1T ID #86630	POD (COTTON VALLEY) FIEL	100.0	DELHI GAS PIPELINE C	
8124665	31450	4240130842	107		Z K TALIAFERRO #1T ID #86630	POD (COTTON VALLEY) FIEL	100.0	DELHI GAS PIPELINE C	
-HOLLIDAY DRILLING CO					RECEIVED: 04/06/81 JA: TX				
8124598	28983	4214330614	102		C C LUSBY #1	LUSBY (MARBLE FALLS LIME	150.0	NORTHERN GAS PRODUCT	
8124598	28983	4214330614	103		C C LUSBY #1	LUSBY (MARBLE FALLS LIME	150.0	NORTHERN GAS PRODUCT	
-HUMBLE EXPLORATION CO INC					RECEIVED: 04/06/81 JA: TX				
8124505	21490	4214930364	102		CARLA #1 - 12776	GIDDINGS	1.0	PHILLIPS PETROLEUM	
8124505	21490	4214930364	103		CARLA #1 - 12776	GIDDINGS	1.0	PHILLIPS PETROLEUM	
8124522	22963	4228730507	102		CASSANDRA #1 - 87152	GIDDINGS	104.0	PHILLIPS PETROLEUM	
8124522	22963	4228730507	103		CASSANDRA #1 - 87152	GIDDINGS	104.0	PHILLIPS PETROLEUM	
8124507	21492	4247730323	102		CHASTITY #1 - 12644	GIDDINGS	0.0	PHILLIPS PETROLEUM	
8124507	21492	4247730323	103		CHASTITY #1 - 12644	GIDDINGS	0.0	PHILLIPS PETROLEUM	
8124617	29930	4247730378	102		ETHEL LOUISE SIVCOSKI #1	GIDDINGS AUSTIN CHALK	32.0	PHILLIPS PETROLEUM C	
8124617	29930	4247730378	103		ETHEL LOUISE SIVCOSKI #1	GIDDINGS AUSTIN CHALK	32.0	PHILLIPS PETROLEUM C	
8124506	21491	4214930363	102		FRANCES JAEHNE - 12641	GIDDINGS	109.5	PHILLIPS PETROLEUM	
8124506	21491	4214930363	103		FRANCES JAEHNE - 12641	GIDDINGS	109.5	PHILLIPS PETROLEUM	
8124662	31391	4228730810	102		HESTER SHOWS -	GIDDINGS	221.0	PHILLIPS PETROLEUM C	
8124662	31391	4228730810	103		HESTER SHOWS -	GIDDINGS	221.0	PHILLIPS PETROLEUM C	
8124504	21489	4214930360	102		KELLY FERGUSON #1 - 12713	GIDDINGS AUSTIN CHALK	460.6	PHILLIPS PETROLEUM	
8124504	21489	4214930360	103		KELLY FERGUSON #1 - 12713	GIDDINGS AUSTIN CHALK	460.6	PHILLIPS PETROLEUM	
8124509	21495	4214930318	102		MARCY ELLEN - 12154	GIDDINGS	190.8	PHILLIPS PETROLEUM	
8124509	21495	4214930318	103		MARCY ELLEN - 12154	GIDDINGS	190.8	PHILLIPS PETROLEUM	
8124664	31448	4214930759	102		MARY COLLIER #1 -	GIDDINGS	28.0	PHILLIPS PETROLEUM C	
8124664	31448	4214930759	103		MARY COLLIER #1 -	GIDDINGS	28.0	PHILLIPS PETROLEUM C	
8124663	31392	4214930696	102		MARY HEARN #1	GIDDINGS	11.0	PHILLIPS PETROLEUM	
8124663	31392	4214930696	103		MARY HEARN #1	GIDDINGS	11.0	PHILLIPS PETROLEUM	
8124515	21874	4228700000	102		MARYANNE #1 - 11906	GIDDINGS	86.5	PHILLIPS PETROLEUM	
8124515	21874	4228700000	103		MARYANNE #1 - 11906	GIDDINGS	86.5	PHILLIPS PETROLEUM	
8124503	21488	4228130493	102		MINERVA - 12395	GIDDINGS	170.0	PHILLIPS PETROLEUM	
8124503	21488	4228130493	103		MINERVA - 12395	GIDDINGS	170.0	PHILLIPS PETROLEUM	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124510	21499	4247730313	102		NELL #1 - 12356	GIDDINGS	125.9	PHILLIPS PETROLEUM
8124510	21499	4247730313	103		NELL #1 - 12356	GIDDINGS	125.9	PHILLIPS PETROLEUM
8124508	21493	4228730407	102		RUTHANE 12139	GIDDINGS	304.0	PHILLIPS PETROLEUM
8124508	21493	4228730407	103		RUTHANE 12139	GIDDINGS	304.0	PHILLIPS PETROLEUM
8124511	21503	4214930310	102		SARITA WEST -12256	GIDDINGS	215.7	PHILLIPS PETROLEUM
8124511	21503	4214930310	103		SARITA WEST -12256	GIDDINGS	215.7	PHILLIPS PETROLEUM
-HUNT OIL COMPANY					RECEIVED: 04/06/81 JA: TX			
8124706	31717	4200730643	103		STATE TRACT 83 WELL #3LT	GOOSE ISLAND (C SD LO)	28.0	NATURAL GAS PIPELINE
-INTEGRAL ENERGY CORP					RECEIVED: 04/06/81 JA: TX			
8124485	19089	4212331013	103		ANGERSTEIN-RUSCHHAUPT UNIT #2-L	COTTONWOOD CREEK SO (YEG	73.0	LOVACA GATHERING CO
8124486	19090	4212331013	103		ANGERSTEIN-RUSCHHAUPT UNIT #2-U	COTTONWOOD CREEK SO (YEG	146.0	LOVACA GATHERING CO
-J A LEONARD					RECEIVED: 04/06/81 JA: TX			
8124717	31737	4205100000	103		PILLOW NO 1	WILLARD (NAVARRO)	41.0	FERGUSON CROSSING PI
8124718	31738	4205100000	103		PILLOW NO 2	WILLARD (NAVARRO)	44.5	FERGUSON CROSSING PI
8124719	31739	4205100000	103		PILLOW NO 3	WILLARD (NAVARRO)	43.0	FERGUSON CROSSING PI
-J CLEO THOMPSON					RECEIVED: 04/06/81 JA: TX			
8124583	28235	4210500000	102		UNIVERSITY 19 E-2	UNIVERSITY 31 STRAWN-DET	0.0	PHILLIPS PETROLEUM C
8124626	30089	4210533047	102		UNIVERSITY 26E-2	UNIVERSITY 31 (QUEEN)	18.0	PHILLIPS PETROLEUM C
-JCO PIPE & SUPPLY INC					RECEIVED: 04/06/81 JA: TX			
8124472	00779	4206500000	108		SAILOR 03326 WELL #1	PANHANDLE	16.0	GETTY OIL CO
-JOE D DAVIS					RECEIVED: 04/06/81 JA: TX			
8124564	26451	4216100000	108		BAGGETT-STILES 1-C 1-T(15711 15723)	NF-TEAGUE WEST (TRAVIS P	12.0	LONE STAR GAS CO
-KELLY BELL					RECEIVED: 04/06/81 JA: TX			
8124561	26299	4228531484	103		LEON BARNES #1	WILDCAT (RUSSEK AREA)	100.0	ESPERANZA TRANSMISSI
-KIRBY EXPLORATION CO					RECEIVED: 04/06/81 JA: TX			
8124596	28943	4228531517	102		HOBBS B J UNIT WELL NO 4	SPEAKS N (FRIO F-1D SAND	1000.0	SEAGULL PIPELINE COR
-LADD PETROLEUM CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124487	19261	4236731491	103		BLAIR UNIT NO 1-T	TOTO (LIME - M - 1)	87.3	LONE STAR GAS CO
8124475	16520	4236731556	103		L B WILSON UNIT NO 2	TOTO (CADDO CONGLOMERATE	175.0	LONE STAR GAS CO
-LAYTON ENTERPRISES INC					RECEIVED: 04/06/81 JA: TX			
8124691	31674	4207931263	103		REED WRIGHT #20	LEVELLAND	6.3	CITIES SERVICE CO
8124666	31524	4207931262	103		REED WRIGHT #21	LEVELLAND	7.8	CITIES SERVICE CO
-LEWIS PRODUCTION CO INC					RECEIVED: 04/06/81 JA: TX			
8124669	31548	4205932806	103		EULA DAVIS RRC#90133	CALLAHAN COUNTY REGULAR	547.0	CENTURY NATURAL GAS
-LITTLE TIGER OIL CO INC					RECEIVED: 04/06/81 JA: TX			
8124477	17484	4236500000	108		JULIA YOUNG NO 1	CARTHAGE (HILL SOUTHWEST	15.0	UNITED GAS PIPELINE
-MARIANAS OPERATING CO INC					RECEIVED: 04/06/81 JA: TX			
8124632	30634	4208332012	102		HUCKABEE #2 (15421)	LITTLE LONGHORN (MORRIS)	33.0	ODESSA NATURAL CORP
-MCCORMICK OPERATING CO					RECEIVED: 04/06/81 JA: TX			
8124605	29007	4240131007	103		DELTA GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	470.0	HYDROCARBON TRANSFER
8124605	29007	4240131007	107		DELTA GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	470.0	HYDROCARBON TRANSFER
8124602	29004	4240130981	103		G W BIRD GAS UNIT NO 4	OAK HILL (COTTON VALLEY)	475.0	HYDROCARBON TRANSFER
8124602	29004	4240130981	107		G W BIRD GAS UNIT NO 4	OAK HILL (COTTON VALLEY)	475.0	HYDROCARBON TRANSFER
8124600	29002	4240130963	103		GRAY GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	575.0	HYDROCARBON TRANSFER
8124600	29002	4240130963	107		GRAY GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	575.0	HYDROCARBON TRANSFER
8124601	29003	4240130892	103		RAIDER GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	360.0	HYDROCARBON TRANSFER
8124601	29003	4240130892	107		RAIDER GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	360.0	HYDROCARBON TRANSFER
8124604	29006	4240130949	103		ROGERS GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	445.0	HYDROCARBON TRANSFER
8124604	29006	4240130949	107		ROGERS GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	445.0	HYDROCARBON TRANSFER
8124607	29016	4240130877	103		THOMPSON GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	300.0	HYDROCARBON TRANSFER
8124607	29016	4240130877	107		THOMPSON GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	300.0	HYDROCARBON TRANSFER
8124603	29005	4240130982	103		TURNER GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	365.0	HYDROCARBON TRANSFER
8124603	29005	4240130982	107		TURNER GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	365.0	HYDROCARBON TRANSFER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-MCMAHON-BULLINGTON DRLG CO					RECEIVED: 04/06/81 JA: TX			
8124710	31729	4236700000	108		BEGGS #1 75160	DICEY (CONGLOMERATE)	19.0	TEXAS UTILITIES FUEL
8124708	31726	4223700000	108		CLAYTON #12 66758	JACK COUNTY REGULAR	5.0	TEXAS UTILITIES FUEL
8124707	31725	4223700000	108		CLAYTON #14 67233	JACK COUNTY REGULAR	7.0	TEXAS UTILITIES FUEL
8124709	31727	4223700000	108		CLAYTON #8 61133	JACK COUNTY REGULAR	8.0	TEXAS UTILITIES FUEL
8124711	31730	4236700000	108		GAINES #2 71778	BETHESDA (CADDO)	11.0	TEXAS UTILITIES FUEL
8124713	31732	4236700000	108		WOODY B - 1 75162	DICEY (CONGLOMERATE)	8.0	TEXAS UTILITIES FUEL
8124712	31731	4236700000	108		WOODY B - 3 80333	DICEY (CONGLOMERATE)	6.0	TEXAS UTILITIES FUEL
8124714	31733	4236700000	108		WOODY B - 4 80332	DICEY (CONGLOMERATE)	6.0	TEXAS UTILITIES FUEL
-MEG PETROLEUM CORP					RECEIVED: 04/06/81 JA: TX			
8124738	31817	4223531540	103		LEXIA M AIKEN #1	CHRISTI (CANYON 6800)	10.2	NORTHERN NATURAL GAS
-MESA PETROLEUM					RECEIVED: 04/06/81 JA: TX			
8124479	18248	4243130736	103		FOSTER 1-8	W A M (FUSSELMAN)	182.0	ESPERANZA PIPELINE C
-MGF OIL CORP					RECEIVED: 04/06/81 JA: TX			
8124650	30991	4231732241	103		HENSON #1	SPRABERRY (TREND AREA)	44.7	
-MITCHELL ENERGY CORP					RECEIVED: 04/06/81 JA: TX			
8124550	25727	4236731777	103		G D WILEY #3	DICEY (CONGLOMERATE)	318.6	
8124527	23142	4249730547	103		J J FRANK A #1	BOONESVILLE (BEND CONGLO	420.6	LONE STAR GAS CO
8124530	23229	4250332678	103		NORMAN STOVALL #2	YOUNG COUNTY REGULAR (OI	8.0	SOUTHWESTERN GAS PIP
-MITCHELL ENERGY CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124720	31743	4249700000	103		ASCCU #2-4	ALVORD SOUTH (CADDO CONG	0.0	NATURAL GAS PIPELINE
8124585	28562	4249700000	108		C H BISHOP #1 85604	CHICO WEST (CONGL 5700)	6.0	NATURAL GAS PIPELINE
8124627	30148	4249700000	108		COKE L GAGE #1 31227	BOONSVILLE (BEND CONGL G	7.2	NATURAL GAS PIPELINE
8124592	28863	4249700000	108		J L HALL #1 28666	BOONESVILLE (BEND CONGL	0.0	NATURAL GAS PIPELINE
8124584	28250	4236300000	108		J W CHASTAIN #1 55017	LONE CAMP (BEND CONGL)	6.0	SOUTHWESTERN GAS PIP
8124482	18838	4242900000	108		SEAMAN RANCH #2 37330	SEAMAN (CONGL UPPER)	4.0	LONE STAR GAS CO
-MORMAC OIL & GAS CO					RECEIVED: 04/06/81 JA: TX			
8124593	28883	4212732081	102		STUMBERG RANCH NO 8	STUMBERG (OLMOS N-2) (PR	100.0	VALERO TRANSMISSION
-MYRL M FURRY					RECEIVED: 04/06/81 JA: TX			
8124642	30786	4204931690	103		HUBERT GUTHRIE A	BROWN COUNTY REGULAR	48.0	SIOUX PIPELINE CO
-NATURAL ENERGY PRODUCTION CO					RECEIVED: 04/06/81 JA: TX			
8124519	22458	4249700000	103		J B CARSON #1 (85253)	BOONSVILLE (BEND CONGL G	621.0	NATURAL GAS PIPELINE
-OILWELL OPERATORS INC					RECEIVED: 04/06/81 JA: TX			
8124641	30783	4217900000	108		HOLMES #6 00259	PANHANDLE- WEST	6.0	PHILLIPS PETROLEUM C
-ONG EXPLORATION INC					RECEIVED: 04/06/81 JA: TX			
8124480	18394	4229530644	103		SCHNEIDER NO 3	DARREN (MORROW LOWER)	150.0	NORTHERN NATURAL GAS
-PALO-PLACER					RECEIVED: 04/06/81 JA: TX			
8124629	30551	4246131528	103		LANGFORD 44-2	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEUM C
-PAUL DE CLEVA					RECEIVED: 04/06/81 JA: TX			
8124652	31008	4223732228	103		OWEN ESTATE NO 3	BRYSON EAST (CADDO)	88.0	SOUTHWESTERN GAS PIP
-PDC GAS CO					RECEIVED: 04/06/81 JA: TX			
8124635	30704	4237100000	103		UNIVERSITY #6	CARDINAL (SAN ANDRES)	31.0	NORTHERN NATURAL GAS
-PEL-TEX OIL COMPANY INC					RECEIVED: 04/06/81 JA: TX			
8124516	22169	4215730881	102		H JACKSON ET AL WELL NO 1	ROSENBERG (YEGUA 8120) F	127.8	UNITED GAS PIPE LINE
-PETROCO ENERGY					RECEIVED: 04/06/81 JA: TX			
8124748	31876	4236731923	103		CHARLES W MAXWELL	POOLVILLE SW (4700)	73.0	LONE STAR GAS CO
-PETROVEST INC					RECEIVED: 04/06/81 JA: TX			
8124538	24406	4223931455	102		HESS ET AL #2A ID NO 86648	MAYO (5758)	225.0	TEXAS EASTERN TRANSM
8124538	24406	4223931455	103		HESS ET AL #2A ID NO 86648	MAYO (5758)	225.0	TEXAS EASTERN TRANSM
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/06/81 JA: TX			
8124750	32494	4206500000	108		COOPER B #3	PANHANDLE CARSON	4.5	GETTY OIL CO
8124732	31797	4200332408	103		EMBAR B #42	EMBAR (PERMIAN)	18.2	EL PASO NATURAL GAS
8124688	31667	4213533521	103		GOLDSMITH ADOBE #21-7	GOLDSMITH (5600)	15.2	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124731	31796	4213533527	103		GS ADOBE #21-6	GOLDSMITH (5600)	12.4	EL PASO NATURAL GAS
8124690	31673	4213533353	103		GS ADOBE #23-7	GOLDSMITH (5600)	9.5	EL PASO NATURAL GAS
8124705	31714	4206500000	108		THORNBURG #5	PANHANDLE CARSON	0.0	GETTY OIL CO
-PIONEER PRODUCTION CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124610	29250	4239330819	103		FLOWERS B #5-5	NW MENDOTA (LOWER) DOUGL	75.0	PIONEER NATURAL GAS
-RAY HERRING					RECEIVED: 04/06/81 JA: TX			
8124615	29821	4250300000	108		JOHNSON C #1	YOUNG COUNTY REGULAR	5.0	LONE STAR GAS CO
-REALITOS ENERGY CORP					RECEIVED: 04/06/81 JA: TX			
8124594	28885	4246931639	102		LUCILLE PEREZ NO 1	COLETTO CREEK S (4820)	365.8	TENNESSEE GAS PIPELI
8124591	28836	4246931667	102		MARSLIN WILLEMIN NO 1	COLETTO CREEK S (3030)	250.0	TENNESSEE GAS PIPELI
-RICHEY EXPLORATION CO					RECEIVED: 04/06/81 JA: TX			
8124616	29900	4249731872	103		D G BAUGH NO 1 - 89958	BOONESVILLE (BEND CONG G	40.0	LONE STAR GAS CO
-ROBERT L MCMILLAN					RECEIVED: 04/06/81 JA: TX			
8124730	31786	4213332221	103		ROBBINS A #1 (88130)	MITTIE (MARBLE FALLS)	197.0	LONE STAR GAS CO
-SAGE ENERGY CO					RECEIVED: 04/06/81 JA: TX			
8124658	31193	4214930524	102		CHARLIE #1 RRC - 13234	GIDDINGS (AUSTIN CHALK)	237.0	FALCON GAS CO
-SANTA FE ENERGY COMPANY					RECEIVED: 04/06/81 JA: TX			
8124559	26254	4216531517	103		FOLK A #7	HANFORD (SAN ANDRES)	50.0	PHILLIPS PETROLEUM C
8124543	25242	4216531683	103		FOLK A #8	HANFORD (SAN ANDRES)	9.0	PHILLIPS PETROLEUM C
-SEAGULL INTERNATIONAL EXPLORATION I					RECEIVED: 04/06/81 JA: TX			
8124546	25446	4236500000	102		ORVILLE TODD GAS UNIT WELL NO 1-T	PINEHILL SE (TRAVIS PEAK	0.0	UNITED GAS PIPELINE
8124552	25799	4236500000	102		SMITH-WALLACE WELL #1	PINEHILL SE (RODESSA GLO	0.0	UNITED GAS PIPELINE
8124551	25798	4240100000	102		VIRGIL SMITH GAS UNIT WELL NO 1	PINEHILL SE (TRAVIS PEAK	0.0	UNITED GAS PIPELINE
-SHELL OIL CO					RECEIVED: 04/06/81 JA: TX			
8124671	31608	4249531056	103		SEALY SMITH FDN NO 99A	MONAHANS (QUEEN SAND)	7.3	EL PASO NATURAL GAS
-SKLAR & PHILLIPS OIL CO					RECEIVED: 04/06/81 JA: TX			
*8124545	25425	4236531071	102		BOX GAS UNIT NO 1	CARTHAGE (COTTON VALLEY)	180.0	UNITED GAS PIPE LINE
*8124545	25425	4236531071	103		BOX GAS UNIT NO 1	CARTHAGE (COTTON VALLEY)	180.0	UNITED GAS PIPE LINE
-SMACKOVER SHELL LIMITED					RECEIVED: 04/06/81 JA: TX			
8124579	27912	4221330214	102		L L COCKERELL ESTATE UNIT 1 NO 2	EUSTACE (SMACKOVER)	1500.0	LONE STAR GAS CO
8124578	27909	4221330054	102		RICHARDSON BROS GAS UNIT 1 NO 1	EUSTACE (SMACKOVER)	0.0	LONE STAR GAS CO
8124577	27908	4221330217	102		RICHARDSON BROS GAS UNIT 1 NO 2	EUSTACE (SMACKOVER)	1500.0	LONE STAR GAS CO
-SOHIO PETROLEUM CO					RECEIVED: 04/06/81 JA: TX			
8124733	31800	4200332381	103		V L GRADY WELL NO 7	BAKKE (ELLENBURGER)	20.0	EL PASO NATURAL GAS
-SOUTHLAND ROYALTY CO					RECEIVED: 04/06/81 JA: TX			
8124492	19520	4210500000	108		COX ESTATE #1	INGHAM	4.2	EL PASO NATURAL GAS
8124628	30282	4210300000	103		MOSS 28 #2	TROPORA	125.0	NORTHERN NATURAL GAS
-SPINDLETOP OIL & GAS CO					RECEIVED: 04/06/81 JA: TX			
8124496	20462	4236731010	103		BAILEY HEIRS #1 (77949)	MALES (4650)	107.0	LONE STAR GAS CO
8124495	20452	4236730991	103		DOYLE BLAYLOCK #1 (76415)	COLEEN (MARBLE FALLS)	182.0	TEXAS UTILITIES FUEL
8124499	20477	4236731354	103		KELLY #1-C (84204)	WEATHERFORD (STRAWN A)	22.0	BUCKNER GAS CO
8124498	20475	4236731354	103		KELLY #1-T (84183)	MALES (4300)	42.0	BUCKNER GAS CO
8124497	20474	4236730586	103		LONG JONES #1 (71584)	MALES (4850)	348.0	LONE STAR GAS CO
-STALLWORTH OIL & GAS INC					RECEIVED: 04/06/81 JA: TX			
8124638	30751	4222130599	103		STALLWORTH OIL & GAS INC -BR4714	BLACK RANCH (ATOKA 800)	91.2	LONE STAR GAS CO
8124639	30752	4222130595	103		STALLWORTH OIL & GAS INC -BR4812	BLACK RANCH (ATOKA 800)	0.0	LONE STAR GAS CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 04/06/81 JA: TX			
8124636	30734	4217900000	108		BROWN DOLOMITE NO 2-2	PANHANDLE GRAY	0.3	PHILLIPS PETROLEUM C
8124660	31226	4221932744	103		CENTRAL LEVELLAND UNIT #238	LEVELLAND	7.4	AMOCO PRODUCTION CO
8124659	31225	4221932750	103		CENTRAL LEVELLAND UNIT #243	LEVELLAND	2.3	AMOCO PRODUCTION CO
8124611	29364	4208130930	103		CENTRAL NATIONAL BANK #16	LYGAY	24.4	LONE STAR GAS CO
8124684	31657	4217900000	108		COMBS & WORLEY -A- NO 11	PANHANDLE	0.1	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124682	31655	4213500000	108		FOSTER JOHNSON UNIT NO 15-17	FOSTER	0.3	ODESSA NATURAL CORP
8124630	30597	4243330533	103		I S MCMILLIN A/C 2 #6	FRANKIRK (ELLENBURGER)	9.5	CITIES SERVICE CO
8124631	30598	4243330538	103		I S MCMILLIN A/C 2 #7	FRANKIRK (ELLENBURGER)	64.0	CITIES SERVICE CO
8124637	30738	4208100000	108		JAMESON REEF UNIT NO 14-4	JAMESON	6.0	LONE STAR GAS CO
8124524	23121	4208130850	103		JAMESON REEF UNIT WELL NO 432	JAMESON	22.0	LONE STAR GAS CO
8124612	29366	4208130870	103		JAMESON STRAWN S U NO 2-6	JAMESON (STRAWN)	22.0	EL PASO NATURAL GAS
8124517	22277	4208130798	103		JAMESON STRAWN SAND UT #2-5	JAMESON (STRAWN)	74.0	EL PASO NATURAL GAS
8124687	31663	4224500000	108		LONG-MAUBOULES NO 1	NOME	18.0	TEXAS GAS PIPE LINE
8124474	16211	4218300000	108		M T COLE NO 21	EAST TEXAS	1.0	ARCO OIL & GAS CO
8124685	31661	4242731356	103		MARGARET S RENDALL NO 1	LOCKHART	579.0	TENNESSEE GAS PIPELI
8124686	31662	4242700000	108		R OLIVARES UNIT NO 1	STARR COUNTY NE	20.0	
8124683	31656	4238300000	108		RUPERT P RICKER NO 2	SPRABERRY TREND AREA	15.0	EL PASO NATURAL GAS
8124563	26438	4233531175	103		V T MCCABE B NO 20	JAMESON N (STRAWN)	21.3	LONE STAR GAS CO
-TAYLOR BROTHERS OIL CO					RECEIVED: 04/06/81 JA: TX			
8124694	31679	4234130544	103		GORDON #1 (RRC ID #88180)	TEXAS HUGOTON	73.0	PHILLIPS PETROLEUM C
-TEXACO INC					RECEIVED: 04/06/81 JA: TX			
8124587	28774	4210532683	103		A R KINCAID TRUST #9	OZONA (CANYON SAND)	74.0	NORTHERN NATURAL GAS
8124483	18990	4240100000	102		ED LOCKRIDGE GAS UNIT WELL #1	OAK HILL N W	0.0	
8124483	18990	4240100000	107		ED LOCKRIDGE GAS UNIT WELL #1	OAK HILL N W	0.0	
8124634	30679	4221932928	103		MONTGOMERY ESTATE DAVIES NCT-2 #66	LEVELLAND	31.4	AMOCO PRODUCTION CO
8124680	31645	4221932932	103		MONTGOMERY ESTATE DAVIES NCT-2 #70	LEVELLAND	39.8	AMOCO PRODUCTION CO
-TEXAS OIL & GAS CORP					RECEIVED: 04/06/81 JA: TX			
8124476	16719	4248131499	103		BOETTCHER GAS UNIT #1 WELL #3	BONUS (BERNARD EAST 7100	150.0	TEXAS EASTERN TRANSM
8124478	18177	4229330404	102		CURREY C #1	POKEY	0.0	DELHI GAS PIPELINE C
8124478	18177	4229330404	103		CURREY C #1	POKEY	0.0	DELHI GAS PIPELINE C
8124562	26354	4229500000	102		DIXON D #2	KOWA CREEK N (MORROW UPP	2480.0	DELHI GAS PIPELINE C
8124540	24921	4226130463	102		ERCK #13-UPPER	MCGILL (7894)	500.0	FLORIDA GAS TRANSMIS
8124512	21767	4216130556	103		FAILS #1	PERSONVILLE NE (COTTON V	300.0	
8124512	21767	4216130556	107		FAILS #1	PERSONVILLE NE (COTTON V	300.0	
8124513	21768	4232130957	103		STEELE #2 - LOWER	SO DUNCAN SLOUGH LOWER F	750.0	DELHI GAS PIPELINE C
8124521	22708	4216130569	102		TERRY B #1	REED N (COTTON VALLEY LI	700.0	
8124521	22708	4216130569	103		TERRY B #1	REED N (COTTON VALLEY LI	700.0	
8124747	31861	4240130609	103		THREADGILL #1-X	SHILOH (TRAVIS PEAK)	90.0	DELHI GAS PIPELINE C
-TEXLAND PETROLEUM INC					RECEIVED: 04/06/81 JA: TX			
8124500	20507	4244530801	102		BEATRICE HESTER NO 5	WARHORSE (CLEARFORK UPPE	15.0	AMOCO PRODUCTION CO
8124501	20508	4244530744	102		GULF-COONS NO 7-A	WARHORSE (CLEARFORK UPPE	24.0	AMOCO PRODUCTION CO
-TEXLAND-RECTOR & SCHUMACHER					RECEIVED: 04/06/81 JA: TX			
8124590	28794	4221932790	103		D B BRYAN NO 6	SLAUGHTER	3.0	AMOCO PRODUCTION CO
8124589	28793	4221932791	103		D B BRYAN NO 7	SLAUGHTER	12.4	AMOCO PRODUCTION CO
8124588	28792	4221932792	103		D B BRYAN NO 8	SLAUGHTER	12.4	AMOCO PRODUCTION CO
-TEXOMA PRODUCTION CO					RECEIVED: 04/06/81 JA: TX			
8124614	29722	4270630159	102		STATE TRACT 245-L #2L	BLOCK 245 (5960)	548.0	NATURAL GAS PIPELINE
-THOMAS D COFFMAN INC					RECEIVED: 04/06/81 JA: TX			
8124572	27346	4214930468	102		BRUNNER NO 1 069951	GIDDINGS (AUSTIN CHALK G	547.5	SOUTH CEN-TEX GAS CO
8124569	27339	4214930352	102		O T B 3 052618	GIDDINGS (AUSTIN CHALK)	9.0	PHILLIPS PETROLEUM C
8124566	27336	4214930474	102		RUISINGER UNIT NO 1 071075	GIDDINGS (AUSTIN CHALK)	5.1	PHILLIPS PETROLEUM C
8124689	31672	4214930769	102		SCHINDLER NO 1 096711	GIDDINGS (AUSTIN CHALK)	214.0	PHILLIPS PETROLEUM C
8124567	27337	4214930392	102		SHORTY UNIT NO 1 059367	GIDDINGS (AUSTIN CHALK)	28.4	PHILLIPS PETROLEUM C
8124573	27347	4214930367	102		TROUSDALE NO 1 055888	GIDDINGS (AUSTIN CHALK)	18.0	PHILLIPS PETROLEUM C
8124558	26204	4214930494	102		VOID NO 1 073530	GIDDINGS (AUSTIN CHALK)	4.7	SOUTH CEN-TEX GAS CO
8124570	27344	4214930498	102		WETJEN NO 1 074181	GIDDINGS (AUSTIN CHALK)	182.0	SOUTH CEN-TEX CO
8124571	27345	4214930666	102		WETJEN NO 2 086951	GIDDINGS (AUSTIN CHALK)	119.0	SOUTH CEN-TEX GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124568	27338	4214930633	102		WINCHESTER TOWNSITE UNIT 1 085019	GIDDINGS (AUSTIN CHALK)	73.0	PHILLIPS PETROLEUM C
-U E ROGERS					RECEIVED: 04/06/81 JA: TX			
8124618	29972	4232700000	108		U E ROGERS NO 1	TUCKMAR (CROSS CUT)	0.0	SUN GAS CO
-U S OPERATING INC					RECEIVED: 04/06/81 JA: TX			
8124556	26048	4228730589	102		SHIRLEY #1 (ID N/A)	GIDDINGS (AUSTIN CHALK)	55.0	P&P GAS PRODUCTS INC
-UNION OIL COMPANY OF CALIF					RECEIVED: 04/06/81 JA: TX			
8124655	31120	4213533347	103		MOSS UNIT #28-8	COWDEN SOUTH	2.0	ODESSA NATURAL CO
8124491	19476	4237132827	103		W C TYRRELL UNIT #1 WELL #3	GOMEZ NORTHWEST (WOLFCAM	300.0	EL PASO NATURAL GAS
-V L WOLSEY					RECEIVED: 04/06/81 JA: TX			
8124531	23455	4223700000	103		F C BLOODWORTH NO 1 RRC19912	PEEK CADDO LIME	20.0	SOUTHWESTERN GAS PIP
-VENUS OIL COMPANY					RECEIVED: 04/06/81 JA: TX			
8124608	29024	4235531507	102		M L SANDERS B NO 7 WELL ID 86203	BALDWIN (1970)	0.0	DELMI GAS PIPELINE C
8124606	29015	4246931534	102		SALINAS WELL NO 1 ID NO 89413	COLOGNE W (3080) FIELD	0.0	VAL GAS CO
-W B TRAMMELL					RECEIVED: 04/06/81 JA: TX			
8124625	29984	4215131099	102		W B TRAMMELL FEE #10	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124619	29976	4215131005	102		W B TRAMMELL FEE #2	JUDY G IL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124620	29977	4215131006	102		W B TRAMMELL FEE #3	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124621	29978	4215131107	102		W B TRAMMELL FEE #4	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124622	29979	4215131070	102		W B TRAMMELL FEE #5	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124623	29982	4215131097	102		W B TRAMMELL FEE #8	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124624	29983	4215131098	102		W B TRAMMELL FEE #9	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
-WALSH & TRANT PETROLEUM CORP					RECEIVED: 04/06/81 JA: TX			
8124674	31618	4239931588	102		CORA PETRIE NO 1	PETRIE (GARDNER)	240.9	UNION TEXAS PETROLEU
8124674	31618	4239931588	103		CORA PETRIE NO 1	PETRIE (GARDNER)	240.9	UNION TEXAS PETROLEU
-WILSON ENERGY INC					RECEIVED: 04/06/81 JA: TX			
8124644	30887	4210500000	103		GULF STATE 20 A #2	FARMER (SAN ANDRES)	126.0	BIG LAKE GASOLINE PL
8124645	30888	4210500000	103		UNIVERSITY 13 B #1	FARMER (SAN ANDRES)	50.0	BIG LAKE GASOLINE PL
-WOOD MCSHANE & THAMS					RECEIVED: 04/06/81 JA: TX			
8124647	30953	4200332402	103		TEXAS PACIFIC OIL COMPANY #1	BLOCK A-34 (YATES)	91.3	EL PASO NATURAL GAS

OTHER PURCHASERS

8124484	HOUSTON LIGHTING & POWER CO
8124545	NATURAL GAS PIPELINE CO OF AME
8124675	HOUSTON LIGHTING & POWER CO
8124676	HOUSTON LIGHTING & POWER CO
8124677	HOUSTON LIGHTING & POWER CO
8124678	HOUSTON LIGHTING & POWER CO
8124727	UNITED TEXAS TRANSMISSION CO
8124744	HOUSTON LIGHTING & POWER CO
8124745	HOUSTON LIGHTING & POWER CO
8124746	HOUSTON LIGHTING & POWER CO
8124749	EL PASO NATURAL GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-13270 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1817-4]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104) U.S. Environmental Protection Agency

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR PART 1506.9) during the week of April 20, 1981 to April 24, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from May 1, 1981 and will end on June 15, 1981. The 30-day review period for Final EISs' as calculated from May 1, 1981 will end on June 1, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209 (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460 (202) 245-3006.

Dated: April 28, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

U.S. Army Corps of Engineers

Final—1984 Olympic Games, Construction and Refurbishment, Los Angeles County, California (EIS Order No. 810310)

Draft Supplement—Neches River and Tributaries, Saltwater Barrier, Jefferson County, Texas (EIS Order No. 810304)

Department of Commerce

NOAA: Draft—Chesapeake Bay Estuarine Sanctuary, Grant, Sommerset and Anne Arundel Counties, Maryland (EIS Order No. 810305)

NOAA: Draft—St. Thomas National Marine Sanctuary, Designation, U.S. Virgin Islands; the review period for this EIS has been extended until July 16, 1981 (EIS Order No. 810306)

NOAA: Final Supplement—Salmon Commercial/Recreational FMP, Amendment DS-3, Pacific Ocean (EIS Order No. 810311)

NOAA: Final Supplement—Atlantic Groundfish FMP, FS-4 Atlantic Ocean; the review period for this EIS has been extended until June 8, 1981 (EIS Order No. 810312)

Department of Housing and Urban Development

Draft—Kingsbridge Subdivision, Mortgage Insurance, Fort Bend County, Texas (EIS Order No. 810298)

Final—the Meadows Residential Development, Mortgage Insurance, Thurston County, Washington (EIS Order No. 810299)

Final—Robinson Ranch Planned Development, Mortgage Insurance, Orange County, California (EIS Order No. 810309)

104H: Draft—Seaport Marketplace Restoration and Renovation, UDAG, New York City, New York (EIS Order No. 810307)

Department of the Interior

BLM: Final—Nellis AFB Bombing Range Land Withdrawal, Nye, Clark and Lincoln Counties, Nevada (EIS Order No. 810300)

BLM: Final—Trailblazer Pipeline System Right-of-Way, Uinta, Sweetwater, Carbon, Albany and Laramie Counties, Wyoming (EIS Order No. 810303) (Adoption of FERC FEIS No. 800757)

BLM: Final—Moon Lake Power Plant Project, Units 1 and 2, Right-of-Way, Utah and Colorado (EIS Order No. 810308)

WPR: Final—Polecate Bench Area Irrigation, Pick-Sloan Missouri Basin Program, Park Couunty, Wyoming (EIS Order No. 810302)

Federal Energy Regulatory Commission

Final—Small Power Production and Cogeneration Facilities, Qualifying Status/Rates and Exemptions (EIS Order No. 810313)

U.S. Department of Transportation

USCG: Final—U.S. 90 Relocation and Upgrading, Morgan City to LA-311, St. Mary's, Assumption and Terrebonne Parishes, Louisiana (EIS Order No. 810301)

Reestablishment of EIS availability date:

UMTA: Draft—Northeast Sacramento Prospective Interstate Substitution Transportation Improvement, Sacramento County, California—published in FR April 17, 1981—based on the availability of this EIS, EPA has reestablished the date filed as April 24, 1981 and the end of review as June 15, 1981 (EIS Order No. 810276)

[FR Doc. 81-13320 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-37-M

[OPP-30159A; PH-FRL 1816-1]

Abbott Laboratories; Application To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: This notice announces approval of an application to register the pesticide product N-MALEIMIDE containing the new active ingredient N-(2-methyl-1-naphthyl)maleimide.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of January 22, 1979 (44 FR 4537) that Abbott Laboratories, Abbott Park, D-495, North Chicago, IL 60064, had filed an application, EPA File Symbol 275-GU, with the EPA to register the pesticide product N-MALEIMIDE containing the active ingredient N-(2-methyl-1-naphthyl)maleimide at 97 percent. The application proposed that the fungicide be classified for general use as a technical chemical to be used as a preservative for polymeric systems.

This application was approved on February 24, 1981. The product has been assigned EPA Registration No. 275-34. A

copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after the registration date of February 24, 1981. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, 401 M St. SW., Washington, D.C. 20460. Such requests should: (1) identify the product by name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 824 (7 U.S.C. 136))

Dated: April 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–13182 Filed 4–30–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50532; PH–FRL 1817–1]

Pesticides; Bendiocarb; Renewal of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a renewal of an experimental use permit to Fisons Corp. This permit is in accordance with and subject to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Rm. 400, CM #2, Arlington, VA 22202, (703–557–7024).

SUPPLEMENTARY INFORMATION: EPA has renewed the following experimental use permit:

10065–EUP–14. Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford, MA 01730. This experimental use permit allows the use of 2,200 pounds of the insecticide bendiocarb on corn to evaluate control of insects. A total of 2,200 acres are involved. The program is authorized only in the States of Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Dakota, and Wisconsin. This permit is effective from January 27, 1981 to January 27, 1982. Temporary tolerances have been established for residues of the insecticides on corn grain, forage, and fodder.

Persons wishing to review the experimental use permit are referred to the product manager cited above. It is suggested that interested persons call before visiting the EPA headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (21 U.S.C. 136))

Dated: April 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–13188 Filed 4–30–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–59048; TSH–FRL 1815–8]

Toxic Substances; Urethane Oligomer; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by May 17, 1981. Persons should submit written comments on the application no later than May 18, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460 (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Michael Brown, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–335, 401 M St., SW., Washington, DC 20460 (202–472–3376).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under

section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before May 18, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59048]." Comments received may be seen in Rm. E–401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM–81–9

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. May 17, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided.

Annual sales—In excess of $500 million.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane oligomer.

Use. Claimed confidential business information. The manufacturer states that the new chemical will be used as an intermediate for the manufacture of coatings. The test market period commences July 1981.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The submitter states that 6 workers could be exposed to the new substance during processing and disposal. Exposure will be as a result of accidential spills.

Environmental Release/Disposal. The manufacturer claims that there will be no release of the new substance into the environment. Waste disposal, if needed, will be by incineration or in an approved landfill.

[FR Doc. 81–13183 Filed 4–30–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–59049; TSH–FRL 1815–4]

Toxic Substances; Polyurethane Millable Gum; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by May 23, 1981. Persons should submit written comments on the application no later than May 18, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, D.C. 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Carrie Berlin, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–711C, 401 M St., SW., Washington, D.C. 20460, (202–426–2532).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose

restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before May 18, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59049]. Comments received may be seen in Rm. E–401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM 81–10

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. May 23, 1981.

Manufacturer's Identity. Uniroyal Chemical Co. Naugatuck, CT 06770.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyurethane millable gum.

Use. The manufacturer states that the product will be fabricated for use in industrial conveyor belts designed to carry items intended for mechanical assembly.

Production Estimates. Up to 55,000 lbs. of intermittent production not to exceed 5 months.

Physical/Chemical Properties

Appearance—Light colored slabs.

Solubility—Insoluble in water.

Viscosity (Mooney)—ML–4' at 212°F = 34–85. (After aging 16 hrs. at 120°F).

Molecular weight range—20,000–500,000 (estimated).

Toxicity Data. No data were submitted. The manufacturer states that the new polymer is expected to have a very low order of toxicity; that polyurethane millable gums have been marketed for many years without any unreasonable risks to health or the environment.

Exposure. Manufacturing site. The submitter states that two operators will be involved in the manufacture by a batch method. No significant operator contact is anticipated with either the reactants or the polymeric reaction while it is in process. Operators wear gloves in handling and packaging the finished polymer.

Customer plant. Eight to ten workers may be dermally exposed during the processing and fabrication of the product.

No consumers will be exposed to either the millable gum or the fabricated end article.

Environmental Release/Disposal. The submitter states that there will be no significant environmental release of reactants or product during manufacture. Scrap material are recycled into a subsequent batch. Waste disposal, if any, will be by an appropriate landfill operation.

[FR Doc. 81–13187 Filed 4–30–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–53024 TSH–FRL 1815–5]

Toxic Substances; Premanufacture Notices; Monthly Status Report for March 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for March 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460 (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances for which EPA has received a notice of commencement to manufacture. Therefore, EPA is

publishing the March 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substances no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be indentified with the document control number "[OPTS–53024]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report, March 1981

PMN No.	Identity/generic name	FR citation	Expiration date
	I. Premanufacture Notices Received During the Month		
81-97	Generic name: Bis(substituted carbomonocyclic) substituted carbopolycycle	46 FR 19303 (3/30/81)	May 31, 1981.
81-98	Generic name: 4-Diazo-2,5-diethoxymorpholino phenyl sulfonate salt	46 FR 20763 (4/7/81)	May 31, 1981.
81-99	Generic name: Diazo dye	46 FR 20763 (4/7/81)	May 31, 1981.
81-100	Generic name: Hydroxymethytheteromonocycle	46 FR 20763 (4/7/81)	May 31, 1981.
81-101	Generic name: Polyes[er-amide	In preparation	June 1, 1981.
81-102	Generic name: Urethane polymer from polyester polyol and diisocyanate	46 FR 20767 (4/7/81)	June 1, 1981.
81-103	Generic name: Alkylamine methacrylic copolymer	In preparation	June 3, 1981.
81-104	Generic name: Ammonium salts of substituted alkyl phosphoric acid	46 FR 20767 (4/7/81)	June 3, 1981.
81-105	Generic name: Alkoxylated alkylphenol substituted sulfosuccinate, isopropylamine salt	46 FR 20767 (4/7/81)	June 3, 1981.
81-106	Generic name: Modified polymer of carbomonocyclic anhydride, glycerine oil, substituted alkanediol, and an alkanoic ester.	46 FR 20767 (4/7/81)	June 3, 1981.
81-107	Generic name: Modified water-borne, linseed fatty acid base alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81-108	Generic name: Modified soya alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81-109	Generic name: Modified alkyd from a substituted alkanediol, a substituted alkanoic acid, and a carbomonocyclic anhydride.	46 FR 20767 (4/7/81)	June 3, 1981.
81-110	Acetamide, *N*-(-2-([2-chloro-4,6-dinitrophenyl)-azo)-5-(diethylamino)-4-(2-methoxy)ethoxyphenyl)	In preparation	June 3, 1981.
81-111	4-[[4-Chloro-6-[[8-hydroxy-3,6-disulfo-7-[(2-sulfophenyl)azo]-1-naphthalenyl]amino-1,3,5-triazin-2-yl] amino]benzenesulfonic acid, tetrasodium salt.	46 FR 20765 (4/7/81)	June 3, 1981.
81-112	Butanamide,-2-[(4-(4-aminocarbonylphenyl)-aminocarbonylphenyl)azo)-*N*-(2,3-dihydro-2-oxo-1*H*-benzimidazole-5-yl)-3-oxo.	In preparation	June 3, 1981.
81-113	Generic name: Polymer of: Styrene, butyl acrylate, hydroxy ethyl acrylate, dimethylamine propyl methacrylamide.	46 FR 20765 (4/7/81)	June 3, 1981
[1]80-356	Benzoic acid, 2-[[2-amino-5-hydroxy-6-[[4'-[[1-hydroxy-8-[[(4-methylphenyl)sulfonyl]amino-3,6-disulfo-2-naphthalenyl]azo:3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-7-sulfo-1-naphthalenyl]azo]-5-nitro-, trisodium salt.	46 FR 20770 (4/7/81)	June 3, 1981.
[1]80-357	Benzoic acid, 2-[[-amino-6-[[4'-([5-[(2,5-disulfophenyl)-azo]-1-hydroxy-6-(phenylamino)-3-sulfo-2-naphthalenyl)azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]-azo[-5-hydroxy-7-sulfo-1-naphthalenyl]azo-5-nitro-,tetrasodium salt.	46 FR 20770 (4/7/81)	June 3, 1981.
81-114	Generic name: Modified expoxy resin	46 FR 20765 (4/7/81)	June 4, 1981.
81-115	1,4-Cyclohexanedimethanol, 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 1,3-benzene dicarboxylic acid polymer.	46 FR 20765 (4/7/81)	June 4, 1981.
81-116	Generic name: Substituted hydroxy ether of an alkanoic acid ester	In preparation	June 7, 1981.
81-117	Generic name: (Substituted cycloaliphatic ether) hydroxy alkyl ester	do	June 7, 1981.
81-118	Generic name: Polyurethane polyisocyanate silane	do	June 7, 1981.
81-119	Generic name: Alkyl aluminum halide	do	June 7, 1981.
81-120	Generic name: Alkyl aluminum halide	do	June 7, 1981.
81-121	Generic name: Polyacrylocarbamoyl alkyl silane	do	June 7, 1981.
81-122	Generic name: Isocyanatodisilane substituted polyester	do	June 7, 1981.
81-123	Fatty acids, C_{18}-unsaturated dimers, light fractions reacted with 1,3-butanediol ethoxylate	do	June 7, 1981.
81-124	Generic name: Substituted anisole	do	June 9, 1981.
81-125	Generic name: Benzophenol tetracarboxylic dianhydride polymide	do	June 8, 1981.
81-126	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	do	June 14, 1981.
81-127	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	do	June 14, 1981.
81-128	Generic name: Unsaturated alicyclic ether	do	June 14, 1981.
81-129	Polymer of: Styrene, isobutyl acrylate, hydroxy ethyl acrylate, acrylic acid, ter. butyl perbenzoate, dimethyl ethanol amine.	do	June 14, 1981.
81-130	Generic name: Unsaturated alicyclic alcohol	do	June 14, 1981.
81-131	Generic name: Allylglycidyl ether polyol resin	do	June 15, 1981.
81-132	Generic name: Maleic anhydride-based unsaturated polyester resin modified with mixed phthalic acid.	do	June 15, 1981.
81-133	Generic name: Unsaturated carboxylic amide	do	June 15, 1981.
81-134	Generic name: Unsaturated carboxylic amide-carboxylic acid	do	June 15, 1981.
81-135	Generic name: Acrylic polymer	do	June 15, 1981.
81-136	Generic name: Water-borne, linseed acid based modified alkyd	do	June 16, 1981.
81-137	Generic name: Polymer of a substituted polypropylene oxide and a substituted cyclic alkanediol	do	June 16, 1981.
81-138	Generic name: Acrylate-nitrogen hereocycle copolymer	do	June 21, 1981.
81-139	Polymer of carbomonocyclic acids, carbomonocyclic anhydride and modified vegetable oil	do	June 21, 1981.
81-140	Polymer of an alkanediol, aliphatic dicarboxylic acid, and an aromatic dicarboxylic acid	do	June 21, 1981.
81-141	4,*N*,*N*-Diethylaminobenzene diazonium sulfonate salt	do	June 23, 1981.
81-142	4-(4-Morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt	do	June 23, 1981.
81-143	4-(4-Morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt	do	June 23, 1981.
81-144	4-(1-Pyrolidinyl)-3-methyl benzene diazonium sulfonate salt	do	June 23, 1981.
81-145	4-*N*,*N*-Dimethylaminobenzene diazonium sulfonate salt	do	June 23, 1981.
81-146	Organic amine salts of dihydrogen phosphate esters of mixed alcohol ranging from C_{14} to C_{28}	do	June 23, 1981.
81-147	Poly(oxy-1,4-butanediyl)alpha-hydro-omega-hydroxy, polymer with 1,1-methylene bis (4-isocyanatobenzene) and 2-hydroxyethyl-2-methyl-2-propenoate.	do	June 24, 1981.
81-148	Generic name: Carboxylic sulfonic acid salt	do	June 25, 1981.
81-149	Generic name: Styrene acrylic polymer	do	June 25, 1981.
81-150	Polyol reaction product with methylene bis (cyclohexyl isocyanate)-hydroxy propyl acrylate blocked.	do	June 25, 1981.
81-151	Copolymer of styrene and mixed alkyl acrylates	do	June 28, 1981.

Premanufacture Notices Monthly Status Report, March 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
	II. Premanufacture Notices Received Previously and Still Under Review at the end of the Month		
81-1	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride, and benzoic acid.	46 FR 12315 (2/13/81)	Apr. 2, 1981.
81-2	Water reducible siliconized alkyd resin	46 FR 11350 (2/6/81)	Apr. 2, 1981.
81-3	Methyl, bis (hydroxypropyl) tallow alkyl ammonium methyl sulfate	46 FR 11349 (2/6/81)	Apr. 2, 1981.
81-4	Polymer of maleic anhydride, phthalic anhydride, dicyclopentadiene, diethylene glycol, and adipic acid.	46 FR 12312 (2/13/81)	Apr. 2, 1981.
81-5	Generic name: Nylon	46 FR 12836 (2/18/81)	Apr. 2, 1981.
81-6	Polyster-amide polymer	46 FR 12836 (2/18/81)	Apr. 5, 1981.
81-7	Generic name: Modified resorcinol resin	46 FR 12314 (2/13/81)	Apr. 26, 1981.
81-8	Generic name: Urethane resin	46 FR 12314 (2/13/81)	Apr. 26, 1981.
81-9	Generic name: Silylated phosphonate	46 FR 11352 (2/6/81)	Apr. 13, 1981.
81-10	Generic name: Sodium salt of silylated phosphonate	46 FR 11352 (2/6/81)	Apr. 13, 1981.
81-11	Polymer of: Esterdiol 204; 1,6-hexanediol; neopentyl glycol; trimethytol propane; isophthalic acid and; and dibutyl tin oxide.	46 FR 11352 (2/6/81)	Apr. 13, 1981.
81-12	Generic name: Acrylic copolymer adhesive	46 FR 12104 (2/12/81)	Apr. 13, 1981.
81-13	C_{14-22} Polypropylene ether	46 FR 12836 (2/18/81)	Apr. 13, 1981.
81-14	Polymer of tetrabromophthalic anhydride, isopthalic acid, ethylene glycol, propylene glycol, and maleic anhydride.	46 FR 12315 (2/13/81)	Apr. 15, 1981.
81-15	Polymer of tetrabromopthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and fumaric acid.	46 FR 12315 (2/13/81)	Apr. 15, 1981.
81-16	Generic name: Reaction product of an epoxy and a substituted amine	46 FR 13018 (2/19/81)	Apr. 15, 1981.
81-17	Generic name: Ploymer of methacrylic acid, alkyl methacrylate, alkyl acrylate, and an acrylic acid derivative.	46 FR 13018 (2/19/81)	Apr. 15, 1981.
81-18	Maleic half ester of ethoxylated aliphatic alcohol emulsifier	46 FR 12104 (2/12/81)	Apr. 14, 1981.
81-19	Polymer of: Butyl acrylate, methyl acrylate, acrylonitrite, 2-hydroxyethyl acrylate, and acrylic acid	46 FR 12836 (2/18/81)	Apr. 15, 1981.
81-20	Generic name: Sodium salts of *N*-methylene phosphonic acids of a complex substituted amine mixture (forecut from the fractionation of a crude carboheterocycle) consisting principally of 2-2'-substituted *bis* ethyl amine.	46 FR 16118 (3/11/81)	Apr. 19, 1981.
81-21	Generic name: halogenated conjugated diene, polymer with haloalkyl benzene, and alkenoic acid	46 FR 16123 (3/11/81)	Apr. 19, 1981.
81-22	1,3-Bis(4-hydroxybutyl)-1,3-didecyldimethyl disioxane	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-23	Di(hydrogenatedtallowalkyl)-quaternary ammonium compounds	46 FR 16125 (3/11/81)	Apr. 21, 1981.
81-24	Ditallowalkylquaternary ammonium compounds	46 FR 16125 (3/11/81)	Apr. 21, 1981.
81-25	Generic name: Derivatized copolymer of acrylic acid and *N*-(1,1-dimethyl-3-substituted butyl) acrylamide.	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-26	Generic name: Polyfluorohydrocarbon-methacrylic copolymer	46 FR 14952 (3/3/81)	Apr. 21, 1981.
81-27	Generic name: Alkyd resin 342–45	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-28	Generic name: Alkyd resin 343–42	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-29	Generic name: Reaction product olefins, vegetable oil, and sulfur	46 FR 16118 (3/11/81)	Apr. 22, 1981.
81-30	Generic name: Polyester resin derived from a mixture of phthalic acids with alkylene glycols and lighter polyols.	46 FR 16118 (3/11/81)	Apr. 22, 1981.
81-31	Generic name: Polyurethane polyacrylic block polymer	46 FR 14952 (3/3/81)	Apr. 22, 1981.
81-32	Generic name: (Substituted phenoxy) alkanoic acid	46 FR 16118 (3/11/81)	Apr. 22, 1981.
81-33	Generic name: Tetrahydroacridinone	46 FR 14952 (3/3/81)	Apr. 26, 1981.
81-34	Generic name: Acridinone	46 FR 14952 (3/3/81)	Apr. 26, 1981.
81-35	Generic name: *N*-Methylene phosphonic acids of complex substituted amine mixture (a forecut from the fractionation of a crude carboheterocycle) consisting principally of 2,2'-substituted *bis* ethyl amine.	46 FR 16118 (3/11/81)	Apr. 19, 1981.
81-36	Alkyl acid phosphorous esters	46 FR 16118 (3/11/81)	Apr. 28, 1981.
81-37	Methylenebis-(diisophopylaniline)	46 FR 19076 (3/27/81)	Apr. 28, 1981.
81-38	Bicylo[3,2,1]octan-8-ol, 1,5-dimethyl-, acetate bicylo[3,3,0]-octan-2-ol, 1,5-dimethyl-,acetate bicylo[3,3,1]nonan-1-ol, 5-methyl-, acetate.	46 FR 16123 (3/11/81)	Apr. 28, 1981.
81-41	5-Methyl-4*H*-1,2,4-triazole-3-selenol 1,2-dihydro-5-methyl-3*H*-1,2,4-triazole-3-selone	46 FR 16123 (3/11/81)	Apr. 30, 1981.
81-42	Generic name: (Substituted-phenoxy)alkanoic acid, alkyl ester	46 FR 15944 (3/10/81)	Apr. 30, 1981.
81-43	Generic name: Chromophore substituted poly (oxypropylene)	46 FR 16123 (3/11/81)	Apr. 30, 1981.
81-44	3,4,5,6-Tetrahydro-2(1*H*)pyrimidinone	46 FR 16123 (3/11/81)	May 3, 1981.
81-45	Generic name: Polyester(1,4-butanediol/isophthalic acid, dimethyl ester/poly(oxyethylene/oxypropylene/terephthalic acid, dimethyl ester).	46 FR 16125 (3/11/81)	May 3, 1981.
81-46	Generic name: Neuralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	May 3, 1981.
81-47	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	May 3, 1981.
81-48	Generic name: Substituted polyamine	46 FR 15944 (3/10/81)	May 3, 1981.
81-49	Generic name: Sodium poly-4-vinyl-phenol-formaldehyde condensate	46 FR16319 (3/12/81)	May 5, 1981.
81-51	Polymer of tall oil fatty acids, neopentyl glycol, pentaerythritol, isophthalic acid, and benzoic acid	46 FR 16319 (3/12/81)	May 4, 1981.
81-53	Generic name: Ester of salicylic acid	46 FR 16319 (3/12/81)	May 10, 1981.
81-54	Generic name: Disazo dye	46 FR 16319 (3/12/81)	May 10, 1981.
81-55	Generic name: Acrylate urethane oligomer	46 FR 16933 (3/16/81)	May 10, 1981.
81-56	Generic name: Polymer of substituted alkanediol, carbomonocyclic anhydride, and substituted alkanoic ester.	46 FR 16933 (3/16/81)	May 10, 1981.
81-57	Acetamide, *N*-[4-((2-hydroxyethyl)sufonyl-2-methoxy 5-methylphenyl]	46 FR 16931 (3/16/81)	May 10, 1981.
81-58	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	May 10, 1981.
81-59	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	May 10, 1981.
81-60	Resin from alkali refined safflower oil, neopentyl glycol, trimethylolpropane, isophthalic acid, dimethylolpropionic acid, and isophorone diisocyanate.	46 FR 16931 (3/16/81)	May 10, 1981.
81-62	Generic name: Polyester-polyether copolymer reaction product with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 16936 (3/16/81)	May 11, 1981.
81-63	Isocyanic acid, tetramethylene bis-(oxytrimethylene)ester	46 FR 16931 (3/16/81)	May 11, 1981.
81-64	Generic name: Polymer of neopentyl glycol, adipic acid, trimellitic anhydride, and an aromatic aliphatic ester.	46 FR 16933 (3/16/81)	May 11, 1981.
81-65	Generic name: Disubstitutedniltrobenzene	46 FR 16933 (3/16/81)	May 11, 1981.
81-66	Generic name: Bis[(Substituted)-aminophenyl)-substituent	46 FR 16933 (3/16/81)	May 11, 1981.
81-67	Generic name: Bis[(Substituted)-nitro-phenyl]substituent	46 FR 16933 (3/16/81)	May 11, 1981.
81-68	Generic name: Sodium salt of disulfonated alkylaromatic	46 FR 16931 (3/16/81)	May 12, 1981.
81-69	Generic name: Benzophenone tetracarboxylic dianhydride copolyimide	46 FR 19075 (3/27/81)	May 12, 1981.
81-70	Generic name: 2-Methyl-2-propenioc acid, polycyclohexyl ester	46 FR 16936 (3/16/81)	May 14, 1981.
81-71	Generic name: Alkenylpyrolidinedione	46 FR 19075 (3/27/81)	May 14, 1981.
81-72	2-2-Chloro-6-cyano-4-nitrophenylazo)-5-[di(*n*-pentyl)amino] acetoanilide	46 FR 19305 (3/30/81)	May 14, 1981.
81-73	Generic name: *N*-(Tetrasubstitutedphenyl)-acetamide	46 FR 19307 (3/30/81)	May 14, 1981.
81-74	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-75	2,2,4-Trimethyl-1,3-pentanediol, 1,6-hexanediol, isophthalic acid, terephthalic acid and dibutylin oxide.	46 FR 19305 (3/30/81)	May 19, 1981.
81-76	Soya bean oil and polymer of bisphenol A, *p*-tert-butylphenyl, formaldehyde	46 FR 19305 (3/30/81)	May 19, 1981.

Premanufacture Notices Monthly Status Report, March 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-77	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-78	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-79	Generic name: Polyurethane from substituted alkanols and an aromatic diisocyanate	46 FR 19307 (3/30/81)	May 19, 1981.
81-80	Generic name: Trisubstitutedbenzenamine	46 FR 19307 3/30/81)	May 14, 1981.
81-81	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-82	Generic name: Neutralized polymer of styrene, acrylic acid, alkyl acrylate, and alkyl methacrylate	46 FR 19312 (3/30/81)	May 19, 1981.
81-83	Generic name: Copolymer of dibasic aliphatic and substituted dibasic aromatic carboxylic acids with glycols.	46 FR 19307 (3/30/81)	May 19, 1981.
81-84	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-85	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-86	Generic name: Disubstitutedbenzenamine hydrochloride	46 FR 19307 (3/30/81)	May 14, 1981.
81-87	Generic name: Polyether urethane-acrylate blocked	46 FR 19303 (3/30/81)	May 19, 1981.
81-88	Generic name: Substituted transition metal oxide	46 FR 19312 (3/30/81)	May 20, 1981.
81-89	Generic name: Epoxy resin/substituted amine adduct	46 FR 20763 (4/7/81)	May 21, 1981.
81-90	Generic name: Oxime blocked polyurethane prepolymer, waterborne	46 FR 19314 (3/30/81)	May 21, 1981.
81-91	Generic name: Hydroxy aryl ether ester of alkenoic acid	46 FR 19314 (3/30/81)	May 21, 1981.
81-92	Lithium-lime-hydrogenated castor oil-tallow-naphthenic acid	46 FR 19314 (3/30/81)	May 19, 1981.
81-93	Acrylic alkenyl ester polymer	46 FR 19314 (3/30/81)	May 27, 1981.
81-94	Polymer of: *D*-glucose; acetic acid; propanoic acid, 2-oxo, arabinose; *D*-mannose, 6-deoxy; *D*-glucuronic acid, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 19314 (3/30/81)	May 27, 1981.
81-95	Polymer of: *D*-glucose; succinic acids; propanoic acid, 2-oxo; and galactose, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 19314 (3/30/81)	May 27, 1981.
81-96	Oxidized soy isolate	46 FR 19303 (3/30/81)	May 27, 1981.
[2] 80-308	(Cuprate(3-),[3-[[5-hydroxy-4-[[1-hydroxy-6-(phenylamino)-4-sulfo-2-naphthalenyl]azo]-2-methylphenyl]azo]-1,5-naphthalenedisulfonato-(5)], arisodium.	46 FR 20770 (4/7/81)	May 27, 1981.
[2] 80-309	(Cuprate(6-),[u-[[3,3'-iminobis[[[-hydroxy-3-sulfo-6,2-naphthalendiyl]azo(5-hydroxy-2-methyl-4-,1-phenylene)azo]]bis[1,5-naphthalene-disulfonato]](10-1)]dihexasodium.	46 FR 20770 (4/7/81)	May 27, 1981.

III. Premanufacture Notices for Which the Notice Review Period Has Expired During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

80-341	*N-N'*-Nonanedioyl-bis[3,4,5,6-tetrahydro-2(1*H*)pyrimidinone]	46 FR 2717 (1/12/81)	Mar. 1, 1981.
80-342	Diisodecyl dimerate	46 FR 2713 (1/12/81)	Mar. 1, 1981.
80-343	1,6-Hexanediamine, distillation residues- amines, C_{++} alkyl di-and C_5 cyclic di- dichloroethane-epichlorohydrin polymer.	46 FR 6065 (1/21/81)	Mar. 1, 1981.
80-344	Generic name: Metal resinate	46 FR 8710 (1/27/81)	Mar. 1, 1981.
80-345	Generic name: Dialkyl trithiocarbonate	46 FR 5058 (1/19/81)	Mar. 2, 1981.
80-346	Ferrous complexed sulfonated tannin	46 FR 8718 (1/27/81)	Mar. 2, 1981.
80-347	Generic name: Metal amine propanol complex	46 FR 11026 (2/5/81)	Mar. 3, 1981.
80-348	Sunflower oil, polymer with pentaerythritol phthalic anhydride, soybean oil, and trimethylol ethane	46 FR 5058 (1/19/81)	Mar. 8, 1981.
80-349	Sunflower oil, polymer with benzoic acid, pentaerythritol, and isophthalic acid	46 FR 5058 (1/19/81)	Mar. 8, 1981.
80-350	Rosin polymers with glycerol, phthalic anhydride, and sunflower oil	46 FR 5058 (1/19/81)	Mar. 8, 1981.
80-351	Generic name: Substituted alkanoic acid, alkyl ester	46 FR 8718 (1/27/81)	Mar. 8, 1981.
80-352	Generic name: Polymer of: Acylic acid, styrene, substituted alkyl acrylates, and alkyl mercaptan	46 FR 8711 (1/27/81)	Mar. 8, 1981.
80-353	Generic name: Polymer of: An isocyonate and mixture of aliphatic polyols	46 FR 8710 (1/27/81)	Mar. 10, 1981.
80-354	Generic name: Polyester polymer of aliphatic polyols, aromatic diacid, and aliphatic diacid	46 FR 8105 (1/26/81)	Mar. 10, 1981.
80-355	Generic name: (p-Dialkylamino phenyl)-diaryl heterocycle	46 FR 1126 (2/5/81)	Mar. 10, 1981.
80-358	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin	46 FR 8714 (1/27/81)	Mar. 11, 1981.
80-359	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin	46 FR 8714 (1/27/81)	Mar. 11, 1981.
80-360	2-Propanol, 1-methoxy-acetate	46 FR 12308 (2/13/81)	Mar. 12, 1981.
80-361	Formaldehyde, polymer with *N*-(3-aminopropyl)-1,3-propane diamine, (chloromethyl)oxirane, and phenol.	46 FR 8716 (1/27/81)	Mar. 15, 1981.
80-362	A resin from bisphenol A-epichlorohydrin copolymer bisphenol A, linseed oil fatty acids, tall oil fatty acids, styrene, and acrylic acid.	46 FR 8104 (1/26/81)	Mar. 15, 1981.
80-364	Generic name: Monoethanol amide of long chain fatty acid	46 FR 8717 (1/27/81)	Mar. 15, 1981.
80-365	Calcium sodium ethylenediamine tetrakis (methylenephosphonate)	46 FR 5058 (1/19/81)	Mar. 15, 1981.
80-366	1-Propanaminium, *N,N*-dimethyl, *N*-ethyl-3-[(1-oxoco-coalkyl)amino]-, ethylsulfate	46 FR 11354 (2/6/81)	Mar. 16, 1981.
80-367	Generic name: Vegetable fatty acid modified polyester	46 FR 11354 (2/6/81)	Mar. 18, 1981.
80-368	Generic name: Alkenylsuccinic acid, monoester	46 FR 12307 (2/13/81)	Mar. 19, 1981.
80-369	Generic name: Polyester di-urethane methacrylate resin based on the reaction of a dialkyl diol/adipic acid polyester diol with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 12836 (2/18/81)	Mar. 23, 1981.
80-370	Generic name: Aliphatic triol	46 FR 12304 (2/12/81)	Mar. 22, 1981.
80-371	(Alkyl)halothiophosphate	46 FR 12310 (2/13/81)	Mar. 24, 1981.
80-372	Halogenated diphenyl sulfide	46 FR 12310 (2/13/81)	Mar. 24, 1981.
80-373	Generic name: Reaction product of 4-nitrosophenol hydroxybenzene and an oxo alkane with sodium sulfide (NA_x $[S_x]$).	46 FR 12104 (2/12/81)	Mar. 23, 1981.
80-374	Generic name: 4-(Trifluoromethyl)-2-chloro-1-(3-substituted phenoxy) benzene derivative	46 FR 12309 (2/13/81)	Mar. 23, 1981.
80-375	Generic name: Polymer of methacrylic acid, alkyl acrylate, alkyl methacrylate, and an acrylic acid derivative.	46 FR 12312 (1/13/81)	Mar. 23, 1981.
80-376	Generic name: Urethane prepolymer	46 FR 11350 (2/6/81)	Mar. 23, 1981.
80-377	Polymer of: 1,2-ethanediol; 2,5-furandione; 1,3-isobenzo-furandione; 1,2-propanediol; and 32,4,7,72-tetrahyydro-4,7-methano-1*H*-indene.	46 FR 11349 (2/6/81)	Mar. 23, 1981.
80-378	Generic name: *N*-(Substituted)-*N*-(substituted) acetamide	46 FR 12312 (2/13/81)	Mar. 24, 1981.
80-379	Generic name: Organosilicon polymer	46 FR 12310 (2/13/81)	Mar. 24, 1981.
80-380	Generic name: 4-Substituted(substituted benzene)	46 FR 11350 (2/6/81)	Mar. 29, 1981.
80-381	1-Substituted-4-(substituted heteromonocyclic)benzene	46 FR 11350 (2/6/81)	Mar. 29, 1981.
80-382	Generic name: Adipic acid, 1,2-propanediol, monocarboxylic acid polyester	46 FR 12305 (2/13/81)	Mar. 29, 1981.
80-383	Ammonium dilinoleate	46 FR 11349 (2/6/81)	Mar. 29, 1981.

[1] Received by EPA Dec. 10, 1980. 90-day review period started March 5, 1981.
[2] Received by EPA Oct. 10, 1980. 90-day review period started Feb. 26, 1981.

IV. Chemical Substances for Which EPA Has Received a Notice of Commencement To Manufacture

PMN No.	Submitter	Chemical identification	FR citation
80-93	Claimed confidential business information (CBI)	4,7-Methane-1*H*-inden-5-ol 3a,4,5,6,7,7a hexahydro dimethyl	45 FR 34998 (5/23/80).
80-94	Du Pont de Nemours	Polymer of *d*-glucose; acetic acid; propanoic acid, 2-oxo, arabinose; *d*-mannose; *L*-mannose, 6-deoxy; *d*glucuronic acid, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	45 FR 34998 (5/23/80).

PMN No.	Submitter	Chemical identification	FR citation
80-95	do	Polymer of *d*-glucose; succinic acid; propanoic acid, 2-oxo; and galactose, mixed ammonium, calcium, potassium, and sodium salt.	45 FR 34998 (5/23/80).
80-96	do	Generic name: Oxidized soy kolate	45 FR 34998 (5/23/80).
80-97	do	Generic name: Bis(substituted carbomonocyclic) substituted carbopolycycle	45 FR 34998 (5/23/80).
80-163	do	Monosubstituted dialkyl aniline	45 FR 51910 (8/5/80).
80-164	do	Disubstituted indole	45 FR 51910 (8/5/80).
80-196	do	Alkenal, ethyl-(trimethyl monocyclic)	45 FR 59196 (9/8/80).
80-197	do	Trimethyl monocyclic ethyl alkenol	45 FR 59196 (9/8/80).
80-208	CBI	2-Oxepanone, polymer with 1,4-butanediol, 1,3-diisocyanatomethyl benzene, and (2-hydroxyethyl)-2-propenoate.	45 FR 59200 (9/8/80).
80-244	Toms River Chemical	1-Nitronapthalene-6-sulfonic acid, potassium salt	45 FR 65029 (10/1/80).
80-245	do	1-Nitronapthalene-7-sulfonic acid, potassium salt	45 FR 65029 (10/1/80).
80-250	CBI	Polymer of Propylene glycol, lithium hydroxide, ethylene glycol terephthalic acid polymer, phthalic anhydride, and maleic anhydride.	45 FR 65684 (10/3/80).
80-255	Sybron Corp.	1-Octanamine, *N,N*-dimethyl-phosphate salt	45 FR 67751 (10/14/80).
80-257	CBI	Unsaturated branched chain hydrocarbon having 10 carbon atoms	45 FR 67761 (10/14/80).
80-258	CBI	Unsaturated branched chain ketone having 12 carbon atoms	45 FR 67761 (10/14/80).
80-317	CBI	Polymer of modified resin esters and mixed oils	45 FR 83023 (12/17/80).
80-329	Du Pont de Nemours	Generic name: Salt of fatty acids dimer	45 FR 83022 (12/17/80).
80-343	CBI	Polymer of 2,2,4-trimethyl-1,3-pentanediol, trimethylol propane, succinic anhydride, trimellitic anhyride, adipic, isophthalic acid.	46 FR 6065 (1/21/81).
80-346	CBI	Ferrous complexed sulfonated tannin	46 FR 8718 (1/27/81).
80-348	Mobil Chemical Co.	Sunflower oil, polymer with pentaerythritol, phtalic anhydride, soybean oil, and trimethylolethane.	46 FR 5058 (1/19/81).
80-349	do	Sunflower oil, polymer with benzoic acid, isopthalic acid, and pentaerythritol	46 FR 5058 (1/19/81).
80-350	do	Rosin polymers with glycerol, pythalic anhydride, and sunflower oil	46 FR 5058 (1/19/81).
81-3	CBI	Methyl, bis (hydroxy propyl) tallowalkyl ammonium methyl sulfate	46 FR 11349 (2/6/81).
81-36	CBI	Alkyl acid phosphorus esters	46 FR 16118 (3/11/81).
81-49	CBI	Generic name: Sodium poly-4-vinyl-phenol-formaldehyde condensate	46 FR 16319 (3/12/81).

[FR Doc. 81-13186 Filed 4-30-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51254; TSH-FRL 1815-6]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81-150—May 26, 1981.

PMN 81-152—May 31, 1981.

PMN 81-153, 81-154, 81-155, 81-156—June 1, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager and telephone	Room No.
81-150	Kirk Maconaughey, (202-426-2601)	E-210.
81-152	Carrie Berlin, (202-426-2532)	E-711C.
81-153	Karen Blumenfeld, (202-472-3316)	E-629B.
81-154	George Bagley, (202-426-2601)	E-210.
81-155 and 81-156.	Michael Brown, (202-755-1150)	E-335.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 20604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the initial Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy publish in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must published in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic

name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitiled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. IF EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES," submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51254]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-150

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 25, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—In excess of $500 million.

Manufacturing site—South Atlantic, U.S.

Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyol reaction product with methylene bis (cyclohexyl isocyanate)-hydroxy propyl acrylate blocked.

Use. Paper and floor coatings.

Product Estimates. Claimed confidential business information.

Physical/Chemical Properties

Vapor pressure at 25° C—0-1^{-3} torr.
Density—>1.0 g/cc.
Solubility at 25° C toluene—<20 g/l.
Freezing point—<0° C.
Boiling point—Does not boil.

Toxicity Data

Acute oral toxicity (rats)—At 5.0 g/kg of body weight (bw): 0% motatlity: 95% confidence interval of 0-27%

Acute dermal toxicity (rabbits)—At 2.0 g/kg of bw: 0% mortality; 95% confidence interval of 0-27%.

Exposure. The manufacturer states that the substance will be manufactued in a closed system; that 4 workers may be exposed dermally 1 hr/da; 15-50 da/yr at a peak concentration of 0-1 ppm.

Environmental Release/Disposal. The submitter states that there will be no release of the new chemical into the environment.

PMN 81-152

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—Approximately $450 million.

Manufacturing site—South Atlantic, U.S.

Standard Industrial Classification Code—282.

Specific chemical Identity. Claimed confidential business information. Generic name provided: Poly(ester)-Co-poly (hydanton polyether).

Use. Claimed confidential business inforamtion. Category of use: Commercial and consumer textile fiber.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. The manufacturer states that fibers made from the PMN polymer subjected to repeated insult patch tests were found to be completely non-toxic in terms of contact sensitization and primary skin irritation.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information. Disposal of small amounts of inert polymer, if any, will be through the manufacturer's owned and operated, non-hazardous waste, state approved sanitary landfill.

PMN 81-153

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 1, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—Between $100 million and $500 million.

Manufacturing site—Mid-Atlantic, U.S.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted alkadienal.

Use. Claimed confidential business information. The manufacturer states that the PMN substance will be in an open use. Its use will involve exposure to commercial and chemical industry employees with limited potential for skin and eye contact. The use will also involve exposure to consumers as part of a mixture for varying time periods with intended skin contact.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	50	200
1982	200	700
1983	700	2,500

Physical/Chemical Properties

Appearance—Pale yellow to water white.

Physical state at room temperature—Liquid.

Boiling point—83° C/3 mm Hg.

Toxicity Data

Acute oral toxicity (rats)—LD_{50}>5 ml/kg.

Acute dermal toxicity (rats)—LD_{50}>5 ml/kg.

Skin irritation (guinea pigs)—No reaction under full occlusion at 2% in ethanol.

Sensitization (guinea pigs)—No reaction under full occlusion at 1% in ethanol.

Phototoxicity—Not phototoxic at 10% methanol. (In vitro phototoxicity assay).

Human repeated insult patch test—Non-irritating and non-sensitizing. (1% Alc.SD39C).

Exposure. The manufacturer states that during manufacture, 10 workers could be exposed through the skin and by inhalation, 24 hr/da, 10 da/yr at an average concentration of 1 ppm when transferring the crude and distilled product. Exposure in excess of 1 ppm concentration would result only during accidential contact. Maximum consumer exposure would be about 0.1 mg/kg/day by the dermal route.

Environmental Release/Disposal. The submitter claims that less than 50 kg/yr of the new substance will be released into the environment. Any product in process effluent streams will be treated at the on-site effluent treatment plant resulting in no release to the environment.

PMN 81-154

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 1, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl epoxide, reaction products with inorganic acid.

Use. Claimed confidential business information. Generic use—lubricant additive.

Production Estimates. Claimed confidential business information.

Physical Properties. Claimed confidential business information.

Toxicity Data

Estimated oral LD_{50} (rats)—>16.0 g/kg.

Primary skin irritation index (rabbits)—1.13

Primary eye irritation (rabbits)—0.0, 0.0, 0.0, 0.0, 0.0 at 24, 48 and 72 hours, 5 and 7 days, respectively.

Exposure. Claimed confidential business information.

Environmental Release. Claimed confidential business information.

PMN 81-155

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—In excess of $500 million.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane oligomer.

Use. Claimed confidential business information. The manufacturer states that the new chemical will be used as intermediate for the manufacturer of coatings.

Production Estimates. Claimed confidential business information.

Physicial/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The submitter states that 6 workers could be exposed to the new substance during processing and disposal. Exposure will be as a result of accidential spills.

Environmental Relcase/Disposal. The manufacturer claims that the new substance will not be released into the environment during use. Waste disposal, if needed, will be by burning or in an approved disposal site.

PMN 81-156

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Manufacturing site—Mid-Atlantic, U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Neutralized polymer of sytrene, an alkeneoic acid, and an alkeneoic ester.

Use. Claimed confidential business information. The manufacturer states that the substance will be used in an open use that will release more than 50 but less than 5,000 kg/yr to the environment. There will be a potential skin and eye exposure to chemical industry and non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	12,500	50,000
2d year	50,000	100,000
3d year	100,000	125,000

Physical/Chemical Properties

Percent total solids—25.2 percent at 105° C.; 25.00 percent at 150° C.

pH—8.8.

Viscosity—6,800 cps.

MEQ/g acid—0.408.

MEQ/g base—0.419.

Weight/gallon—8.67 lbs.

Flash point—>191° F.

(Values are determined on a solution of the new substance at percent total solids indicated).

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information. The manufacturer states that during manufacture and processing of the new substance, a total of 78 workers could have skin and eye exposure 6 hr/da, 4-46 da/yr during extraction of small samples of the product for quality control, during drumming of the final product for shipment, and during transfer from drums to process equipment.

In a typical user's site, 6 workers could have skin, eye, and inhalation exposure, 8 hr/da, 250 da/yr with average and peak concentrations of 0-1 mg/m^3.

Environmental Release/Disposal. The manufacturer states that during the manufacture and processing of the new chemical, less than 60 kg/yr may be released into the air and water, and up to 2,100 kg/yr to land.

Sluge and other organic waste are either landfilled, incinerated, or sold as fuel.

[FR Doc. 81-13185 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51253; TSH-FRL 1815-7]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN)

to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81–138, 81–139, 81–140—May 22, 1981.

PMN 81–146—May 24, 1981.

PMN 81–147—May 25, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager and telephone	Room No.
81–138, 81–139, and 81–140.	Kathleen Ehrensberger (202–472–3376).	E–335.
81–146	Rick Green (202–426–8815)	E–208.
81–147	Rachel Diamond (202–426–8816)	E–221.

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 20604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will public the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES," submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51253]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–138

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—Between $500 million and $1 billion.

Manufacturing site—Middle Atlantic U.S.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylate-nitrogen-hereocycle copolymer.

Use. Claimed confidential business information. The manufacturer states that the PMN substance will be used as pressure-sensitive adhesive (psa).

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Minimum average molecular weight—150,000.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that one to two manufacturing workers could have incidental skin exposure to the new chemical 1–2 hr/da, 30 da/yr during blending or packaging operations and during the transfer of the adhesive from drums into dispensing equipment.

Environmental Release/Disposal. No data were submitted.

PMN 81-139

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of carbomonocyclic acids, carbomonocyclic anhydride, and modified vegetable oil.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 5,000 but less than 50,000 kg/yr into the environment with potential skin and eye exposure for chemical industry employees and potential skin, eye, and inhalation exposure for non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	22,000	120,000
2d year	44,000	175,000
3d year	110,000	260,000

Physical/Chemical Properties

Acid value—5.
Weight non-volatile—65%.
Bubble viscosity—Z3.
Color—10 maximum.
Flash point—80° F.
(Values determined on liquid solution in xylene at the solids reported above.)

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 3 sites, 96 manufacturing and processing workers could have skin and eye exposure to the new chemical 4-6 hr/da, 8-132 da/yr during filtering, container filling, cleanup operations, and quality control sampling. At the site of a typical user, 15 workers using the new substance could have skin, eye, and inhalation exposure 4 hr/da, 250 da/yr.

Environmental Release/Disposal. The manufacturer states that at three sites, less than 60 kg/yr of the new chemical will be released into the air and water and up to 2,100 kg/yr into the land. Vapors are cleaned by a scrubber; sludge from distilled cleaning solvents is landfilled, sold as fuel, or incinerated. At the site of a typical user, less than 20 kg/yr will be released into the air and water and more than 10,000 into the land.

PMN 81-140

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site: Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of an alkanediol, aliphatic dicarboxylic acid, and an aromatic dicarboxylic acid.

Use. Claimed confidential business information. Generic use description provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 500 kg/yr into the environment with potential skin and eye exposure for chemical industry employees and potential skin, eye, and inhalation exposure for non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	3,000
2d year	5,000	10,000
3d year	8,000	20,000

Physical/Chemical Properties

Acid value—9.6 MEQ KOH/g.*
Hydroxyl value—104 MEQ KOH/g.
Weight solids—78.0%.
Viscosity—>2.
Color—1.
Flash point—>150° F.
(*Values determined on a solution of the new substance at percent total solids shown above).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 3 sites, 50 manufacturing and processing workers could have skin and eye exposure to the new substance 4 hr/da, 4-25 da/yr during filtering, container filling, cleanup, and quality control operations. At the site of a typical user, 15 workers using the new substance could have skin, eye, and inhalation exposure for 1 hr/da, 250 da/yr.

Environmental Release/Disposal. The manufacturer states that at three sites, less than 60 kg/yr of the new chemical will be released into the air and water and up to 300 kg/yr into the land. Reactor vapors are cleaned by a scrubber; sludge from distilled cleaning solvents is incinerated. At the site of a typical user, lesss than 20 kg/yr will be released into the air and water and up to 10,000 kg/yr into the land.

PMN 81-146

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 23, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing stie—East-South Central U.S.

Standard Industrial Classification Codes—284, "Surface Active Agents" and 286, End-use Textile Chemicals".

Specific Chemical Identity. Organic amine salts of di hydrogen phosphate esters of mixed alcohols ranging from C_{18} to C_{22}.

Use. The manufacturer states that the PMN substance will be used in a commercial use as textile antistatic, lubricant, and softener.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	25,000	75,000
1982	250,000	500,000
1983	500,000	1,000,000

Physical/Chemical Properties

Weight per gallon—7.4 lbs.
pH 5% aqueous solution—7.5±0.5.
Non-volatile—92%.

Toxicity Data. No data were provided.

Exposure. The manufacturer states that one manufacturing worker could have skin exposure 0.25 hr/da, 200 da/yr, during handling of the new chemical. One commercial user of the new substance as a textile finish would have weekly skin exposure.

Environmental Release/Disposal. The manufacturer states that only trace amounts resulting from small spills of the new chemical could be released into the air and land during 0.25 hr/da, 200 da/yr. Small spills are hosed into the sewer; larger spills are absorbed by saw dust and shoveled in disposal cans.

PMN 81-147

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 24, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Poly(oxy-1,4-butanediyl) alpha-hydro-omega-hydroxy, Polymer with 1,1-methylene bis (4-isocyanatobenzene) and 2-hydroxyethyl-2-methyl-2-propenoate.

Use. Claimed confidential business information.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1st year	500	1,000
By 1985		5,000

Physical/Chemical Properties

Vapor pressure—Nil.

Solubility—Water—nil. Acetone—soluble.

Molecular weight (Approx)—4,000 MW (end group analysis).

Viscosity at 22° C, Brookfield viscometer—>8 million cps.

Flashpoint (Seatflash)—>219° F.

Biodegradability—Very slow.

Toxicity Data. No data were provided. The manufacturer states that the toxicity of the PMN substance is expected to be low.

Exposure. The manufacturer states that one manufacturing worker could have inhalation exposure to the new substance during production of the new chemical; exposure is expected to be minimal because the vapor pressure of the component materials is low and because manufacture takes place in a closed system. The worker will wear protective gloves, goggles, and a respirator fitted with an organic vapor canister.

Environmental Release/Disposal. No data were submitted. The manufacturer states that reactor-cleaning solvents containing 4–5% of waste PMN substance per batch (max. 100 gal.) are drummed, and are then disposed of by a state-approved waste disposal company.

[FR Doc. 81-13184 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Emergency Management Agency Advisory Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act announcement is made of the following working committee meeting:

Name: Federal Emergency Management Agency Advisory Board.

Date of Meeting: May 7, 1981.

Place: Federal Emergency Management Agency National Operations Center, 1725 I Street, NW, Washington, D.C. 20472.

Time: 9:00 a.m. to 5:00 p.m.

Purpose and proposed agenda: Discussion by the director of modus operandi and issues in which the Advisory Board can help FEMA; interaction between FEMA and the White House, and others; internal discussion within group of the efforts undertaken by the Ad Hoc Task Force on Civil Defense; internal discussion as to issues and approaches by the Advisory Board to support the Director on policy decision-making; classified presentations.

The Director has determined that the board meeting should be closed because disclosure is likely to disclose matters that are specifically authorized to be kept secret in the interest of the national defense or foreign policy and are properly classified pursuant to Executive Order.

Dated: April 27, 1981.

George Jett,

General Counsel.

[FR Doc. 81-13204 Filed 4-30-81; 8:45 am]

BILLING CODE 6718-01-M

[Docket: FEMA-REP-5-MN-1; FEMA-REP-MN-2]

Minnesota Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the State of Minnesota has submitted its radiological emergency response plans to FEMA Region V office. These plans support the Northern States Power Company's Prairie Island Nuclear Generating Plant located in Goodhue County and Monticello Nuclear Generating Plant located in Wright County.

DATE: Plans Received: March 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Connor, Acting Regional Director, FEMA Region V, One North Dearborn Street, Chicago, Illinois 60602, (312) 353–1500.

NOTICE: In support of the Federal requirement for off-site emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response Plan for the State of Minnesota was received by the Federal Emergency Management Agency Region V office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Prairie Island Nuclear Generating Plant, plans are included for Goodhue County; for the Monticello Nuclear Generating Plant, plans are included for Wright and Sherburne Counties.

Copies of the Plan are available for review at the FEMA Region V Plans and Preparedness Division, Population Protection Section, Federal Center, Battle Creek, Michigan 49016. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 804 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Robert E. Connor, Acting Regional Director, at the above address on or before June 1, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Public meetings were held on the State and local jurisdiction plans for the Prairie Island plant on October 15, 1980, 8:00 p.m., Red Wing Public Library, Red Wing, Minnesota; and for the Monticello plant on January 8, 1981, 7:30 p.m., Monticello Hospital, Monticello, Minnesota.

Dated: April 27, 1981.

Robert E. Connor,

Acting Regional Director, FEMA Region V.

[FR Doc. 81-13205 Filed 4-30-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Advisory Council; Meeting

April 28, 1981.

Pursuant to Section 10(a) of Public Law 92–463, entitled the Federal Advisory Committee Act, notice is hereby given of the Meeting of the Federal Savings and Loan Advisory Council on Monday, June 8, Tuesday, June 9, and Wednesday, June 10, 1981. The meeting will commence at 1:00 p.m., Monday, June 8, 9:00 a.m., Tuesday, June 9, and 9:00 p.m., Wednesday, June 10. The meetings will be held at the Federal

Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C., Bank Board Conference Room, 6th Floor.

Monday, June 8, 1981

12:00 Noon—Lunch
1:00 p.m.—Method and Procedures of Infusing Private Capital into the Thrift Industry
Techniques to Preserve and Improve the Financial Structure of the Thrift Industry
Inter-State and Inter-industry Expansion and Diversification
Timeliness and Flexibility of Regulatory Decision Making for the Thrift Industry
Asset Flexibility for the Thrift Industry

Tuesday, June 9, 1981

9:00 a.m.—Continue Discussion of Monday Afternoon Session
12:00 Noon—Lunch
1:00 p.m.—General Discussion

Wednesday, June 10, 1981

9:00 a.m.—General Discussion
12:00 Noon—Adjourn.

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

Richard T. Pratt,

Chairman.

[FR Doc. 81-13317 Filed 4-30-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. T-3965]

Global Concorde Terminal, Stevedore and LCL Service Agreement; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3965 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. This agreement is between Global Terminal and Container Services, Inc. (Global) and Concorde Line, Inc. (Concorde). Under the terms of the agreement, Global would provide at its marine terminal facility located in the Port of New York stevedoring, cargo handling and terminal services for containers handled by Concorde.

This Finding of No Significant Impact (FONSI) will become final by May 21, 1981 unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 1101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-13202 Filed 4-30-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3968]

Lease Agreement Between the Port of Seattle and American President Lines, Inc.; Availability of Finding of No Significant Environmental Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3968 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Agreement No. T-3968 is a terminal lease agreement between the Port of Seattle (Port) and American President Lines, Ltd. (APL), involving a relocation of APL's principal operations from Terminal 25 to Terminal 46. Under the terms of this agreement, the Port would lease to APL 46.74 acres of improved ground area with, among other things, office buildings, container repair structures and ships berth. APL would also have preferential use of three Port-owned container cranes.

This Finding of No Significant Impact (FONSI) will become final by May 11, 1981 unless a petition for review is filed pursuant to 46 CFR 547.6(b)

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-13203 Filed 4-30-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Banks of Iowa, Inc.; Acquisition of Bank

Banks of Iowa, Inc., Des Moines, Iowa, 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 80 per cent or more of the voting shares of Fort Madison Bank & Trust Co., Fort Madison, Iowa. 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 May 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13187 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

CB Financial Corp.; Formation of Bank Holding Company

CB Financial Corporation, Jackson, Michigan, has applied for the Board's approval under sectioin 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less director's qualifying shares) of the successor by merger to City Bank and Trust Company, National Association, Jackson, Michigan. 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 May 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13190 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

First State Holding Co; Acquisition of Bank

First State Holding Company, Joplin, Missouri, 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 82 per cent of the voting shares of First National Bank, Sarcoxie, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 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, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13168 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Keewatin Bancorporation, Inc.; Formation of Bank Holding Company

Keewatin Bancorporation, Inc., Keewatin, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.7 percent of the voting shares of The First National Bank of Keewatin, Keewatin, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 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, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13169 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Kentucky Bank-Shares of Lexington; Formation of Bank Holding Company

Kentucky Bank-Shares of Lexington, Lexington, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Bank of Lexington, Lexington, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 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, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13170 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Mercantile Bancshares Corp.; Acquisition of Banks

Mercantile Bancshares Corporation, Baltimore, Maryland, 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 or more of the voting shares of the successor by merger to The Forest Hill State Bank, Forest Hill, Maryland, and the successor by merger to St. Michaels Bank, St. Michaels, Maryland. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the applications on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13171 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

National Bancshares Corporation of Texas; Acquisition of Bank

National Bancshares Corporation of Texas, San Antonio, 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 Republic National Bank of Austin, Austin, 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 May 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, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13172 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Red Oak Bancshares, Inc.; Formation of Bank Holding Company

Red Oak Bancshares, Inc., Red Oak, 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 percent or more of the voting shares of Red Oak State Bank, Red Oak, 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 May 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13191 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Southeastern National Bancshares of Pennsylvania, Inc.; Formation of Bank Holding Company

Southeastern National Bancshares of Pennsylvania, Inc., Malvern, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent or more of the voting shares, less directors' qualifying shares, of the successor by merger to National Bank of Pennsylvania, Malvern, Pennsylvania. 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 Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 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, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13173 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

United Bankshares, Inc.; Formation of Bank Holding Company

United Bankshares, Inc., Miami, Florida, 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 United National Bank of Miami, Miami, Florida. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 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, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13174 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Federal Reserve Bank of New York, et al.

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 23, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. CITICORP, New York, New York (consumer finance and insurance activities; California): to expand the service area of an existing office of its subsidiary, Citicrop Person-to-Person Financial Center, Inc., located in Walnut Creek, California, engaged in the following previously approved activities: the making of acquiring of loans and other extension or credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contract; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; and the servicing, for any person, of loans and other extensions of credit. The new activity in which the office purposes to engage *de novo* is: the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement which Citicrop Person-to-Person Financial Center, Inc. to the extent premissible under applicable state insurance laws and regulations. The previously approved service area of the office is comprised of Contra Costa and Alameda Counties. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

2. CITICORP, New York, New York (consumer finance and insurance activities; Louisiana): to expand the activities of an existing office of its subsidiary Citicorp Person-to-Person Financial Center, Inc., located in Baton Rouge, Louisiana, engaged in the

following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; and the servicing, for any person, of loans and other extensions of credit. The proposed new activity in which the office wishes to engage is the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations. The previously approved service area, comprised of the entire state of Louisiana, shall be the same for the new activity. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

B. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

BAYLOR BANCSHARES, INC., (mortgage and finance activities, Texas): Seymour, Baylor County, Texas, proposes to engage, through its subsidiary, Baylor Mortgage Co., Inc., in commercial real estate finance activities. These activities would be conducted from offices at 201 N. Washington St., Seymour, Texas. Applicant, Baylor Bancshares, Inc., will be the sole owner of all the outstanding stock, 10,000 shares, representing 100% of the voting privileges. Said stock will be sold at $25.00 per share, totaling $250,000. All stock will be common stock, with no other class available and will have a $1.00 (One Dollar) per share par alue. It is felt by the Applicant that this injection into the commercial real estate market within the designated trade area will certainly be a great assistance to the area. Currently, this segment of the finance business is served, on a limited basis, by the local banks and savings and loan associations, with a greater majority by individuals. Insurance companies, and other lenders of various sorts, have little or no interest in this type investment. The Federal Land Bank, Farmers Home Administration, and various insurance companies serve the agricultural community very well, along with the individual interest.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

SECURITY PACIFIC CORPORATION, Los Angeles, California (industrial loan, financing and credit-related life, accident and health insurance activities; Washington): to engage in financing and industrial loan and thrift company activities through its subsidiary, Security Pacific Industrial Loan Company, including making, acquiring and servicing loans and other extensions of credit; selling and issuing investment certificates; and acting as agent for the sale of credit-related life and credit-related accident and health insurance as authorized by Washington law. These activities would be conducted from offices of Security Pacific Industrial Loan Company in the cities of Bellevue and Tuckwila, Washington, serving the State of Washington.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13192 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-068]

Policy Statement on the Disposition of Income From the Sale of Credit Life Insurance

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statment.

SUMMARY: The Board has adopted a policy statement that generally prohibits individuals associated with a state member bank from personally profiting from credit life insurance sales and requires that income from this activity be credited to the state member bank. The policy statement, however, permits crediting such income to bank holding companies or other affiliated organizations, if the state member bank making the loan receives "reasonable compensation" for its role in selling credit life insurance. The policy statement also allows state member banks to permit their employees and officers to participate in the income from credit life insurance sales under a bonus or incentive plan not to exceed 5 percent of the recipient's annual salary. Finally, the policy statement requires complete compliance within two years of its effective date; however, there is provision for further extension in the case of clearly demonstrated hardship.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra Greene (202/452-2742), Division of Banking Supervision and Regulation, or Richard Whiting (202/452-3779), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On January 4, 1980, on behalf of the Board and its other member agencies, the Federal Financial Institutions Examination Council published for comment a joint notice of proposed Policy Statement on Disposition of Credit Life Insurance Income (45 FR 1152). The proposed policy statement addressed the longstanding financial practice whereby officers, directors and principal shareholders receive, either directly or indirectly, income derived from the sale of credit life, health or accident insurance in connection with loans made by the financial institution. The proposed policy statement stated the belief that this practice may constitute an unsafe and unsound financial practice. Accordingly, the proposed policy statement would have prohibited all insiders or affiliates of financial institutions from personally profiting from the sale of credit life insurance and would have required all such income to be credited to the financial institution's income account.

A large majority of the approximately 650 comments received opposed the policy statement as proposed. Most comments came from small state chartered banks located in the Midwest. Very few national banks submitted wholly negative comments, suggesting that they had adjusted without difficulty to a similar regulation promulgated by the Comptroller of the Currency in 1978. Few state banking associations opposed the policy statement, and no opposition came from state insurance commissioners. A number of small banks, and others applauded the policy statement. Similar sentiments of a general nature were expressed by larger banks and bank holding companies, although most bank holding companies urged a modification allowing holding company affiliates to receive credit life insurance income.

The principal criticisms of the proposed policy statement were: (1) it is unreasonable to label the insider retention of credit life income an "unsafe and unsound banking practice" when the practice is one of long

standing, is approved by the bank's board and has not been the cause of many bank failures; (2) to obtain competent management in small banks, it is necessary to provide an incentive in addition to salary; (3) unless loan officers share in the credit life premiums, they will have no incentive to mention the availability of credit life to borrowers; (4) receipt of credit life income will not cause a loan officer to make an unsound loan or coerce a borrower to purchase unneeded or unwanted credit life insurance; (5) the policy statement threatens the ability of individuals to buy bank stock and controlling ownership, thereby restricting the transfer of ownership of small institutions and the maintenance of local ownership-management and encouraging acquisition of banks by multibank holding companies; and, (6) the disposition of credit life income is more properly a responsibility of the bank's board of directors.

In light of these comments, the following significant changes have been made in the policy statement recommended by the Federal Financial Institutions Examination Council on December 31, 1980, and finally adopted by the Board.

1. The policy statement has been expanded to cover income from the sale of mortgage life insurance, a form of credit life insurance sold on mortgage loans.

2. A footnote has been added to make it clear that the policy statement does not intend to govern that portion of the insurance premium required to cover the underwriting risk.

3. The policy statement's first paragraph contains a new sentence permitting limited bonuses to be paid to officers and employees for credit life insurance sales. Allowing limited bonuses responds to the comment voiced by many financial institutions that an incentive is required to motivate loan officers to sell credit life insurance, while still reducing the potential for abusive sales practices.

4. The final policy statement reaffirms that credit life income should be credited solely to the state member bank's income accounts and not to individual employees, officers, directors, principal shareholders, their interests, or other affiliates. However, an exception allows credit life income to be credited to an affiliate operating under the Bank Holding Company Act or, in the case of an individual shareholder, to a trust for the benefit of all shareholders, provided that the financial institution is paid "reasonable compensation". This latter condition recognizes both the role of the state member bank in generating credit life insurance sales and the rights of any minority stockholders to share in the benefits of such sales. As a general rule, "reasonable compensation" should amount to a minimum of 20% of the net income attributable to the state member bank's credit life insurance sales. For example, where a bank holding company operates an insurance agency selling credit life insurance to both the bank's customers and to customers of the holding company's finance company subsidiary, the minimum reasonable compensation to the bank would be 20% of the net income from credit life sales related to loans made by the bank. If management feels that less than 20% should be the appropriate measure of compensation, it may discuss the matter with its principal federal regulator.

5. The last paragraph of the policy statement increase from one year to two years, the period within which compliance is to be achieved by the state member bank. While an additional year may not be necessary for most institutions to comply with the policy, an extra year will ensure that adequate time has been provided for virtually all institutions to be in compliance. The provision for hardship extensions beyond the initial implementation period is retained as well.

The policy statement is issued pursuant to the authority granted to the Board by section 11 of the Federal Reserve Act (12 U.S.C. 248) and the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b)).

Policy Statement on the Disposition of Income From the Sale of Credit Life Insurance

For the purposes of helping to preserve the safety and soundness of financial institutions, the Board of Governors of the Federal Reserve System, establishes the policies set forth below on the disposition of income [1] from the sale of credit life, health and accident, and mortgage life insurance ("credit life insurance") related to loans made by state member banks.

1. Individual employees, officers, directors and, principal shareholders of a state member bank should not personally profit by retaining commissions or other income from the sale of credit life insurance to the institution's loan customers. However, employees and officers may participate in a bonus or incentive plan under which payments based in whole or in part on credit life insurance sales are made in cash or in kind out of the state member bank's funds in an amount not exceeding in any one year 5% of the recipient's annual salary. Such payments may not be made to employees and officers more frequently than quarterly.

2. As an accounting and operations matter, income derived from credit life insurance sales to loan customers should be credited to the income accounts of the state member bank and not to the state member bank's individual employees, officers, directors, or principal shareholders, their interests, or other affiliates. However, such income may be credited to an affiliate operating under the Bank Holding Company Act or in the case of an individual shareholder, to a trust for the benefit of all shareholders, provided that the state member bank receives reasonable compensation in recognition of the role played by its personnel, premises and good will in credit life insurance sales.[2]

3. Where state insurance laws or other legal considerations preclude a financial institution from using a particular procedure for selling credit life insurance or from disposing of the income in a particular manner, a state member bank that wishes to provide this service to its loan customers shall seek and utilize an alternative method that complies with 1 and 2 above.

4. The proper method for the distribution to shareholders of income derived from credit life insurance is through a declaration of dividends in conformity with law, rule, regulation and prudent financial practices.

5. State member banks should be in compliance with 1 and 2 above within two years following publication in the **Federal Register** of this policy statement. Modifications beyond that time will be granted only where a clear hardship exists and satisfactory assurance is provided that compliance with 1 and 2 above will be achieved within an appropriate time period.

Regulatory Analysis of Policy Statement

The Board has adopted a policy statement that generally prohibits individuals associated with a state member bank from personally profiting from credit life insurance sales and requires that income from this activity be credited to the state member bank. The policy statement, however, permits

[1] "Income" includes commissions and experience rating credits; it does not refer to that portion of the premium required to cover the underwriting risk.

[2] As a general rule, "reasonable compensation" means an amount equivalent to at least 20% of the affiliate's net income attributable to the financial institution's credit life insurance sales.

crediting such income to bank holding companies or other affiliated organizations if the state member bank making the loan receives "reasonable compensation" for its role in selling credit life insurance. The policy statement also allows state member banks to permit their employees and officers to participate in the income from credit life insurance sales under a bonus or incentive plan not to exceed 5 per cent of the recipient's annual salary.

The policy statement as adopted is significantly different from the proposed policy statement, which constituted the principal alternative considered by the Board. As adopted, the policy statement in effect exempts bank holding companies and their affiliates from the prohibition against receiving income from the sale of credit insurance, except that "reasonable compensation" must be paid to the state member bank. Under the policy statement as proposed there existed no such exemption. The exemption was adopted after considering all comments received and, in light of this exemption, it is likely that the effect of the policy on the majority of bank holding companies will be immaterial. The Board further believes that because the policy requires a state member bank to be reasonably compensated for its role in effecting the sale of credit life insurance, it is expected that any burden associated with adjusting operations to comply with the policy statement generally will be more than offset by benefits to the institution. Finally, the majority of individuals associated with financial institutions who currently rely on income from the sale of credit life insurance to supplement salary or dividend income are expected to have little difficulty in adjusting to the policy. Salary or dividends can often be increased by a financial institution sufficiently to replace foregone credit life insurance income. While under certain circumstances a financial institution may be unwilling or unable to replace an individual's lost insurance income with an increase in salary or dividends, and where a severe or insurmountable problem is encountered an appeal may be made to the hardship extension provision of paragraph 5. Because the policy statement pertains to the accounting of income among persons associated with state member banks, it imposes no new regulatory burden upon the general public. Consequently, as a result of the revisions made by the Board in the final policy statement, the Board believes that the burdens imposed by the policy will be minimal, while the objective of the Board in ensuring the safety and soundness of state member banks will be preserved.

By order of the Board of Governors, April 24, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-12854 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Ninth Annual Report of the President on Federal Advisory Committees Covering the Calendar Year 1980; Availability of Publication

The above report, prepared in accordance with section 2 of Executive Order 12024 to fulfill the requirements of section 6(c) of the Federal Advisory Committee Act, as amended (Pub. L. 92-463, 5 U.S.C., App. I), has been transmitted by the President to the Congress on March 30, 1981.

The report, a summary of the activities, status, and changes in the composition of Federal Advisory Committees, is available to Federal government sources by contacting the Committee Management Secretariat (NFC) Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, telephone (202) 357-0019.

Purchase of the report by the general public is available through the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The price is $5.50, the stock number is 040-000-00449-1, and the catalog number is PR 40.10:980.

The Compilation of Agency Submissions incorporating detailed information on each advisory committee, and used to prepare the report, will be available on microfilm for public inspection and/or purchase through the National Archives and Records Service at a later date which will be announced in the **Federal Register.**

Dated: April 23, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-13308 Filed 4-30-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.
Dates: May 21 and 22, 1981.
Place: Room 207, Building 1, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.
Time: 8:15 a.m.
Type of Meeting: Open.
Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2035, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone: FTS: 236-3703, Commercial: 404/329-3703.
Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.
Agenda: The Committee will formulate its recommendation on vaccine usage for the 1981-82 influence season; review and update recommendations on pneumococcal polysaccharide and plague vaccines; receive and review data on the investigational hepatitis vaccine; discuss current patterns of use of smallpox vaccine; review emerging issues in adult immunization and other matters of interest to the Committee.
Agenda items are subject to change as priorities dictate.

The meeting 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: April 24, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-13216 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-86-M

Federal Council on the Aging; Meeting

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 305) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging, and the Congress on matter relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Council will hold a meeting May

26, 1981 from 9:30 a.m. to 5:00 p.m. and May 27, 1981 from 9:00 a.m. to 3:00 p.m. in Rooms 403–425A, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The agenda will consist of status reports on the White House Conference on Aging and the systems development study. In addition there will be a discussion on the FCA work plan, the Annual Report and the impact of the President's budget on the elderly. A follow-up plan for the Council's recent mandated study will also be discussed along with other items of importance to the well-being of the elderly.

Further information on the Council may be obtained from the Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245–0441.

FCA meetings are open for public observation.

Dated: April 22, 1981.

Rev. Msgr. Charles J. Fahey,

Chairman, Federal Council on the Aging.

[FR Doc. 81–13111 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–92–M

Food and Drug Administration

Public Advisory Committees; Request for Nominations of Voting Members; Medical Radiation Advisory Committee

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) requests nominations for membership on the Medical Radiation Advisory Committee. Three vacancies will occur on June 30, 1981.

DATE: Nominations must be received by June 15, 1981.

ADDRESS: Nominations must be submitted to the Bureau of Radiological Health (HFX–4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gordon C. Johnson at the address shown above (301–443–6220).

SUPPLEMENTARY INFORMATION: The function of the Medical Radiation Advisory Committee is to advise the Commissioner of Food and Drugs on the formulation of policy and development of a coordinated national program relating to application of radiation to obtain maximum diagnostic information and therapeutic benefit per unit of radiation exposure to the public.

The committee meets approximately twice a year and has advised FDA on programs related to the medical and dental use of radiation, diagnostic imaging and therapeutic radiation devices, training and education of medical radiation users, and the development of policy statement on the effecive use of medical radiation.

Among its current activities, the committee reviews qualifications of operators of radiation devices, reviews radiological training and education programs, advises on radiation devices guidelines and standards, and considers efficacy in relation to the selection and character of medical and dental users of radiation.

The committee consists of 13 members, including the chairperson. Members are selected by the Secretary, Department of Health and Human Services, from those nominees who have expertise in the fields of medicine, dentistry, health sciences, biomedical engineering, public health, or related technology. For the 1981 membership, the Medical Radiation Advisory committee will have particular need for candidates with knowledge of medical diagnosis and decisionmaking, diagnostic imaging technology, and health care delivery. Members are invited to serve 4-year terms. Effective July 1, 1981, there will be three vacancies on the committee. Interested persons are invited to submit names of qualified candidates and accompanying curriculum vitae and other pertinent information.

In a notice published in the **Federal Register** of February 12, 1980 (45 FR 9328), FDA requested nominations of qualified persons to replace members whose terms expired on June 30, 1980. Eligible individuals nominated in response to that notice who were not selected will be reconsidered for a period of 2 years thereafter, along with new nominations for membership. The names and affiliations of those selected pursuant to the February 12, 1980, notice have not yet been announced.

FDA has a special interest in assuring that women, minority groups, and the handicapped are adequately represented on advisory committees and therefore extend particular encouragement to nominations for appropriately qualified female, minority, and handicapped candidates.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominees shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

Dated: April 23, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–12763 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 77D–0416]

Investigation of Drugs in Humans; Availability of Clinical Guideline "Antiepileptic Drugs (Adults and Children)"

AGENCY: Food and Drug Administration.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a revised clinical guideline entitled "Antiepileptic Drugs (Adults and Children) [HHS (FDA) 81–3110]." This guideline replaces the guideline for the "Clinical Evaluation of Anticonvulsant Drugs (Adults and Children) [HES (FDA) 77–3075]." The guideline is intended to inform interested persons of what the agency's Bureau of Drugs views as aceptable procedures and standards for conducting clinical investigations for this class of drugs.

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

FOR FURTHER INFORMATION CONTACT: Roger Gregorio, Bureau of Drugs (HFD–102), Food and Drug Administration, 5600 Fishers Land, Rockville, MD 20857, 301–443–4330.

SUPPLEMENTARY INFORMATION: FDA is making available a revised guideline on the investigation of antiepileptic drugs in humans. On the basis of comments received, the agency's experience with the original guideline, and the agency's commitment to periodic review (every 18 to 24 months), the guideline has been revised and the title changed to "Guidelines for the Clinical Evaluation of Antiepileptic Drugs (Adults and Chileren) [HHS (FDA) 81–3110]." The title was changed to describe more accurately the class of drugs to which the guideline applies. The other revisions in the guideline are organizational or editorial. No substantive changes have been made. The original guideline entitled "Guidelines for the Clinical Evaluation

and Anticonvulsant Drugs (Adults and Children) [HEW (FDA) 77-3045]," dated September 1977, is hereby revoked. Because no substantive change has been made in the revsions of the original guideline, studies conducted in accordance with that guideline remain acceptable to FDA.

This notice of availability of the guideline is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to outline procedures or standards of general applicability that are acceptable to FDA for a subject matter that falls within the laws administered by FDA. Although this guideline is not a legal requirement, a person may be assured that in following an agency guideline the procedures and standards will be acceptable to FDA. A person may also choose to use alternative procedures or standards for which there is scientific rationale even though they are not provided for in the guideline. A person who chooses to use procedures or standards not in a guideline may discuss the matter further with the agency to prevent an expenditure of money and effort on work that FDA may later determine to be unacceptable. The guideline subject to this notice is as follows:

HHS (FDA) No.	Guideline title	GPO stock No.	Cost
81-3110	Guidelines for the Clinical Evaluation of Antiepileptic Drugs (Adults and Children)	017-012-00292-7	$1.50

Copies of the guideline can be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402, at the cost listed above for the document. Orders for copies must include the GPO stock number which is also listed.

Interested persons may submit written comments on the guidelines to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Such comments will be considered in determining whether further amendments to, or revisions of, the guidelines are warranted. Comments should be in four copies (except that individuals may submit single copies) identified with the docket number found in brackets in the heading of this document. The guidelines and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12762 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80D-0376]

Source Leukocytes; Availability of Revised Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a revised guideline for the collection of human leukocytes for further manufacturing use (Source Leukocytes).

ADDRESS: Requests for a copy of the guideline and submission of written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of the September 23, 1980 (45 FR 63144), FDA announced the availability of a guideline for the collection of human leukocytes for further manufacturing use (Source Leukocytes) and invited interested persons to submit written comments on the guideline. FDA's Bureau of Biologics also held a public workshop on October 8, 1980, to present and discuss scientific data regarding leukapheresis donor safety. After reviewing the comments and the opinions of other experts in the field, the Bureau of Biologics revised the guideline by changing: (1) the frequency of leukocyte collection; (2) the number of donations permitted during a donor lifetime; (3) the frequency of performing a white blood cell count; (4) the minimum white blood cell count needed for donation; and (5) the requirements for hepatitis B surface antigen testing.

Copies of the revised guideline are going furnished to all FDA-registered blood-collecting facilities. Other persons interested in obtaining a copy of the guideline may write the Dockets Management Branch, Food and Drug Administration, at the above address. Requests should include the docket number found in brackets in the heading of this document.

Interested persons may submit written comments on the guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. These comments will be considered in determining whether further amendments to our revisions of the guidelines are warranted. Comments should be in four copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12704 Filed 4-24-81; 2:55 pm]

BILLING CODE 4110-03-M

[Docket Nos. 78N-0434, 78N-0436]

Ivy-Reed Co., Inc., Syntex Laboratories, Inc., and Mattox & Moore, Inc.; Estradiol Benzoate; Steer-Oid, Synovex-S, Synovex-H, and Esmopal; Reopening of Administrative Record

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the reopening of the administrative record concerning the notices of opportunity for hearing issued by the Bureau of Veterinary Medicine proposing to refuse approval of a new animal drug application (NADA) and to withdraw approval of NADA's on the grounds that the products are not shown to be safe. All the applications concerned the use of products containing estradiol benzoate in combination with progesterone, testosterone propionate, and estradiol monopalmitate for use in food-producing animals. FDA is requesting comments by all participants and interested persons on the issues set forth below.

DATE: Comments on or before June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Neal Castagnoli, Special Assistant to the Commissioner (HF-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4970.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 5, 1979 (44 FR 1462, 1463), FDA issued two notices of opportunity for hearing: one proposed to refuse to approve NADA 110-315 submitted by Ivy-Reed Co., Inc. (Ivy-Reed), 433 Commercial Ave., Palisades

Park, NJ 07650, for Steer-oid, a product used for growth promotion and feed efficiency (44 FR 1462); the other proposed to withdraw approval of NADA's 9–576 (Synovex-S) and 11–427 (Synovex-H), Syntex Laboratories, Inc. (Syntex), 3401 Hillview Dr., Palo Alto, CA 94304, and NADA 13–187 (Esmopal), Mattox & Moore, Inc. (Mattox & Moore), 1503 East Riverside Drive, Indianapolis, IN 46207, for products containing estradiol benzoate in combination with testosterone propionate, and estradiol monopalmitate used for growth promotion and feed efficiency in food-producing animals (44 FR 1463).

The notices were based on the Bureau of Veterinary Medicine's conclusions that estradiol was not shown to be safe for use in food-producing animals and that the available toxicity data on estradiol raised serious questions regarding human safety. Ivy-Reed, Syntex, and Mattox & Moore requested hearings.

On the basis of Syntex's submission and the reevaluation of the relevant scientific facts by the Bureau of Veterinary Medicine and the Bureau of Foods, the Bureaus have recommended to me: (1) that I conclude that the estradiol implant for use in steers is safe under both normal conditions of use and foreseeable conditions of abuse; and (2) that the statutory requirement for a regulatory method (secton 512(d)(1)(H) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(d)(1)(H))) for monitoring estradiol residues in edible tissue be waived. (The Bureaus' conclusions and recommendations dated September 16, 1980, are on file 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.) Recognizing that estradiol has been demonstrated to be a carcinogen in laboratory animals, the Bureaus based their decision upon the drug residue levels expected to occur in edible tissue from estradiol-treated steers. The Bureaus found these levels to be: (1) insignificant relative to the naturally occurring levels of estradiol produced by the human body (1 part in 200,000 to 400,000); (2) extremely low in absolute terms (7.6 nanograms (ng)/500 grams (g) meat); and (3) small compared to estradiol consumed daily in the diet (e.g., 18.5 ng/500 milliliters (mL) milk; 2.3 ng/28 g butter; 26.4 ng/500 g meat from pregnant heifers). The Bureaus have emphasized that there is a distinction between compounds that occur naturally in people, such as estradiol, and synthetic compounds. For the latter, there is no "normal" level in the human body; for the former, there is. In the case of estradiol, the amount added to the body from ingesting tissues obtained from treated animals is minuscule compared with that which naturally occurs in the body. In addition, since estradiol occurs naturally, physiologic mechanisms in the body probably regulate tissue exposure. With synthetic compounds there is no such natural control.

These factors and the fact that no epidemiological evidence indicates that estradiol is a human carcinogen have led the Bureaus to recommend to me that the section of the notice of opportunity for hearing citing Synovex-S be vacated and the sections of the notice of opportunity for hearing referring to Synovex-H and Esmopal be revised to require submission of adequate residue data in heifers and chickens that would confirm that the level of estradiol in the edible tissue of these animals is within a safe level. They also recommended that the Ivy-Reed NADA for estradiol implant for use in steers be approved contingent upon satisfactory completion of its study to demonstrate bioequivalence with the Syntex implant. In order to evaluate the Bureaus' recommendations fully, I have decided to reopen the administrative record in these proceedings.

The Bureaus' recommendations raise difficult scientific issues that need to be addressed before a final decision can be made. In my view the following scientific questions are deserving of additional public comment: (1) Under what circumstances should a known animal carcinogen, which under ordinary conditioons of use results in a significant increase in tissue residue over that which normally occurs, be approved for animal drug use? (2) Under what circumstances is it appropriate for the agency to waive the requirement for a "regulatory method"? (3) By what criteria should risk assessments be made when considering for approval as an animal drug in food-producing animals a known animal carcinogen that is endogenous to humans? (4) Has the fact that estradiol derivatives and not estradiol itself are used in the implant preparations been given adequate consideration? (5) Are the metabolic profiles of these estradiol derivatives adequately documented in the target animals? (6) Has the occurrence of potentially toxic metabolite residues been given adequate consideration?

The Bureaus' recommendations also raise a difficult legal issue. In order for FDA to approve a new animal drug application, section 512(d)(1)(A) of the Federal Food, Drug, and Cosmetic Act (the act) requires a finding that the sponsor has submitted "adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof." In the case of a drug that has been shown to induce cancer, section 512(d)(1)(H) of th act (i.e., the Delaney Clause) provides that no such drug will be approved unless "no residue of such drug will be found (by methods of examination prescribed or approved by the Secretary * * *), in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animals." Thus, in order to approve Ivy-Reed's NADA for Steer-oid, FDA must find estradiol to be safe and Delaney-exempt, or safe and Delaney-approvable.

The notice of opportunity for hearing proposing to withdraw approval of Synovex and Esmopal is based on section 512(e)(1)(B) of the act, which requires the agency to issue an order withdrawing approval of an application for a new animal drug if the agency finds:

> * * * That new evidence not contained in such application or not available to the Secretary until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the Secretary when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved or that subparagraph (H) of paragraph (1) of subsection (d) applies to such drug.

Thus, in order to withdraw the notice of opportunity for hearing and allow continued marketing of the Syntex and Mattox-Moore products, FDA must conclude that, given current knowledge, these animal drugs continue to satisfy the safety requirements of the act.

When a new animal drug has the potential to contaminate edible tissue with residues whose consumption may pose a risk of human carcinogenesis, it must be demonstrated that the conditions of use specified in the proposed labeling and reasonably certain to be followed in practice can be established that ensure that the "no-residue" requirement of section 512(d)(1)(H) of the act will be met. The agency has operationally defined the term "no residue" (see the **Federal Register** of March 20, 1979 (44 FR 17070–17114)) to mean the establishment of a residue level that, on the basis of quantitative carcinogenicity testing of residues and extrapolation of the test

data, is safe in the total diet of test animals and that if present in edible tissues would be considered safe in the total diet of man. To provide a means for ascertaining if these conditons are met in actual practice, a postslaughter menthod of detection capable of of identifying such residues present in tissue at and above the safe level is required by the statute. The operational definition of "no residue" therefore carries out the statutory purpose of protecting the human food supply from residues that pose a carcinogenic risk to man.

Therefore, for a carcinogenic product such as estradiol to be and remain legally approved, the statute requires, *inter alia*, a postslaughter analytical method capable of detecting levels of drug residues at and above the level that presents an acceptable level of risk ("regulatory method"). It is my opinion, based upon the administrative record, that: (1) Estradiol induces cancer in animals; and (2) there is no valid "regulatory method" for estradiol. Thus, even assuming that the estradiol products at issue here are safe for use in food-producing animals, the Bureaus' recommendations raise a difficult legal issue: Can an endogenous hormone that is an animal carcinogen but that raises no concern about human health or safety due to the low residue level expected to occur in edible animal tissue under the conditions of ;use specified in proposed labeling and reasonably certain to be followed in practice be legaly appraoved for use as an animal drug without the existence of a valid "regulatory method?"

Public comment is invited on the questions of the carcinogenicity of estradiol and the existence of a "regulatory method" for estradiol, and on the central legal issue raised by the Bureaus' recommendations.

I understand the unusual nature of the scientific circumstances regarding estradiol and do not want to construe the Delaney clause in such a manner that may lead to results so manifestly unreasonable that they could not be attributed to the Congressional design. See *In re Trans Alaska Pipeline Rate Cases*, 436 U.S. 631, 643 (1978). If it can be demonstrated that a product is likely to leave a safe level of residue of carcinogenic endogenous hormones in the edible tissue, it may be unreasonable to disapprove that product because a postslaughter method (i.e., "regulatory method") capable of monitoring such small amounts of residues has not been developed. I also believe, however, that waiver of the statutory requirement for a postslaughter regulatory method is not responsible government. It is this Hobson's choice that has led me to reopen the administrative record in these proceedings.

I have decided that separation of functions should not be followed at this stage in the proceedings to facilitate analysis of the public comments and resolution of the complex issues concerning estradiol.

The Administrative Procedure Act (5 U.S.C. 554) requires separation of functions in certain proceedings between those engaged in prosecuting functions and those responsible for making the ultimate decision. It does not require that separation of functions be imposed at any time before the issuance of a notice of hearing (5 U.S.C. 554, 556). Nor is there any constitutional requirement for this separation of functions. See *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519 (1978); *Withrow* v. *Larkin*, 421 U.S. 35 (1975). There is no FDA regulation that requires separation of functions before the issuance of a notice of hearing on proposed actions on NADA's. FDA has stated publicly its intention to apply separation of functions upon the agency's receipt of a request for hearing on NADA's as set forth in 21 CFR 314.200(f), and in fact has done so (see the **Federal Register** of September 3, 1975, 40 FR 40691 and of December 19, 1978, 43 FR 59096). However, § 314.200(f) (21 CFR 314.200(f)) does not contemplate the situation at issue here. The Commissioner of Food and Drugs has the responsibility for ruling on requests for hearing submitted in response to a notice issued by a bureau. The observance of separation of functions prior to the notice of hearing is intended to avoid the appearance of prejudgment that results when the person who proposes adverse action also decides or helps decide whether a hearing is necessary before making that action final. In the usual situation, the Bureau either recommends that a hearing be granted or recommends denial of a hearing. In either event, the Bureau is taking a position adverse to the party requesting the hearing. Here, the Bureaus have recommended neither the granting nor denial of a hearing, but rather have recommended action favorable to the parties requesting the hearings. Therefore, the possibility of unfairness owing to prejudgment is not present, and dispensing with separation of functions in this situation will not adversely affect the rights of the parties.

Dated: April 27, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-13390 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting; Los Angeles, Calif.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Abraham I. Kleks, District Director, Los Angeles District Office, Los Angeles, CA.

DATE: The meeting will be held at 9:30 a.m., Tuesday, May 19, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, CA 90015.

FOR FURTHER INFORMATION CONTACT: Gordon L. Scott, Consumer Affairs Officer, Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, CA 90015, 213-688-4395.

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 Los Angeles District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 24, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12958 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting; Milwaukee, Wis.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Henry P. Roberts, District Director, Minneapolis District Office, Minneapolis, MN.

DATE: The meeting will be held at 9:'30 a.m., Tuesday, May 12, 1981.

ADDRESS: The meeting will be held at the Northwest Health Center, 7630 W. Mill Rd., Milwaukee, WI 53223.

FOR FURTHER INFORMATION CONTACT: Mary Elyn Bahlert, Consumer Affairs Officer, Food and Drug Administration,

Lewis Center Bldg., 615 E. Michigan St., Milwaukee, WI 53202, 414–291–3094.

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 Minneapolis District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 24, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12959 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

Privacy Act of 1974; Report of New and Amended Routine Uses

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notification of new and amended routine uses.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(11), we are proposing to add new and amended uses applicable to the following notices of systems of records:

(1) 09–70–0005, Medicare Bill File (Statistics), HHS/HCFA/ORDS

(2) 09–70–0006, Medicare Enrollment Records (Statistics), HHS/HCFA/ORDS

(3) 09–70–0008, Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/ORDS

(4) 09–70–0501, Carrier Medicare Claims Records, HHS/HCFA/BPO

(5) 09–70–0502, Health Insurance Master Record, HHS/HCFA/BPO

(6) 09–70–0503, Intermediary Medicare Claims Records, HHS/HCFA/BPO

(7) 09–70–0506, Group Health Plan System, HHS/HCFA/BPO

We have provided background information about the routine uses in the "Supplementary Information" section below. We invite public comments on this proposal.

DATES: These routine uses will become effective, as proposed, without further notice June 1, 1981, unless we receive comments on or before that date which would result in a contrary determination.

ADDRESS: Interested parties who wish to comment on this proposal should address their comments to Shirley Mulhall, the HCFA Privacy Officer, Health Care Financing Administration, Bay B–4, 1710 Gwynn Oak Avenue, Baltimore, Maryland 21207.

We will make comments received available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn J. Martin, Office of Research, Room 1104, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207, telephone (301) 597–2999.

SUPPLEMENTARY INFORMATION: System notice 09–0005, Medicare Bill File (Statistics) contains records on bills for services furnished to persons enrolled in the hospital insurance or supplementary medical benefits part of the Medicare program. Also included are demographic data on beneficiaries, diagnosis and surgery data, and provider characteristics. Data in this file are used primarily for statistical and research purposes.

System notice 09–70–0006, Medicare Enrollment Records (Statistics) contains records on bills for services furnished to persons enrolled in the hospital insurance or supplementary medical benefits parts of the Medicare program. Also included are demographic data on beneficiaries, diagnosis and surgery data and provider characteristics. Data in this file are used primarily for statistical and research purposes.

System notice 09–70–0008, Supplementary Medical Sample Bill Summary File (Statistics) contains records on suppliers and billing information on a 5 percent sample of Medicare beneficiaries. Data in this file are used for research and statistical purposes.

System notice 09–70–0501, Carrier Medicare Claims Records contains records on claims for Supplementary Medical Insurance Benefits including itemized bills to support payment to beneficiaries and to physicians and other suppliers of medical services. Data in this file are used for purposes of administering the Medicare program and for research and statistical purposes.

System notice 09–70–0502, Health Insurance Master Record contains a record of each individual who is, or has been, entitled to health insurance benefits under title XVIII of the Social Security Act. Data in this file are used to administer the Medicare program and for research and statistical purposes.

System notice 09–70–0503, Intermediary Medicare Claims Records contains records on claims for Medicare benefits submitted by providers for reimbursement on a reasonable cost basis including hospital, skilled nursing facility and home health agency bills. Data in this file are used for purposes of administering the Medicare program and for research and statistical purposes.

System notice 09–70–0506, Group Health Plan System contains records on Medicare beneficiaries receiving service from group health plans including entitlement and supplementary medical benefits usage. Data in this tile are used in administering the Medicare program and for research and statistical purposes.

The Privacy Act allows us to disclose information routinely outside the agency without an individual's consent if the information is to be used for a purpose which is compatible with the purposes for which the information was collected. We disclose information for "routine uses" when it is necessary to carry out our programs, including research and statistical projects. From time to time, we need to use contractors and grantees to carry out these projects and must disclose information to them for such purposes. We consider these uses to be compatible with program purposes. We take into account whether release of the data is necessary and feasible and whether the data will be protected once released. We believe that the new and amended routine use which we are proposing meets the requirements of the Privacy Act. Accordingly, we are revising the above mentioned systems notices as indicated below.

Systems Notices 09–70–0005, 09–70–0008 and 09–70–0506

We have amended the routine uses of these systems by adding a new routine use permitting disclosure to HCFA contractors and grantees for research and statistical projects that are directly related to the Social Security Act. We have added this use to permit disclosure to HCFA contractors and grantees to carry out essential research and statistical projects.

To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. *determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;*

b. *determines that the purpose for which the disclosure is to be made:*

(1) *cannot be reasonably accomplished unless the record is provided in individually identifiable form,*

(2) *is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and*

(3) *there is reasonable probability that the objective for the use would be accomplished;*

c. *requires the information recipient to:*

(1) *establish reasonable administrative, technical and physical safeguards to prevent unauthorized use or disclosure of the record, and*

(2) *remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and*

(3) *make no further use or disclosure of the record except:*

(a) *in emergency circumstances affecting the health or safety of any individual,*

(b) *for use in another research project, under these same conditions, and with written authorization of HCFA,*

(c) *for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or*

(d) *when required by law;*

d. *secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.*

Systems Notices 09–70–0006, 09–70–0501, 09–70–0502 and 09–70–0503

We have amended the routine uses for these systems by deleting the previous use permitting disclosure to HCFA and Social Security Administration contractors for research and statistical activities and by inserting in lieu thereof the new routine use listed above for systems notices 09–70–0005, 09–70–0008 and 09–70–0506. We have amended these systems notices to add disclosure to grantees to the routine use for disclosure to contractors. The new use is the same as that added to systems notices 09–70–0005, 09–70–0008 and 09–70–0506 and for the same reasons explained above for adding such new use.

In system 09–70–0502, we have added a new routine use to provide for disclosure to contractors when it is necessary for us to contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. This routine use is intended to allow us to contract for services when the need or urgency exceeds capabilities within HCFA.

To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

The notices below contain the new and amended routine uses as indicated above.

Dated: April 28, 1981.

Paul Willging,

Deputy Administrator, Health Care Financing Administration.

09–70–0005

SYSTEM NAME:

Medicare Bill File (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons enrolled in hospital insurance or supplemental medical benefits parts of the Medicare program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bill data; demographic data on the beneficiary, diagnosis and surgery codes on a sampling of the population; provider characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the operation and effectiveness of the Medicare program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(2) To the Bureau of Census for use in processing research and statisical data directly related to the administration of Social Security programs.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of an willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by health insurance claim number and by hospital provider number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained with identifiers as long as needed for program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research
Demonstrations and Statistics
Health Care Financing Administration
Room 4228, HHS Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, utilization and date of utilization under Part A or Part B of Medicare services, home health agency, hospital (inpatient), hospital (outpatient) or skilled nursing facility.

RECORD ACCESS PROCEDURES.

Same as notification procedures. Requesters should also reasonably specify the record countents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES;

Medicare enrollment records; Medicare bill records: Medicare provider records for a sample of persons treated as hospital patients (inpatient and outpatient) and skilled nursing facility patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0006

SYSTEM NAME:

Medicare Enrollment Records (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons enrolled for hospital or supplemental medical benefits under the Medicare program, including enrollees for whom the State has paid the premiums and enrollees who are members of direct dealing group practice prepayment plans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment characteristics of the beneficiaries: demographic characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the characteristics of persons enrolled in the Medicare program and establish the basis for Medicare services utilization rates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) To the Bureau of Census for use in processing research and statistical data directly

related to the administration of Social Security programs.

(3) To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(4) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are accessible by claim number. Subfiles are indexed also by group practice pre-payment plan number or by State by-in number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with guidelines in the Department ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for program research analysis.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write to the systems manager, who will require name of system, health insurance claim number, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, data of birth and sex, and to ascertain whether the individual's record is in the system, enrollment in Medicare health or supplemental medical participation in a direct dealing group practice prepayment plan, or payment of prenium by State.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in

accordance with Department Regulations (45 CFR Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7).)

RECORD SOURCE CATEGORIES:

Master beneficiary record: Medicare enrollment records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0008

SYSTEM NAME:

Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA 6401 Security Bouvlevard, Balitmore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 5 percent sample of Medicare beneficiaries who have received any supplementary medical (Medicare) services January 1, 1975, or later.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physician and supplier billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the effectiveness of the Supplementary Medical Insurance Medicare benefit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the Congessional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by claim number.

SAFEGURARD:

For computerized records, safeguards are established in accordance with guidelines in Department ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for purposes of program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research
Demonstrations and Statistics
Health Care Financing Administration
Room 4228, HHS Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, date (month and year) on which supplementary medical services were received.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record countents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare claims submitted to carriers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.

None.

09-70-0501

SYSTEM NAME:

Carrier Medicare Claims Records. HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 4.)
Federal Records Centers
Bureau of Quality Control, HCFA
Office of Systems Analysis
6401 Security Boulevard
Baltimore, Maryland 21235
HHS Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries who have submitted claims for Supplementary Medical Insurance Benefits (Medicare Part B).

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Payment; Provider billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier, Health Insurance Claim Form, Request for Medicare Payment, Explanation of Benefits, Summary Payment Voucher, Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to beneficiaries and to physicians and other suppliers of Part B Medicare services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1842 and 1874 of title XVIII of the Social Security Act.

PURPOSE:

To properly pay medical insurance benefits to or on behalf of entitled beneficiaries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) Claimants., their authorized representatives or representative payees to the extent necessary to pursue claims made under Title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) the Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to the Social Security Act programs, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organization in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of the title XVIII.

(11) A HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is resonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety or any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State

supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations. Disclosures of physicians customery charge data are made to State audit agencies in order to ascertain the correctness of Title XIX charges and payments.

(15) In the event of litigation where the defendant is (a) the Department, any component of Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or here individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(16) Peer review groups, consisting of members of State, County, or local medical societies or medical care foundations (physicians), appointed by the medical society or foundation at the request of the carrier to assist in the resolution of questions of medical necessity, utilization of particular procedures or practices, or overutilization of services with respect to Medicare claims submitteed to the carrier.

(17) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List or similar publications are based.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records maintained on paper, tape, disc, and punchcards.

RETRIEVABILITY:

System is indexed by health insurance claim number. The record is prepared by the beneficially and is used by carriers to determine amount of Part B benefits. The bills are retained by the carriers. Copies of selected parts of the records will be used by the Office of Systems Analysis and data will be retrieved in Rockville from Baltimore via dial-up telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records area. Disclosure is limited. Physical safeguards related to the transmission and reception of data between Rockville and Baltimore are those requirements established by the Department ADP Systems Manual, Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed at the end of the calendar year in which paid, held two additionl years, transferred to Federal Records Center and destroyed after another 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6401 Security Boulevard, Baltimore, Md. 21235.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Bureau of Program Operations, Baltimore, Md. 21235. The individual should furnish his or her health insurance claim number and the name as shown on social security records. An individual who requests notification of or access to a medical records shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0502

SYSTEM NAME:

Health Insurance Master Record, HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6401 Security Blvd., Baltimore, Md. 21235
Federal Records Centers, HHS Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals age 65 or over who have been, or currently are, entitled to health insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less then 24 consecutive months to disability benefits under title II of the Act or under the Railroad Retirement Act; and individuals who have been; or currently are, entitled to such benefits because they have end-stage renal disease

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1814 and 1833 of title XVIII of the Social Security Act.

PURPOSE(S):

To maintain information on Medicare beneficiary eligibility and costs in order

to reply to inquiries from contractors and intermediaries and to maintain utilization data for health insurance bill and payment record processing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(2) State Welfare Department pursuant to agreements with the Department of Health and Human Services for determining Medicaid and Medicare eligibility, for quality control studies, for determining eligibility of recipients of assistance under titles IV, XVIII, and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(3) State audit agencies for auditing State Medicaid eligibility considerations.

(4) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(6) A HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(7) In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(8) To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper, listings, microfilm, magnetic tape disc and punchcards.

RETRIEVABILITY:

System is in sequence by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records areas. Disclosure is limited to routine use. For computerized records electronically transmitted between Central Office and field office locations (including Medicare contractors), systems securities are established in accordance with Department ADP Systems Manual, Part 6, "ADP Systems Security." Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Records are generally added to the file several months prior to entitlement. After the death of a beneficiary, his or her records may be placed in an inactive file following a period of no billing or query activity. The current 5 years of Part B and current 5 spells of Part A utilization data are maintained. All noncurrent data is microfilmed prior to elimination from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6401 Security Boulevard, Baltimore, Md. 21235.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier or intermediary, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Bureau of Program Operations, Baltimore, Md. 21235. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in

accordance with Department Regulations (45 CFR, Section 5b.7)).

RECORD SOURCE CATEGORIES:

The data contained in these records are furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual: the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0503

SYSTEM NAME:

Intermediary Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (See Appendix C, Section 3.)

Federal Records Centers
Bureau of Quality Control, HCFA
Office of Systems Analysis
6401 Security Boulevard
Baltimore, Maryland 21235
HHS Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries on whose behalf providers have submitted claims for reimbursement on a reasonable cost basis under Medicare Parts A and B.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient hospital and skilled Nursing Facility Admission and Billing: Provider Billing for Medical and Other Health Services: Inpatient Admission and Billing—Christian Science Sanatorium: Home Health Agency Report and Billing, and other documents used to support payments to beneficiaries and providers of services. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, medical record number, prior stay information, provider name and address, physician's name, date of admission and discharge, other health insurance, diagnoses, surgical procedures, and a statement of services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1816 and 1874 of Title XVIII of the Social Security Act.

PURPOSE(S):

To process and pay Medicare benefits to or on behalf of eligible individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to:

(1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual) or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program: the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of systems activities.

(3) Third-party contacts where necessary to establish or verify information provided by representive payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to Social Security Act programs, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organization in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) A HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplishd consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make not further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determination of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality controls studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations.

(15) In the event of litigation where the defendant is (a) the Department, any components of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purposes for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records maintained on paper forms, magnetic tape and microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The bill data are forwarded to the Health Care Financing Administration, Bureau of Support Services, Baltimore, Md., where they are used to update the central office records. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Disclosure of records is limited. The file area is closed to unauthorized personnel. Physical safeguards related to the transmission and reception of the data between Rockville and Baltimore are those requirements established by the Department ADP Systems Manual, Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to the Federal Records Center and destroyed after another 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6401 Security Boulevard, Baltimore, Md. 21235.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence, the appropriate intermediary, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Bureau of Program Operations, Baltimore, Md. 21235. The individual should furnish his or her health insurance number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, section 5b.7).)

RECORD SOURCE CATEGORIES:

The identifiying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0506

SYSTEM NAME:

Group Health Plan System HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Part A (Hospital Insurance) and Part B (supplementary medical) Medicare services.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information about a beneficiary's health insurance entitlement and supplementary medical benefits usage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833(a)(1)(A), 1866 and 1876 of Title XVIII of the Social Security Act.

PURPOSE(S):

To maintain a master file of Group Health Plan members for accounting control; to expedite the exchange of data with the Group Health Plans; and to control the posting of pro-rata amounts to the Part B deductible of currently enrolled Group Health Plan members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official

capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose; for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

(d) secures a written statement attesting to the information recipient's understanding of an willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and paper listing.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

Only authorized personnel have direct access to information in the Group Health Plan system. In addition, Group Health Plan personnel are advised that information is confidential.

RETENTION AND DISPOSAL:

Health insurance materials used to support the accuracy of the charge per service billed by the plan are retained for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration; Director, Bureau of Program Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the Health Care Financing Administration, Bureau of Program Operations, Group Health Plan Operations Staff, Baltimore, Maryland 21235. The individuals should furnish his or her health insurance claim number as shown on social security records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, 5b.7).))

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained from the group health plans (which obtained the data from the individual concerned).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

APPENDICES C. HEALTH INSURANCE CLAIMS

Medicare records are maintained at the HCFA Central Office (see section 1 below for the address). Health insurance records of the Medicare program can also be accessed through a regional representative of the Medicare Bureau (see section 2 below for addresses). Medicare claims records are also maintained by private insurance organizations who share in administering provisions of the health insurance program. These private insurance organizations referred to as carriers and intermediaries, are under contract to the Health Care Financing Administration and the Social Security Administration to perform specific tasks in the Medicare program. See section 3 below for addresses for intermediaries and section 4 addresses for carriers.

1. Central Office Addresses: Bureau of Program Operations, HCFA 6401 Security Boulevard Baltimore, Maryland 21235 Office Hours: 8:15–4:45 Bureau of Support Services, HCFA Office of Direct Reimbursement Room 1705, Equitable Building 6401 Security Boulevard Baltimore, Maryland 21235 Office Hours: 8:15–4:45

2. Medicare Regional Office Addresses:

BOSTON REGION—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
John F. Kennedy Federal Building
Room 1211
Boston, Massuchesetts 02203
Office Hours: 8:30–5:00

NEW YORK REGION—New Jersey, New York, Puerto Rico, Virgin Islands
26 Federal Plaza—Room 715
New York, New York 10007
Office Hours: 8:30–5:00

PHILADELPHIA REGION—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
P.O. Box 8460
Philadelphia, Pennsylvania 19101
Office Hours: 8:30–5:00

ATLANTA REGION—Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee
101 Marietta Street
Suite 702
Atlanta, Georgia 30223
Office Hours: 8:00–4:30

CHICAGO REGION—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Suite A–824
Chicago, Illinois 60604

Office Hours: 8:15–4:45

DALLAS REGION—Arkansas, Louisiana, New Mexico, Oklahoma, Texas
1200 Main Tower Building
Dallas, Texas
Office Hours: 8:00–4:30

KANSAS CITY REGION—Iowa, Kansas, Missouri, Nebraska
New Federal Office Building
601 East 12th Street—Room 406
Kansas City, Missouri 64106
Office Hours: 8:00–4:30

DENVER REGION—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Federal Office Building
1961 Stout St—Room 1185
Denver, Colorado 80294
Office Hours: 8:00–4:30

SAN FRANCISCO REGION—American Samoa, Arizona, California, Guam, Hawaii, Nevada
Federal Office Building
10 Van Ness Avenue
20th Floor
San Francisco, California 94102
Office Hours: 8:00–4:30

SEATTLE REGION—Alaska, Idaho, Oregon, Washington
1321 Second Avenue—Room 615
Mail Stop 211
Seattle, Washington 98101
Office Hours: 8:00–4:30

3. Intermediary Addresses (Hospital Insurance):

Medicare Coordinator
Blue Cross/Blue Shield of Alabama
930 South 20th Street
Birmingham, Alabama 35298

Medicare Coordinator
Blue Cross of Arizona, Inc.
P.O. Box 13466
321 West Indian School Road
Phoenix, Arizona 85002

Medicare Coordinator
Arkansas Blue Cross/Blue Shield
P.O. Box 1418
601 Gains Street
Little Rock, Arkansas 72203

Medicare Claim Administrator
Aetna Life & Casualty
2600 Wilshire Boulevard
Los Angeles, California 90057

Medicare Coordinator
Blue Cross of Southern California
P.O. Box 70000
Van Nuys, California 91470

Medicare Coordinator
Blue Cross of Northern California
1950 Franklin Street
Oakland, California 94659

Medicare Coordinator
Kaiser Foundation Health Plan, Inc.
1956 Webster Street, Room 310A
Oakland, California 94612

Aetna Life & Casualty
Medicare Claim Administration
97 San Marin Drive
Novato, California 94947

Medicare Coordinator
Colorado Hospital Service
700 Broadway
Denver, Colorado 80203

Medicare Administrator
Aetna Life & Casualty
151 Farmington Avenue
Hartford, Connecticut 06156

Medicare Coordinator
Connecticut Coordinator
370 Bassett Rd.
North Haven, Connecticut 06473

Administrator, Medicare Claims Office
Aetna Life & Casualty
P.O. Box 329
270 Farmington Avenue
Building 4, 2nd Floor
Farmington, Connecticut 06032

Medicare Administrator
Travelers Ins. Co.
One Towers Square
Hartford, Connecticut 06115

Connecticut General Life Ins. Co.
Medicare Claim Office
100 Barnes Road, North
Wallingford, Connecticut 0649

Medicare Coordinator
Blue Cross/Blue Shield of Delaware
201 West 14th Street
Wilimington, Delaware 19801

Medicare Coordinator
Group Hospitalization, Inc.
550 12th Street, S.W.
Washington, D.C. 20024

Medicare Coordinator
Blue Cross of Florida, Inc.
P.O. Box 2711,
Jacksonville, Florida 32203

Medicare Claim Administrator
Aetna Life & Casualty
The Taylor Building
121 North Osceola Avenue
Clearwater, Florida 33515

Medicare Coordinator
Blue Cross of Georgia/Columbus
P.O. Box 7368
2357 Warm Springs Rd.
Columbus, Georgia 31908

Medicare Coordinator
Blue Cross of Georgia/Atlanta
3348 Peachtree St., N.E.
P.O. Box 4445
Atlanta, Georgia 30326

Medicare Coordinator
Hawaii Medical Service Association
P.O. Box 860
1504 Kapiolani Boulevard,
Honolulu, Hawaii 96808

Medicare Coordinator
Blue Cross of Idaho, Inc.
P.O. Box 7480
1501 Federal Way
Boise, Idaho 83707

Medicare Coordinator
Health Care Service Corp.
233 North Michigan Avenue
Chicago, Illinois 60601

Medicare Claims Administration
Aetna Life & Casualty
P.O. Box 1702
Peoria, Illinois 61603

Medicare Coordinator
Mutual Hospital Insurance, Inc.
120 West Market Street
Indianapolis, Indiana 46204

Medicare Coordinator
Blue Cross of Iowa
Ruan Building
636 Grant Avenue, Station 28
Des Moines, Iowa 50309

Medicare Coordinator
Blue Cross of Western Iowa and S. Dakota
Third and Pierce Street
Sioux City Iowa 51102

Medicare Administrator
Kansas Hospital Service Association, Inc.
1133 Topeke Avenue, P.O. Box 239
Topeka, Kansas 66601

Medicare Coordinator
Blue Cross of Kentucky, Inc.
9901 Linn Station Road
Louisville, Kentucky 40223

Medicare Coordinator
Blue Cross of Louisiana
P.O. Box 15699
Baton Rouge, Louisiana 70815

Medicare Coordinator
Associated Hospital Service of Maine
100 Free Street
Portland, Maine 04101

Medicare Coordinator
Maryland Blue Cross, Inc.
700 East Joppa Road
Baltimore, Maryland 21204

Medicare Claims Admin.
Aetna Life & Casualty Co.
15 Midstate Drive
Auburn, Massachusetts 01501

Medicare Coordinator
Blue Cross of Mass. Inc.
100 Summer Street
Boston, Massachusetts 02106

Medicare Coordinator
Blue Cross of Michigan
600 Lafayette East
Detroit, Michigan 48226

Medicare Coordinator
Blue Cross of Minnesota
3535 Blue Cross Road
St. Pual, Minnesota 55165

Medicare Coordinator
Blue Cross of Miss.
P.O. Box 1043
Jackson, Mississippi 39205

Medicare Coordinator
Blue Cross of Kansas City
P.O. Box 169
Kansas City, Missouri 64141

Medicare Coordinator
Blue Cross Hospital Service of Missiouri
4444 Forest Park Boulevard
St. Louis, Missouri 63108

Medicare Coordinator
Blue Cross of Montana
P.O. Box 5004
Great Falls, Montana 59403

Medicare Coordinator
Mutual of Omaha Ins. Co.
Box 456 Downtown Station
Omaha, Nebraska 68101

Medicare Coordinator
Blue Cross of Nebraska
P.O. Box 3248
Main Post Office Station
Omaha, Nebraska 68103

Medicare Claims Administrator
Aetna Life & Casulity
P.O. Box 7290
Reno, Nevada 89510

Medicare Coordinator
New Hampshire Vermont Hospital Service
2 Pillsbury Street
Concord, New Hampshire 03301

Medicare Coordinator
Hospital Service Plan of New Jersey
33 Washington Street
Newark, New Jersey 07102

Medicare Coordinator
Prudential Ins. Co. of America
P.O. Box 5000
Millville, New Jersey 08332

Medicare Coordinator
New Mexico Blue Cross Inc.
12800 Indian School Rd., N.E.
Albuquerque, New Mexico 87112

Medicare Coordinator
Rochester Hospital Service Corp.
41 Chestnut Street
Rochester, New York 14604

Medicare Coordinator
Hospital Plan, Inc.
5 Hopper St.
Utica, New York 13501

Medicare Coordinator
Blue Cross of Western New York, Inc.
298 Main Street Blue Cross Building
Buffalo, New York 14202

Medicare Coordinator
Blue Cross of Central New York, Inc.
344 South Warren Street
Syracuse, New York 13202

Hospital Service Corp. of Jefferson County
158 Stone Street
Watertown, New York 13602

Medicare Coordinator
B/C-B/S of Greater New York
622 Third Avenue
New York, New York 10017

Chautauqua Region Hospital Service Corp.
306 Spring Street
Jamestown, New York 14701

Medicare Coordinator
Blue Cross of N.E. New York, Inc.
P.O. Box 8650
Albany, New York 12208

Medicare Coordinator
North Carolina B/C-B/S
P.O. Box 3824
Durham, North Carolina 27702

Medicare Coordinator
Blue Cross of North Dakota
301 Eight St. South
Fargo, North Dakota 58102

Associated Hospital Service, Inc.
2400 Market Street
Youngstown, Ohio 44507

Medicare Coordinator
B/C of N.W. Ohio
P.O. Box 943
Toledo, Ohio 43601

Medicare Coordinator
B/C of N.E. Ohio
2066 East Ninth Street
Cleveland, Ohio 44115

Medicare Coordinator
Hospital Care Corporation
1351 William Howard Taft Road
Cincinnati, Ohio 45206

Medicare Coordinator Nationwide
Mutual Insurance Co. P.O. Box 1625
Columbus, Ohio 43216

Medicare Coordinator B/C of Central Ohio P.O. Box 16526 Columbus, Ohio 43216

Medicare Coordinator Blue Cross of Oklahoma 1215 South Boulder
Tulsa, Oklahoma 74119

Medicare Coordinator Northwest Hospital Service P.O. Box 1271
Portland, Oregon 97207

Medicare Coordinator Blue Cross of Greater Philadelphia 1333 Chestnut Street Philadelphia, Pennsylvania 19107

Medicare Coordinator Blue Cross of Western Pennsylvania One Smithfield Street Pittsburgh, Pennsylvania 15222

Medicare Coordinator B/C of N.E. Pennsylvania 70 North Main Street Wilkes Barre, Pennsylvania 18711

Medicare Coordinator Hospital Service Plan of Lehigh Valley 1221 Hamilton Street Allentown, Pennsylvania 18102

Medicare Coordinator Capital Blue Cross 100 Pine Street Harrisburg, Pennsylvania 17101

Aetna Life & Casualty Medicare Claim Administrator 500 Office Center Building P.O. Box 548 Fort Washington, Pennsylvania 19034

Cooperative de Seguros de Vida de Puerto Rico G.P.O. Box 3428 San Juan, Puerto Rico 00936

Blue Cross of Rhode Island 444 Westminster Mall Providence, Rhode Island 02901

Medicare Coordinator Blue Cross of S.C. Drawer F. Forest Acres Branch Columbia, South Carolina 29219

Medicare Coordinator Memphis Hosp. Serv. and Surg. Assn. 85 Danny Thomas Blvd. Memphis, Tennessee 38101

Medicare Coordinator Blue Cross of Tennessee 801 Pine Street Chattanooga, Tennessee 37402

Medicare Administrator Aetna Life & Casualty Union Square Building 2670 Union Avenue Suite 606 Memphis, Tennessee 38112

Medicare Coordinator Group Hospital Service, Inc. P.O. Box 22146 Dallas, Texas 75222

Medicare Coordinator B/C of Utah P.O. Box 30269 Salt Lake City, Utah 84125

B/C–B/S of S.W. Virginia P.O. Box 13047 3959 Electric Rd. Roanoke, Virginia 24045

Medicare Coordinator Blue Cross of Virginia P.O. Box 27401 Richmond, Virginia 23261

Medicare Coordinator B/C Washington/Alaska, Inc. 15700 Dayton Avenue. North P.O. Box 327 Seattle, Washington 98111

Medicare Administration Aetna Life and Casualty Co. P.O. Box C25902 Seattle, Washington 98125

Medicare Coordinator Parkersburg Hosp. Serv., Inc. P.O. Box 1948 Parkersburg, West Virginia 26101

Medicare Coordinator Blue Cross Hospital Service Inc. Commerce Square, P.O. Box 1353 Charleston, West Virginia 25325

Medicare Coordinator West Virginia Hospital Service, Inc. 20th and Chapline Streets Wheeling, West Virginia 26003

Medicare Coordinator Assoc. Hosp. Serv., Inc. 401 W. Michigan Street Milwaukee, Wisconsin 53201

Medicare Coordinator Hospital Service of Wyoming 4020 House Avenue P.O. Box 2266 Cheyenne, Wyoming 82001

Health Care Financing Administration
Bureau of Program Operations
Group Health Plans Operations Staff 6401 Security Boulevard
Baltimore, Maryland 21235

Railroad Retirement Board 844 Rush Street Chicago, Illinois 60611

Triage, Inc. 719 Middle Street Bristol, Connecticut 06010

4. Carrier Addresses (Supplementary Medical Insurance)

Medicare Coordinator Blue Cross Blue Shield of Alabama 930 South 20th Street Birmingham, Alabama 35205

Medicare Claim Administrator Aetna Life & Casualty 3010 West Fairmount Avenue Phoenix, Arizona 85017

Vice President for Medicare and Medical Services Arkansas Blue Cross/Blue Shield 601 Games Street Little Rock, Arkansas 72203

Medicare Coordinator California Blue Shield P.O. Box 7968 Rincon Annex San Franciso, California 94120

Medicare Coordinator Occidental Life Insurance Company of California P.O. Box 54905 Terminal Annex Los Angeles, California 900542

Assistant Vice President
Blue Shield of Colorado
700 Broadway
Denver, Colorado 80203

Medicare Administrator
Travelers Ins. Co.
One Tower Square
Hartford, Connecticut 06115

Medicare Administrator
Aetna Life & Casualty
151 Farmington Avenue
Hartford, Connecticut 06115

Medicare Coordinator
Connecticut General Life Insurance Company
200 Pratt Street
Meriden, Connecticut 06450

Medicare Coordinator
Blue Cross/Blue Shield of Delaware
201 West 14th Street
Wilmington, Delaware 19699

Medicare Coordinator
Medical Service of D.C.
550 12th Street, SW
Washington, D.C. 20024

Medicare Coordinator
Blue Cross of Florida, Inc.
P.O. Box 1798
Jacksonville, Florida 32201

Group Health, Inc.
1320 South Dixie Highway
Coral Gables, Florida 33146

Medicare Administrator
Prudential Insurance Company of America
P.O. Box 95466
57 Executive Park Station
Atlanta, Georgia 30347

Medicare Claim Administrator
Aetna Life & Casulty
100 Bishop Street, P.O. Box 3947
Honolulu, Hawaii 96812

Medicare
The Equitable Life Assurance Society
P.O. Box 8048, Hillcrest Plaza Shop
Boise, Idaho 83707

Continental Casualty Company
Medicare Benefits Division
P.O. Box 910
Chicago, Illinois 60690

Health Care Service Corporation
233 North Michigan Avenue
Chicago, Illinois 60601

Assistant Vice President Medicare Dept.
Blue Shield of Indiana
120 West Market Street
Indianapolis, Indiana 46204

Assistant Executive Director
Blue Shield of Iowa
Ruan Building, 636 Grand Avenue
Station 28
Des Moines, Iowa 50307

Medicare Administrator
Kansas Medical Association, Inc.
1133 Topeka Blvd, P.O. Box 239
Topeka, Kansas 66601

Manager
Metropolitan Life Insurance Co.
1218 Harrodsburg Road, Suite 300
Lexington, Kentucky 40504

Manager, Medicare Liaison
Pan American Life Insurance Co.
P.O. Box 60450
New Orleans, Louisiana 70160

Blue Shield Of Massachusetts/Maine
Medicare Claims Office
477 Congress Street
Portland, Maine 0411

Medicare Coordinator
Maryland Blue Shield, Inc.
700 E. Joppa road
Baltimore, Maryland 21204

Medicare Coordinator Part B
Massachusetts Blue Shield
100 Summer Street
Boston, Massachusetts 02106

Asst. Vice Pres. Govern. Aff. Dept.
Michigan Medical Services
600 Lafayette East
Detroit, Michigan 48226

Blue Shield/Blue Shield of Minn.
3535 Blue Cross Road
St. Paul, Minnesota 55165

Vice President Government Programs
Blue Shield Of Kansas City
P.O. Box 169
Kansas City, Missouri 64141

Director, Medicare Administration
General American Life Ins. Corp.
P.O. Box 505
St. Louis, Missouri 6366

Montana Physicans Service
404 Fuller Avenue
P.O. Box 2510
Helena, Montana 59601

Assistant Vice President
Health Insurance Benefits
Mutual of Omaha Insurance Co.
Box 456, Downtown Station
Omaha, Nebraska 68101

Medicare Claims Administrator
Aetna Life & Casualty
P.O. Box 7290
Reno, Nevada 89510

Medicare Coordinator
New Hampshire Vermont Phys. Serv.
2 Pillsbury St.
Concord, New Hampshire 03301

Medicare Coordinator
Prudential Insurance Co. of America
P.O. Box 471
Millville, New Jersey 08332

Medicare
The Equitable Life Assurance Society
P.O. Box 3070
Station D
Albuqerque, New Mexico 87110

Director of Medicare Part B
Blue Shield Of Western New York, Inc.
298 Main Street
Buffalo, New York 14202

Medicare Coordinator
Group Health Insurance, Inc.
326 West 42nd Street
New York, New York 10036

Medicare Coordinator
Genesee Valley Medical Care, Inc.
42 Chestnut Street
Rochester, New York 14604

Medicare Coordinator
Blue Shield/Blue Cross of Greater N.Y.
622 Third Avenue
New York, New York 10017

Medicare Coordinator
The Equitable Life Assurance Society
1285 Avenue of the Americas
New York, New York 10019

Manager
Metropolitan Life Insurance Co.
P.O. Box 393
276 Genesse Street
Utica, New York 13503

Senior Vice President
Metropolitan Life Insurance Co.
One Madison Avenue
New York, New York 10010

Medicare Coordinator, B Division
Prudential Life Insurance Company
P.O. Box 2126
High Point, North Carolina 27261

Medicare Coordinator
Blue Shield of North Dakota
301 South Eight Street
Fargo, North Dakota 58102

Medicare System & Proc. Div.
Nationwide Insurance Company
P.O. Box 57
Columbus, Ohio 43216

Department of Institutions

Social & Rehabilitative Services
Box 25352 State Capital Station
Oklahoma City, Oklahoma 73125

Medicare Claims Admin.
Aetna Life & Casualty
Glenbrook Center, 1140 N.W. 63rd St.
Oklahoma City, Oklahoma 73116

Medicare Claim Admin.
Aetna Life & Casualty
1500 S.W. First Avenue
Crown Plaza
Portland, Oregon 97201

Medicare Coordinator
Pennsylvania Blue Shield
Blue Shield Building
Camp Hill, Pennsylvania 17011

Chief, Internal Operations
Seguros de Servicio de Salud de Puerto Rico, Inc.
G.P.O. Box 3628
San Juan, Puerto Rico 00936

Medicare Coordinator
R.I. Medical Society Physicians Serv.
444 Westiminster Mall
Providence, Rhode Island 02901

Medicare Coordinator
Blue Cross/Blue Shield of S.C.
Drawer F Forest Acres Branch
Columbia, South Carolina 29206

Assistant Executive Director
South Dakota Medical Service, Inc.
1601 West Madison
Sioux Falls, South Dakota 57104

The Equitable Life Assurance Society
P.O. Box 1465
Nashville, Tennessee 37202

Offices Services
Group Medical & Surgical Service
P.O. Box 22147
Dallas, Texas 75222

Manager, Part B
Blue Shield of Utah
P.O. Box 3270
2455 Parleys Way
Salt Lake City, Utah 84125

Assistant Administrator
Washington Physicians Service
4th & Battery Building—6th Floor
2401 4th Avenue
Seattle, Washington 98121

Medicare Coordinator, Surgical Care
The Medical Society of Milwaukee County
401 West Michigan Street
Milwaukee, Wisconsin 53203

Director, Medicare Claims Dept.
Wisconsin Physicians Service
330 E. Lakeside Street, P.O. Box 1109
Madison, Wisconsin 53701

Field Director
Equitable Life Assurance Society
P.O. Box 628
102 Indian Hills Shopping Center
Cheyenne, Wyoming 82001

Health Care Financing Administration
Bureau of Program Operations
Group Health Plans Operations Staff
6401 Security Blvd.
Baltimore, Maryland 21235

Director of Retirement Claims
U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

[FR Doc. 81-13126 Filed 4-30-81; 8:45 am]
BILLING CODE 4110-35-M

National Institutes of Health

Bladder and Prostatic Cancer Review Committee, Bladder Cancer Review Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Bladder and Prostatic Cancer Review Committee, (Bladder Cancer Review Subcommittee), National Cancer Institute, June 10-11, 1981, Hershey Lodge and Convention Center, Hershey, Pennsylvania. This meeting will be open to the public on June 10, from 1:00 p.m. to 1:30 p.m., to review administrative details. Attendance by the Public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 10, from 1:30 p.m. to adjournment and on June 11, from 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205, (301/496-5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, Bladder and Prostatic Cancer Review Committee, National Cancer Institute, Westwood Building, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7978) will furnish substantive program information.

(Catalog of federal domestic assistance numbers, 13.393, 13.394, 13.395, Project grants in cancer cause and prevention research, cancer detection and diagnosis research, and cancer treatment research, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-13127 Filed 4-30-81; 8:45 am]
BILLING CODE 4110-08-M

Cancer Control Grant Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, June 8-9, 1981, Building 31C, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on June 8, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 8, from 9:00 a.m. to adjournment and on June 9, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the application, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Robert F. Browning, Executive Secretary, Cancer Control Grant Review Committee, National Cancer Institute, Westwood Building, Room 806, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7413) will furnish substantive program information.

(Catalog of Federal domestic assistance number 13.399, project grants and contracts in cancer control, National Institutes of Health)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-13128 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-08-M

Cancer Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, May 27-28, 1981, The Madison Inn, 601 Langdon Street, Madison, Wisconsin 53703. The meeting will be open to the public on May 27, 1981, from 9:00 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 27, from 9:30 a.m. to adjournment and on May 28, from 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205, (301/496-5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7978) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, Project grants in cancer research manpower, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A-95 because they fit the description of "program not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-13129 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-08-M

Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, May 7-8, 1981. The meeting will be held at the Federal Building, 7550 Wisconsin Avenue, Conference Room B119, Bethesda, Maryland 20205.

This meeting will be open to the public on May 7 from 10:00 a.m. to 3:00 p.m. and all day May 8 when new initiatives will be discussed. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 7 from approximately 3:00 p.m. to adjournment for the review, discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of meetings and rosters of committee members. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: April 22, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-13130 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-08-M

Division of Research Grants, Study Sections; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for May through July 1981, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal infomation concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time. All times are A.M. unless otherwise specified.

Study section	May-July 1981 meetings	Time	Location
Allergy and Immunology, Dr. Morton Reitman, Rm. 320, Tel. 301-496-7380.	June 11-13	8:30	Holiday Inn, Georgetown, DC.
Applied Physiology and Orthopedics, Ms. Ileen E. Stewart, Rm. 350, Tel. 301-496-7581.	June 8-10	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Bacteriology and Mycology, Dr. Milton Gordon, Rm. 304, Tel. 301-496-7340.	June 4-6	8:30	Holiday Inn, Bethesda, MD.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 203, Tel. 496-7109.	June 3-5	9:00	Shoreham Americana, Washington, DC.
Behavioral and Neurosciences A, Dr. Bertie Woolt, Rm. 319, Tel. 496-7296.	May 7-8	9:00	Holiday Inn, Georgetown, DC.

Study section	May–July 1981 meetings	Time	Location
Behavioral and Neurosciences B, Dr. Bertie Woolf, Rm. 319, Tel. 301-496-7286.	May 29	8:30	Holiday Inn, Bethesda, MD.
Behavioral and Neurosciences C, Dr. Bertie Woolf, Rm. 319, Tel. 301-496-7286.	June 23	8:30	Holiday Inn, Bethesda, MD.
Behavioral and Neurosciences E, Dr. Bertie Woolf, Rm. 319, Tel. 301-496-7286.	June 12	8:30	Holiday Inn, Chevy Chase, MD.
Biochemical Endocrinology, Dr. Norman Gold, Rm. A-17, Tel. 301-496-7430.	June 28-30	8:30	In-Town Motel, Chevy Chase, MD.
Biochemistry, Dr. Adolphus P. Toliver, Rm. 318, Tel. 301-496-7516.	June 10-13	9:00	Marriott Hotel, Washington, DC.
Biomedical Sciences A, Dr. Alexander Liacouras, Rm. 203, Tel. 301-496-7477.	June 4-6	8:30	Holiday Inn, Bethesda, MD.
Biomedical Sciences B, Dr. Nicholas Mazzarella, Rm. 2A-05, Tel. 301-496-7600.	May 26-27	8:30	Room 7, Bldg., 31C, Bethesda, MD.
Biomedical Sciences C, Dr. Catherine Woodbury, Rm. 2A-10, Tel. 301-496-9779.	May 21-22	8:30	Ramada Inn, Bethesda, MD.
Biomedical Sciences D, Dr. Charles Baker, Rm. 2A-05, Tel. 301-496-7600.	May 28-29	8:30	Holiday Inn, Bethesda, MD.
Bio-Organic and Natural Products Chemistry, Dr. Michael Rogers, Rm. A-27, Tel. 301-496-7107.	June 25-27	9:00	Marriott Hotel, Bethesda, MD.
Biophysics and Biophysical Chemistry A, Dr. James Cassatt, Rm. 236, Tel. 301-496-7060.	June 12-14	8:30	Westpark Hotel, Rosslyn, VA.
Biophysics and Biophysical Chemistry B, Dr. John B. Wolff, Rm. 236, Tel 301-496-7070.	June 11-13	8:30	Holiday Inn, Chevy Chase, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301-496-7058.	June 30-July 3	9:00	Wellington Hotel, Washington, DC.
Cardiovascular and Pulmonary, Dr. Constance E. Weinstein, Rm. 2A-04, Tel. 301-496-7316.	June 24-26	8:00	Holiday Inn, Gaithersburg, MD.
Cardiovascular and Renal, Dr. Rosemary S. Morris, Rm. 321, Tel. 301-496-7901.	June 17-19	8:30	Holiday Inn, Bethesda, MD.
Cell Biology, Dr. Gerald Greenhouse, Rm. 306, Tel. 301-496-7681.	June 4-6	8:30	Landow Bldg., Rm. A, Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301-496-7078.	June 8-10	8:00	Marriott Hotel, Bethesda, MD.
Clinical Sciences A, Dr. Lynwood Jones, Rm. 2A-03, Tel. 301-496-7510.	May 18-20	8:30	Holiday Inn, Georgetown, DC.
Clinical Sciences B, Dr. Alex Liacouras, Rm. 203, Tel. 301-496-7477.	May 14-15	8:30	Holiday Inn, Bethesda, MD.
Clinical Sciences C, Dr. Melvin Ketchel, Rm. 3A-04, Tel. 301-496-9193.	May 21-22	9:00	Holiday Inn, Bethesda, MD.
Clinical Sciences D, Dr. Barry Jones, Rm. 222, Tel. 301-496-7900.	May 14-15	8:30	Holiday Inn, Chevy Chase, MD.
Communicative Sciences, Dr. Michael Halasz, Rm. 226, Tel. 301-496-7550.	June 15-17	8:30	Holiday Inn, Georgetown, DC.
Diagnostic Radiology, Dr. Catherine Wingate, Rm. 219, Tel. 301-496-7650.	June 8-10	8:30	Marriott Hotel, Bethesda, MD.
Endocrinology, Mr. Morris M. Graff, Rm. 333, Tel. 301-496-7346.	June 14-16	3:00 p.m.	Linden Hill Hotel, Bethesda, MD.
Epidemiology and Disease Control, Dr. Ann Schluederberg, Rm. 234, Tel. 301-496-7246.	June 9-11	8:30	Sheraton Inn, Silver Spring, MD.
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 310, Tel. 301-496-7940.	June 9-11	8:00	Tysons Westpark, McLean, VA.
Experimental Immunology, Dr. David Lavrin, Rm. 222, Tel. 301-496-7238.	June 4-6	8:30	Executive House, Washington, DC.
Experimental Therapeutics, Dr. Anne R. Bourke, Rm. 319, Tel. 301-496-7839.	June 17-20	12:30 p.m.	Kenwood Country Club, Bethesda, MD.
Experimental Virology, Dr. Eugene Zebovitz, Rm. 206, Tel. 301-496-7474.	June 7-10	2:00 p.m.	Room 8, Bldg. 31C, Bethesda, MD.
General Medicine A, Dr. Harold Davidson, Rm. 354, Tel. 301-496-7797.	June 15-16	9:00	Room 10, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Antonia Novello, Rm. 322, Tel. 301-496-7730.	June 24-27	8:30	Holiday Inn, Georgetown, DC.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301-496-7271.	June 11-13	9:00	Room 10, Bldg. 31C, Bethesda, MD.
Hematology, Dr. Clark Lum, Rm. 355, Tel. 301-496-7508.	June 11-13	8:00	In-Town Motel, Chevy Chase, MD.
Human Development, Dr. Miriam Kelty, Rm. 303, Tel. 301-496-7025.	June 29-July 2	8:30	Gramercy Inn, Washington, DC.
Human Embryology and Development, Dr. Arthur Hoversland, Rm. 221, Tel. 301-496-7597.	June 29-July 2	8:30	Westpark Hotel, Rosslyn, VA.
Immunobiology, Dr. William Stylos, Rm. 226, Tel. 301-496-7780.	June 3-5	8:30	Holiday Inn, Bethesda, MD.
Immunological Sciences, Dr. Lottie Kornfeld, Rm. 233, Tel. 301-496-7179.	June 17-19	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Mammalian Genetics, Dr. Halvor Aaslestad, Rm. 349, Tel. 301-496-7271.	June 18-20	9:00	Room 6, Bldg. 31C, Bethesda, MD.
Medicinal Chemistry, Dr. Ronald Dubois, Rm. A-27, Tel. 301-496-7107.	June 10-12	9:00	Holiday Inn, Georgetown, DC.
Metabolism, Dr. Robert Leonard, Rm. 334, Tel. 301-496-7091.	June 4-6	8:30	Room 4, Bldg. 31A, Bethesda, MD.
Metallobiochemistry, Dr. Marjam Behar, Rm. 310, Tel. 301-496-7733.	June 25-27	9:00	Westpark Hotel, Rosslyn, VA.
Microbial Physiology, Dr. Martin Slater, Rm. 238, Tel. 301-496-7183.	June 11-12	8:30	Linden Hill Hotel, Bethesda, MD.
Molecular Biology, Dr. Donald Disque, Rm. 328, Tel. 301-496-7830.	June 4-6	8:30	Holiday Inn, Georgetown, DC.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233, Tel. 301-496-7149.	May 28-30	8:30	Room 7, Bldg. 31C, Bethesda, MD.

Study section	May–July 1981 meetings	Time	Location
Neurological Sciences, Dr. Edwin Bartos, Rm. 207, Tel. 301–496–7000.	June 11–13	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Neurology A, Dr. William Morris, Rm. 326, Tel. 301–496–7095.	June 18–20	9:00	Executive House, Washington, DC.
Neurology B, Dr. Willard McFarland, Rm. A–25, Tel. 301–496–7422.	June 24–27	8:30	Executive House, Washington DC.
Nutrition, Dr. John R. Schubert, Rm. 204, Tel. 301–496–7178.	June 29–July 1	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Oral Biology and Medicine, Dr. Thomas Tarpley, Jr., Rm. 325, Tel. 301–496–7818.	June 9–12	8:30	In-Town Motel, Chevy Chase, MD.
Pathobiological Chemistry, Dr. Clarice Gaylord, Rm. A–26, Tel. 301–496–7820.	June 10–13	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. Harold Waters, Rm. 337, Tel. 301–496–7305.	May 27–30	8:00	Holiday Inn, Dulles Washington, DC.
Pathology B, Dr. Earl Fisher, Rm. 352, Tel. 301–496–7244.	June 17–19	8:30	Holiday Inn, Chevy Chase, MD.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301–496–7408.	June 2–4	8:30	Holiday Inn, Bethesda, MD.
Physical Biochemistry, Dr. Jeanne Ketley, Rm. 218, Tel. 301–496–7120.	June 17–19	9:00	Marriott Hotel, Bethesda, MD.
Physiological Chemistry, Dr. Harry Brodie, Rm. 440, Tel. 301–496–7837.	June 25–27	8:00	Westpark Hotel, Rosslyn, VA.
Physiology, Dr. Martin Frank, Rm. 209, Tel. 301–496–7878.	June 10–13	2:00 p.m.	Holiday Inn, Georgetown, DC.
Radiation, Dr. Robert Straube, Rm. 219, Tel. 301–496–7073.	June 22–24	9:00	Holiday Inn, Chevy Chase, MD.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301–496–7318.	June 8–11	8:30	Ramada Inn, Bethesda, MD.
Social Sciences and Population, Ms. Carol Campbell, Rm. 210, Tel. 301–496–7906.	June 8–10	8:30	Executive Hotel, Washington, DC.
Surgery, Anesthesiology and Trauma, Dr. Keith Kraner, Rm. 336, Tel. 301–496–7771.	June 1–2	8:30	Holiday Inn, Washington Nat'l. Airport, Arlington, VA.
Surgery and Bioengineering, Dr. Joe Atkinson, Rm. 303A, Tel. 301–496–7506.	June 18–19	8:00	Holiday Inn, Bethesda, MD.
Toxicology, Dr. Raymond Bahor, Rm. 205, Tel. 301–496–7570.	June 22–24	8:30	Holiday Inn, Washington, DC.
Tropical Medicine and Parasitology, Dr. Betty June Myers, Rm. 203, Tel. 301–496–7494.	June 15–17	8:30	Ramada Inn, Bethesda, MD.
Virology, Dr. Claire Winestock, Rm. 309, Tel. 301–496–7605.	June 11–13	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Visual Sciences A, Dr. Orvil Bolduan, Rm. 439, Tel. 301–496–7260.	June 17–19	8:30	Ramada Inn, Alexandria, VA.
Visual Sciences B, Dr. Luigi Giacometti, Rm. 325, Tel. 301–496–7251.	June 17–20	9:00	Holiday Inn, Georgetown, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 22, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13131 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

Genetic Basis of Disease Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences on June 11–12, 1981, at the National Institutes of Health, Westwood Building, Conference Room D, Bethesda, Maryland.

This meeting will be open to the public on June 11, 1981, from 9:00 a.m. until 12 noon for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately ten hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on June 11 from 12 noon until 5:00 p.m. and on June 12 from 9:00 a.m. until adjournment. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Maryland 20205, Telephone 301–496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Mrs. Mary L. Wolff, Executive Secretary, Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Room 949, Westwood Building, Bethesda, Maryland 20205 (Telephone 301–496–7585) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–862, Genetics Research, National Institute of General Medical Sciences, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13132 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Cancer Review Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Large Bowel Cancer Review Subcommittee), National Cancer Institute, June 1–2, 1981, Holiday Inn–O'Hare, 3801 North Mannhiem Road, Schiller Park, Illinois 60176. This meeting will be open to the public on June 1 from 1:30 p.m. to 5:00 p.m., to discuss the revision of the National Plan for the National Large Bowel Cancer Project; and on June 2, from 8:00 a.m. to 8:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 1, from 8:00 a.m. to noon, and on June 2, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as a patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Vincent J. Cairoli, Executive Secretary, Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Subcommittee), National Cancer Institute, Blair Building, Room 312, National Institutes of Health, Bethesda, Maryland (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention, project grants in cancer detection and diagnosis, and project grants in cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13133 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

Minority Access to Research Careers Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Building 31–C, Conference Room 8, on June 18–19, 1981.

This meeting will be open to the public on June 18, 9:00 a.m. to 12:00 noon. The meeting will consist of opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately the last four hours of the day on June 18, and untill adjournment on June 19. It is estimated that this will occur from 1:00 p.m. to 5:00 p.m., on June 18, and on June 19 from 9:00 a.m. until adjournment for the review, discussion and evaluation of institutional and individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A–10, 5333 Westbard Avenue, Bethesda, Maryland 20205, telephone (301) 496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Harriet L. Gordon, M.D., Executive Secretary, Westwood Building, Room 949, Bethesda, Maryland 20205, telephone (301) 496–7585.

(Catalog of Federal Domestic Assistance Program 13.880, Minority Access to Research Careers (MARC), National Institutes of Health, Department of Health and Human Services)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13134 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

Large Bowel and Pancreatic Cancer Review Committee, Pancreation Cancer Review Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Pancreatic Cancer Review Subcommittee), National Cancer Institute, June 4–5, 1981, Tidewater Place, Suite 1521, 1440 Canal Street, New Orleans, Louisiana 70112. This meeting will be open to the public on June 4 from 8:30 p.m. to 10:00 p.m. and on June 5 from 8:00 a.m. to adjournment to review administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 4, from 10:00 p.m. to adjournment, for the review, discussion, and evluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205, (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William E. Straile, Executive Secretary, Large Bowel and Pancreatic Cancer Review Committee (Pancreatic Cancer Review Subcommittee), National Cancer Institute, Blair Building, Room 314, National Institutes of Health, Bethesda, Maryland (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.393, 13.394, 13.395, Project grants in cancer cause and prevention, project grants in cancer detection and diagnosis, and project grants in cancer treatment research, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13135 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Development and Production Plan; Conoco, Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the West Delta/Grand Isle Federal Unit, Agreement No. 14–08–001–2454, submitted on March 20, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the West Delta/Grand Isle Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m. 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local

governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 22, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13215 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Intent To Prepare a Supplement to an Environmental Impact Statement; for Proposed 5-Year Outer Continental Shelf Oil and Gas Lease Site Schedule

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior's Bureau of Land Management (BLM) intends to prepare a Supplement to the Final Environmental Impact Statement (SEIS) for the Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Lease Sale Schedule covering the period March 1980 to February 1985. The Supplement will cover changes in the present schedule and an extension of that schedule to December 1986, and the draft SEIS will be available May 29, 1981.

In December 1980, the Department of the Interior requested comments and information from the Governors of affected coastal States and industry on a possible revision or reapproval of the current schedule. Requested was information on the characteristics of the OCS leasing areas, environmental sensitivity, technological feasibility of exploring and developing certain areas, the ranking of OCS areas by oil and gas potential, and interest in exploration and development by area. Based on the replies and on the energy situation of the country, the Secretary has proposed to develop a new 5-year leasing schedule which will provide for the offering of an average of eight (8) or more sales per year as opposed to seven (7) in the present schedule. The proposal would contain 42 oil and gas lease sales to be held between January 1982 and December 1986 whereas the present schedule contains 36 lease sales during the period of June 1980 to June 1985. In addition, the proposed schedule would permit earlier entry and more rapid development of high energy potential leasing areas.

For details concerning the timing and location of the proposed sale areas, see "Proposed Changes in Offshore Leasing Program—Request for Comment," published in the **Federal Register**, April 17, 1981.

The proposed program is being developed pursuant to Section 18 of the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1331 *et seq.* The purposes of the OCS Lands Act include making oil and gas resources available to meet the Nation's energy needs as rapidly as possible and balancing orderly energy resource development with the protection of the human, marine, and coastal environments. The proposed action to be analyzed in the Supplement is the adoption of a new 5-Year OCS Leasing schedule. Accordingly, the alternative to the proposed schedule will be the present schedule extended into December 1986 based on the present pace of leasing.

Any questions on the proposal or the Supplement to the Environmental Impact Statement may be directed to Archie Melancon (202-343-6264).

Arnold E. Petty,

Acting Director, Bureau of Land Management.

Approved: April 27, 1981.

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-13222 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-84-M

Canon City District, Royal Gorge and San Luis Resource Areas, Colorado; Amendments to the Royal Gorge, Saguache, and San Luis Management Framework Plans

Notice is hereby given in accordance with Pub. L. 94-579 section 603 and 43 CFR Part 1601 that the Bureau of Land Management, Canon City District, Colorado is beginning the process of amending the Management Framework Plan (MFP) for wilderness in the Royal Gorge and San Luis Resource Areas. The Royal Gorge and San Luis Resource Areas are located primarily in south central Colorado. The MFP Wilderness Amendment for the Royal Gorge Resource Area will include Fremont County and portion of Chaffee, Teller, El Paso, and Custer Counties. The MFP Wilderness Amendment for the San Luis Resource Area will include Saguache, Alamos, and a portion of Conejos County.

Planning Actions

The MFP Wilderness Amendments will consider the issues and concerns of designating Wilderness Study Areas (WSAs) as wilderness or for other uses. An Environmental Impact Statement will assess the uses of the WSAs if designated wilderness compared with uses of the WSAs if not designated wilderness. A recommendation will be made to the Congress of the United States to designate appropriate WSAs as Wilderness or Non-Wilderness.

The following eleven WSAs will be studied for their wilderness suitability: Royal Gorge Resource—CO-050-002, Browns Canyon, 6,614 acres; CO-050-013, McIntyre Hills, 16,800 acres; CO-050-014, Lower Grape Creek, 11,700 acres; CO-050-016, Beaver Creek, 26,150 acres; CO-050-017, Upper Grape Creek, 10,200 acres; San Luis Resource Area—CO-050-131, Black Canyon, 2,300 acres; CO-050-132B, South Piney Creek, 870 acres; CO-050-135, Sand Castle, 1,644 acres; CO-050-137, Papa Keal, 1,020 acres; CO-050-139B, Zapata Creek, 720 acres; CO-050-141, San Luis Hills, 10,240. The decision to study the Beaver Creek WSA (CO-050-016) is currently under appeal.

General Issues

The following is a list of significant issues related to the planning actions that have been identified at this time: conflicts and effects on the resource related plans of other Federal agencies, local and regional socio-economic effects, energy and critical mineral resource values, impacts of a wilderness or non-wilderness designation on the wilderness and other resource values of a WSA, manageability of the WSA as wilderness.

Planning Criteria

The planning criteria for the MFP Wilderness Amendments are identified in the BLM Draft Wilderness Study Policy published in the **Federal Register** on December 19, 1980.

Interdisciplinary Team

The following resources will be represented on the Interdisciplinary team: Wilderness, Geology/Minerals, Wildlife, Forestry, Range, Recreation/Visual, Cultural, Soils, Hydrology, Fisheries, Economics, Sociology, Access, Air Quality and Surface Reclamation.

Public Participation Activities

In addition to already identified issues from previous meetings an open-house will be held to identify issues and concerns for the Saguache and San Luis wilderness MFP amendments. This open-house will be June 2, 1981 from 2:00 PM to 8:00 PM at the San Luis Resource Area office, 1921 State Street, Alamosa, Colorado 81101.

Oral comments will be received at the open-house. Written comments should

be received by July 3, 1981 at the address below:

Official BLM Contact: David Hallock, BLM Planning Specialist, Canon City District Office, 3080 East Main, P.O. Box 311, Canon City, Colorado 81212 Telephone (303) 275-0631.

For the State Director.

Melvin O. Clausen,

District Manager.

[FR Doc. 81-13267 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-84-M

[CA 2833]

California; Termination of Proposed Withdrawal and Reservation of Land

April 22, 1981.

Notice of the Forest Service, U.S. Department of Agriculture, application CA 2833 for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), was published as FR. Doc. 75-18579 on page 30139 of the issue of July 17, 1975, and republished as FR. Doc. 77-17005 on pages 30548 and 30549 of the issue of June 15, 1977. The applicant has cancelled its application in its entirety.

Mount Diablo Meridian, California

Klamath and Shasta-Trinity National Forests, Little Glass Mountain, Pumice Stone Mountain, and Paint Pot Crater Geological Area

T. 43 N., R. 2 E.,
Sec. 12, S½SE¼;
Sec. 13, All;
Sec. 14, All;
Sec. 23, N½, SE¼, and E½SW¼;
Sec. 24, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, W½NW¼;
Sec. 26 NE¼ and E½NW¼.
T. 43 N., R. 3 E.,
Sec. 7 SW¼;
Sec. 18, W½ and W½E½;
Sec. 19, NW¼, N½SW¼, and NW¼NE¼.

The area described aggregates 3,760 acres in Siskiyou County, California. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), these lands shall at 10:00 a.m. on June 1, 1981, be relieved of the segregative effect of the application and open to such forms of disposition as may be made of National Forest Land.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-13201 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

[INT-FES 81-20]

Colorado—Big Thompson/Windy Gap Projects, Colorado; Availability of Final Environmental Statement.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on the operations of its existing Colorado—Big Thompson Project. The final environmental statement also assesses the impacts of the construction and operation of the Windy Gap Project which will divert an annual average of about 56,000 acre-feet of water from the Upper Colorado River to the east slope of Colorado for municipal and industrial use.

Copies are available for inspection at the following loctions:

Office of Environmental Affairs, Department of the Interior, Water and Power Resources Service, Room 7622, Washington, DC 20240, Telephone (202) 343-4991.

Division of Management Support, General Services, Library Branch, Code D-950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3019.

Office of the Regional Director, Water and Power Resources Service, Denver Federal Center, Room E-2418, Building 20, Denver, CO 80225, Telephone (303) 234-3779.

South Platte River Projects Office, Water and Power Resources Service, 995 Wilson Avenue, Loveland, CO 80537, Telephone (303) 234-4410.

Libraries in Greeley, Fort Collins, Estes Park, Longmont, Loveland, Boulder, Hot Sulphur Springs, Fort Morgan, Sterling Julesburge, and Denver, CO.

Single copies of the final environmental statement may be obtained on request to the Director, Office of Environmental Affairs, or the Regional Director, at the addresses given above. Please refer to the statement number above.

Dated: April 28, 1981.

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81-13252 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 11]

Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously notice in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commisson's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 31879 (Sub-41F) (republication), filed December 13, 1979, published in the **Federal Register** issue of May 9, 1980, and republished this issue. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 W. 10th Avenue, North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. A Order of the Commission, Division 1, decided April 10, 1981, and served April 21, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, transporting *general commodities* (except class A and B explosives), (1) between points in Rock Island County, IL, and Iowa and (2) between points in Rock Island County, IL, and Iowa, on the one hand, and, on the other, points in Missouri, Kansas, and Nebraska, points in Boone and Carroll Counties, AR, Lee County, IA, Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Bent, Prowers, and Baca

Counties, CO, Laramie and Goshen Counties, WY, Cook, Kane, Du Page, and Will Counties, IL, points in Illinois within the St. Louis, MO-East St. Louis, IL commercial zone those points in Illinois in and area and on a line beginning at Chester, and extending over Illinois Hwy 150, to junction Illinois Hwy 154, then over Illinois Hwy 154 to junction U.S. Hwy 51, then over U.S. Hwy 51, to junction Illinois Hwy 15, then over Illinois Hwy 15 to junction Illinois Hwy 127, then over Illinois Hwy 127 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Decatur, then over U.S. Hwy 36 to the Mississippi River, and those points in New Mexico bounded by and on a line beginning at the Colorado-New Mexico State line, and extending over the western boundary of Colfax County, NM, to Mora County, then along the western boundary of Mora County to Santa Fe County, then in a northerly and westerly direction along the Santa Fe County boundary to Los Alamos County, then in a notherly and westerly direction along the Los Alamos County boundary until that boundary meets the Santa Fe County boundary at the southern tip of Los Alamos County, then over the Santa Fe County boundary to junction combined U.S. Hwy 85 and Interstate Hwy 25, then over combined U.S. Hwy 85 and Interstate Hwy 25 to junction U.S. Hwy 60, then over U.S. Hwy 60 to the New Mexico-Texas State line, restricted in (1) and (2) above against the transportation of parcels, packages, or articles weighing in the aggregate more than 200 pounds from any one consignor, at any one location, to any one consignee, at any one location, on any one day, and further restricted in (1) and (2) above against the transportation of any single parcel, package, or article weighing more than 100 pounds, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 87909 (Sub 31F) (republication), filed May 17, 1979, published in the **Federal Register** issue of February 20, 1980, and republished this issue. Applicant: KROBLIN TRANSPORTATION SYSTEMS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). A Decision of the Commission, Division 1, decided March 27, 1981, and served April 2, 1981, finds that the present and future public convenience and necessity require operations by applicant in interestate or foreign commerce as a common carrier, by motor vehicle, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), I over regular routes, (1)(a) between Chicago, IL and Milwaukee, WI from Chicago over IL Hwy 42A to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction IL Hwy 173, then over IL Hwy 173 to junction IL Hwy 42, then over IL Hwy 42 to the IL-WI State line, then over WI Hwy 32 to junction WI Hwy 100, then over WI Hwy 100 to junction WI Hwy 59, and then over WI Hwy 59 to Milwaukee, and return over the same route, serving all intermediate points in WI, and (1)(b) between junction U.S. Hwy 41 and IL Hwy 173, and Milwaukee, WI, over U.S. Hwy 41, serving no intermediate points, RESTRICTION: Under (a) and (b) above, service is restricted to transportation of shipments moving to and from points on applicant's authorized routes (except Chicago, IL, and points in its commerical zone); (2) between Chicago, IL and Cleveland, OH, from Chicago over U.S. Hwy 20 to junction OH Hwy 120, then over OH Hwy 120 to junction OH Hwy 2, then over OH Hwy 2 to junction OH Hwy 57, then over OH Hwy 57 to junction OH Hwy 254, and then over OH Hwy 254 to Cleveland, and return over the same route, serving all intermediate points and the off-route points of La Porte, IN, and Painesville, OH; (3) between Toledo and Port Clinton, OH, from Toledo over OH Hwy 120 to junction OH Hwy 163, then over OH Hwy 163, then over OH Hwy 163 to Port Clinton, and return over the same route, serving all intermediate points; (4) between South Bend and Bristol, IN, from South Bend over U.S. Hwy 20 to junction IN Hwy 112, then over IN Hwy 112 to junction IN Hwy 120, and then over IN Hwy 120 to Bristol, and return over the same route, serving all intermediate points; (5) between South Bend, IN, and Cleveland, OH, from South Bend over U.S. Hwy 20 to junction OH Hwy 49, then over OH Hwy 49 to Edon, then over OH Hwy 34 to Bryan, then over OH Hwy 34 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Sandusky, then over U.S. Hwy 250 to Milan, then over OH Hwy 113 to Elyria then over OH Hwy 57 to junction OH Hwy 254, and then over OH Hwy 254 to Cleveland, and return over the same route, serving all intermediate points; (6) between Pittsburgh, PA, and Mansfield, OH, from Pittsburg over PA Hwy 51 to the PA-OH State line, then over OH Hwy 14 to junction OH Hwy 14A, then over OH Hwy 14A to Salem, then over U.S. Hwy 62 to Canton, and then over U.S. Hwy 30 to Mansfield, and return over the same route, serving all intermediate points and the off-route points of East Pittsburgh, Trafford, Carnegie, and Derry; PA, and Galion and Plymouth, OH, (7) between Pittsburgh and Beaver, PA, from Pittsburgh over PA Hwy 65 to Rochester, and then over PA Hwy 68 to Beaver, and return over the same route, serving all intermediate points and the off-route points of East Pittsburgh, Trafford, Carnegie, and Derry, PA; (8) between Canton and Massillon, OH, from Canton over U.S. Hwy 62 to junction unnumbered Hwy, and then over unnumbered Hwy to Massillon, and return over the same route, serving all intermediate points; (9) between Salem and Manfield, OH, from Salem over OH Hwy 14A to Deerfield, then over OH Hwy 14 to Cleveland, and then over U.S. Hwy 42 to Mansfield, and return over the same route, serving all intermediate points; (10) between Unity and Edinburg, OH, from Unity over OH Hwy 14 to junction OH Hwy 7, then over OH Hwy 7 to Youngstown, and then over OH Hwy 18 to Edinburg, and return over the same route; (11) between Pittsburgh and Bedford, PA, from Pittsburg over U.S. Hwy 22 to Armagh, then over PA Hwy 58 to junction U.S. Hwy 220, and then over U.S. Hwy 220 to Bedford, and return over the same route, serving all intermediate points and off-route points in Allegheny, Beaver, Fayette, Washington, and Westmoreland Counties, PA; (12) between Pittsburgh, PA, and Baltimore, MD, from Pittsburgh over U.S. Hwy 30 to Breezewood, PA, then over PA Hwy 126 to Warfordsbury, then over U.S. Hwy 522 to Hancock, MD and then over U.S. Hwy 40 to Baltimore, and return over the same route, serving all intermediate points, and the off-route points of Alexandria and Rosslyn, VA, points in Allegheny, Beaver, Fayette, Washington, and Westmoreland Counties, PA, and points in MD within 20 miles of Baltimore; (13) between Pittsburgh, PA, and Hancock, MD, from Pittsburgh over PA Hwy 51 to Uniontown, PA, and then over U.S. Hwy 40 to Hancock, and return over the same route, serving all intermediate points, and Hancock for the purpose of joinder only; (14) between Baltimore, MD, and Washington, DC, over U.S. Hwy 1, serving all intermediate points; (15) between Philadelphia, PA, and Washington, DC, over U.S. Hwy 1, serving all intermediate points and off-route points within 5 miles of Baltimore;

(16) between Philadephia, PA, and Baltimore, MD, from Philadelphia over U.S. Hwy 13 to junction U.S. Hwy 40, and then over U.S. Hwy 40 to Baltimore, and return over the same route, serving all intermediate points; (17) between New York, NY and Washington, DC, over U.S. Hwy 1, serving all intermedidate points; (18) between Elizabeth and Trenton, NJ, from Elizabeth over NJ Hwy 27 to Princeton, and then over U.S. Hwy 206 to Trenton, and return over the same route, serving all intermediate points; and (19) between Camden, NJ, and Philadelphia, PA, via the Delaware River Bridge, serving all intermediate points; RESTRICTION: Under routes (12) through (19) above, service is restricted to transportation of shipments originating at or destined to points located west of PA Hwy 219, II over irregular routes, between Chicago, IL, on the one hand, and, on the other, points in Lake, McHenry, Kane, Du Page, and Will Counties, IL, points in that portion of De Kalb County, IL, east of IL Hwy 23 and those in Kankakee County north of a line beginning at the junction of the western boundary of Kankakee County and IL Hwy 17, then east along IL Hwy 17 to junction IL Hwy 114, and then east along IL Hwy 114 to the IL-IN State line, that applicant is fit, willing, and able properly to perform such service and to comform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 125368 (Sub-84F) (Republication), filed August 22, 1979, published in the FR issue of February 20, 1980, and republished this issue. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Ronald M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. An Order of the Commission, Division 2, decided March 30, 1981, and served April 6, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *foodstuffs* between the facilities of Campbell Soup Company, Inc., and the facilities of the subsidiaries and affiliates of Campbell Soup Company, Inc., or near Salisbury and Pocomoke City, MD, Clayton and Milford, DE, Dowingtown and Philadelphia, PA, and Camden, NJ, on the one hand, and, on the other, points in Arkansas, California, Connecticut, Kentucky, Maine, Massachusetts, Michigan, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, and West Virginia, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket A60353, filed March 23, 1981. Applicant: WEST WORLD TRANSPORTATION CO., INC., 2535 E. 14th Street, Los Angeles, CA 90021. Representative: Fred H. Mackenson, c/o Murchison & Davis, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: general commodities: Between all points and places in and south of San Luis Obispo, Kern and San Bernardino Counties. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B. 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, trucks trailers, truck and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump trucks or in hopper-type trucks. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to California Public Utilities Commission, California State Bldg., 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California Docket 60409, filed March 30, 1981. Applicant: RELIABLE EXPRESS, INC., 15600 Salt Lake Ave., City of Industry, CA 91744. Representative: Fred H. Mackensen, c/o Murchison & Davis, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: general commodities: Between all points and places in and south of San Luis Obispo, Kern and San Bernardino Counties. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimun Rate Tariff 4–B. 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Logs.

8. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. 9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to California Public Utilities Commission, California State Bldg., 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Iowa Docket MC 13, filed December 17, 1980. Applicant: ARNIE'S MOTOR FREIGHT, INC., 701 1st Avenue North, Altoona, IA 50009. Representative: Russell H. Wilson, 4400 Merle Hay Road, Des Moines, IA 50310. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment) Between Marshalltown, Newton, and points and places in Iowa which applicant presently holds Motor Carrier Authority under IACC #130F. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Iowa Department of Transportation, Colony Bldg., 507 10th Street, Des Moines, Iowa 50319, and should be directed to the Interstate Commerce Commission.

Kansas Docket 127,524 M, filed April 13, 1981. Applicant: ABILENE IRON & METALS, INC., 308 West First Street, Abilene, Kansas 67410. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, Kansas 66603. Certificate of public convenience and necessity sought to operate freight service as follows: Transportation of general commodities, except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Abilene, Kansas, on the one hand, and, all points and places in Kansas on the other. Restricted to traffic having a prior or subsequent movement by rail piggy back. Intrastate and interstate commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the State Corporation Commission of Kansas, State Office Bldg., Topeka, Kansas 66612, and should not be directed to the Interstate Commerce Commission.

New York Docket T-1418 (Republication*), filed April 7, 1981. Applicant: ACORN TRANSPORTATION INC., #3 Sussex Road, East Greenbush, NY 12016. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Albany, Rensselaer and Schenectady and the Village of Waterford (Saratoga County). Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed the Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

South Carolina Docket 81-74-T, filed February 18, 1981. Applicant: FRANK B. SIRES, d.b.a. CHEM-WASTE CONTROL, P.O. Box 250, Evans, GA 30809. Representative: Robert M. Haynie, P.O. Box 250, Evans, GA 30809. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportaion of: Hazardous wastes, consisting of any waste of combinations of waste of a solid, liquid, contained, gaseous, or semisolid form, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, is defined by section 44-56-20 (6) of the 1979 Cum. Supp. 1976 Code of Laws of S.C., and as amended, and is identified by Rule 61-79.1B promulgated by the S.C. Department of Health and Environmental Control, effective March 31, 1980, and as amended: Between points and places in South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to The Public Service Commission State of South Carolina, P.O. Drawer 11649, Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket MC 9018 (Sub-1), filed February 18, 1981. Applicant: VENTURE EXPRESS, INC., P.O. Box 100300, Nashville, TN 37210. Representative: Grant W. Smith, P.O. Box 24927, Nashville, TN 37202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportaion of: General Commodities excluding those of unusual value, Class A & B explosives, household goods, commodities, in bulk and those requiring special equipment from the plant site of Hoskins Warehouse & Storage Co., at Murfreesboro, TN to all points and places in Tennesses and return, over irregular routes. Intrastate, interstate and foreign commerce authority sought. Hearing: May 7, 1981 at 9:30 A.M. C-1 Cordell Hull Bldg., Nashville, TN. Request for procedural information should be addressed to Tennessee Public Service Commission, Cordell Hull Bldg., Nashville, TN 37219, and should be directed to the Interstate Commerce Commission.

*Amendment to **Federal Register** issue of March 19, 1981.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13178 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-19 (Sub-37)]

Claim Dispute Settlement Programs for Household Goods Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Final Policy Statement On Dispute Settlement Programs For Motor Common Carriers Of Household Goods.

SUMMARY: The Commission is adopting a Final Policy Statement which describes the method by which motor common carriers of household goods may establish and participate in claim dispute settlement programs.

DATES: This Final Policy Statement will become effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Alice K. Ramsay, (202) 275-0854.

SUPPLEMENTARY INFORMATION: The Household Goods Transportation Act of 1980, Pub. L. 96-454, amended Chapter 117 of 49 U.S.C. by adding a new Section 11711 which allows motor common carriers of household goods to establish procedures for resolving claim disputes that arise as a result of the transportation of household goods shipments under the jurisdiction of this Commission. New Section 11711 also sets forth the procedures for household goods carriers to file dispute resolution programs with the Commission for approval.

Consistent with or responsibilities to implement these provisions and to ensure that the views of the public are adequately considered, the Commission, on December 22, 1980, published in the

Federal Register (45 FR 84176) a Notice of Interim Policy Statement which described the method by which motor common carriers of household goods could establish and participate in claim dispute resolution programs. The Commission, in that notice, requested interested parties to submit written comments on the proposed method of reviewing these programs and on the possible need to prescribe more specific regulations in this matter. Suggestions and recommendations have been received from the Commission's Office of Special Counsel, the Federal Trade Commission's Bureau of Consumer Protection, the United States Office of Consumer Affairs, the American Movers Conference, the Transportation Consumer Action Project, the Anamax Mining Company, and the Transportation Arbitration Board, Inc.

This Commission's Office of Special Counsel and the Federal Trade Commission's Bureau of Consumer Protection have suggested that specific regulations or more definitive interpretative guidelines be prescribed to provide guidance to carriers in complying with the Act. However, other commenters have argued that, because of the clarity of these dispute settlement provisions, there is no need to promulgate regulations under 49 U.S.C. 11711. The American Movers Conference specifically requested that the review and approval of these programs be kept as simple and expeditious as possible to encourage carriers to institute and participate in programs.

Carriers should not be burdened unnecessarily by complex regulations, especially where more flexibility and more variations in types of plans can be fostered under such a policy. Furthermore, we agree with the American Movers Conference's view that excessive regulation could serve to discourage and may prevent carriers from establishing and participating in dispute settlement programs. If, however, problems develop as a result of allowing arbitration programs for disputes resolution to develop this way, we will give consideration to modifying our requirements for approving and continuing the programs.

The Commission's Office of Special Counsel, the Federal Trade Commission and the Transportation Consumer Action Project recommeded more specific requirements than those in the statute. For instance, they recommended that the Commission more precisely define in section 11711(b)(8) what is considered a "reasonable" period of time within which dispute settlers may extend the 60-day period for rendering a decision resolving a claims dispute. While the extension should be short, perhaps as few as 15 days, there is no need to set an inflexible rule for such extensions. Examining this feature of each plan in the context of its other terms would appear to be a preferable approach.

The United States Office of Consumer Affairs and the Transportation Consumer Action Project and others, suggested that the public be allowed to participate in the review process of each dispute resolution program. In view of the 45-day review period allowed the Commission by statute, it is not practicable to have public participation each time a program is submitted for approval nor would it be productive to attempt to have a notice and comment period during so short a statutory decisional period.

We have reviewed and carefully considered all comments received and find that the procedures outlined in this Final Policy Statement are adequate and appropriate. We will outline the provisions of Section 11711 which apply to the "collect-on-deliver" transportation of those types of household goods that are defined in 49 U.S.C. 10102(10)(A).[1]

The Commission has 45 days within which to review and approve dispute settlement programs filed pursuant to the new Act. However, the Commission may review and investigate, at any time, the functioning of any dispute settlement program approved by it, and after notice and an opportunity for a hearing, may suspend or revoke its approval for failure to conform to the requirements of this Section.

As provided in Section 11711(b) of the Act, no program for settling disputes concerning the transportation of household goods may be approved unless the program is a fair and expeditious method for settling such dispute and complies with each of the following requirements:

(1) The dispute settlement program must be designed so as to prevent a carrier from having any advantage in any case in which the claimant resides or does business at a place distant from the carrier's principal or other place of business;

(2) The dispute settlement program must provide for adequate notice of availability of the procedure, including a concise, easy-to-read, accurate summary of the program and disclosure of the legal effects of election to use it. The notice must be given to persons for whom household goods are to be transported by the carrier before the goods are tendered to the carrier for transportation.

(3) Upon request of a shipper, the carrier must promptly provide forms and other information that are necessary for initiating an action under the program to resolve a dispute.

(4) Each person, authorized pursuant to the program to arbitrate or otherwise settle disputes, must be independent of the parties to the disputer and must be capable, as determined under Commission regulations to resolve disputes fairly and expeditiously. The program must ensure that each person chosen to settle the disputes is authorized and able to obtain from the shipper or carrier any material and relevant information to the extent necessary to carry out a fair and expeditious decision-making process.

(5) No fee for instituting a proceeding under the program may be charged the shipper. However, if the program is binding solely on the carrier, the shipper may be charged a fee of not more than $25 for instituting a proceeding under the program. When a shipper is charged a fee for instituting a proceeding and the dispute is settled in favor of the shipper, the person settling the dispute must refund the fee to the shipper unless the person settling the dispute determines that a refund is inappropriate.

(6) The program must not require the shipper to agree to use the dispute settlement program before a dispute arises.

(7) The program may provide for an oral presentation of a dispute concerning transportation of household goods by a party to the dispute (or a party's representative), but an oral presentation may be made only if all parties to the dispute expressly agree to the presentation and the date, time, and location of the oral presentation.

(8) Any person settling a dispute concerning transportation of household goods under the program must, as expeditiously as possible but at least within 60 days of receipt of written notification of the dispute, render a decision based on the information gathered. However, if a party to the dispute fails to provide in a timely manner any information concerning the

[1] Section 10102

(10) Household goods means—

(A) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling and such other similar property as the Commission may provide by regulation; except that this subparagraph shall not be construed to include property moving from a factory or store, except such property as the householder has purchased with intent to use in his dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder;

dispute which the person settling the dispute may reasonably require to resolve the dispute, the dispute settler may extend the 60-day period for a reasonable period of time. A decision resolving a dispute may include any remedies appropriate under the circumstances, such as repair, replacement, refund, reimbursement for expense, and compensation for damages.

Materials and information obtained in the course of a decision-making process to settle a dispute under a dispute settlement program may not be used to bring an action under 49 U.S.C. 11910.[2]

New Section 11711(d)[3] of the Act provides that where a court action is instituted to resolve a dispute between a shipper and a carrier, reasonable attorney fees must be awarded to the shipper if the shipper submitted the claim to the carrier within 120 days after the date the shipment was delivered or the date on which the delivery was scheduled, whichever is later; if the shipper prevailed in the court action; and if any of the following is applicable:

(1) There was no dispute settlement program available for use by the shipper to resolve the dispute;

(2) A decision resolving the dispute was not rendered within 60 days of receipt of written notification of the dispute, or an extension thereof as provided under the program; or

(3) A court action is instituted to enforce a decision rendered under a dispute settlement program.

To discourage shippers from filing non-meritorious claims in court, new Section 11711(e)[4] of the Act provides that a carrier may be awarded reasonable attorney fees where a shipper has brought court action in bad faith, either after a decision has been issued under a dispute settlement program or after the shipper has instituted a proceeding under a dispute settlement program, but before a decision resolving the dispute is rendered, provided the dispute is resolved within the 60-day period for resolution or an extension thereof if stipulated in the program.

The Commission's Insurance Board will examine each dispute settlement program to assure that it complies with the statutory provisions of the Act. Each program should contain a table of contents which clearly indicates where each provision of Section 11711(b)(1-8) is satisfied.

Six (6) copies of all dispute settlement programs should be sent to the Office of Consumer Protection, Room 7310, Interstate Commerce Commission, Washington, D.C. 20423.

Dated: April 13, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13180 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[2]Section 11910—Unlawful disclosure of information.

(a)(2) A motor carrier or broker providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title or an officer, receiver, trustee, lessee, or employee of that carrier or broker, or another person authorized by that carrier or broker to receive information from that carrier or broker may not knowingly disclose to another person, except the shipper or consignee, and another person may not solicit, or knowingly receive, information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier or broker for transportation provided under this subtitle without the consent of the shipper or consignee if that information may be used to the detriment of the shipper or consignee or may disclose improperly to a competitor the business transactions of the shipper or consignee.

[3]Section 11711(d) of Title 49, United States Code shall take effect on the 240th day following the date of enactment of the Act.

[4]Section 11711(e) of Title 49, United States Code shall take effect on the 240th day following the date of enactment of the Act.

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Esmark, Inc., 55 East Monroe Street, Chicago, Illinois 60603.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

Swift & Company (Delaware)
International Playtex, Inc. (Delaware)
Estech General Chemicals Corporation (Delaware)
Estech Specialty Chemicals Corporation (Delaware)
STP Corporation (Delaware)
International Jensen Incorporated (Delaware)
Danskin, Inc. (Delaware)
Danskin Florida, Inc. (Delaware)
Danskin Texas, Inc. (Delaware)
Pennaco Hoisery, Inc. (Delaware)
Virginia Maid Hoisery Mills, Inc. (Virginia)
Playtex Export Corporation (Delaware)
Milky Way Products Company (Delaware)
BG Marketing Corp. (Delaware)
Mayfield Laboratories, Inc. (Delaware)
Tailby-Nason Company, Inc. (Delaware)

1. The parent corporation is Milton Bradley Company, a Massachusetts corporation with a principal office at 1500 Main Street, Springfield, Massachusetts 01115.

2. The wholly-owned subsidiaries of Milton Bradley Company which will participate in the intercorporate hauling operations are:

(i) Playskool, Inc.—a Delaware corporation with principal offices at 4501 West Agusta Boulevard Chicago, Illinois 60651.

(ii) The South Bend Toy Manufacturing Company, Inc.—an Indiana corporation with principal offices at 3300 West Sample Street, South Bend, Indiana 46626.

1. The parent corporation and principal office is Parts Industries Corporation, 601 So. Dudley Street, Memphis, Tennessee 38104.

2. Listed below are wholly-owned subsidiaries which will participate in the operations:

Names of Corporation and State of Incorporation

Parts, Inc., Tennessee
Triple T, Inc., Tennessee
Aftermarket, Inc., Tennessee
P.I. Programs, Inc., Tennessee
Riverside Tractor Parts, Inc., Tennessee
Motors, Inc., Tennessee
Tool Warehouse, Inc., Tennessee
Motor City Automotive Company, Michigan

1. Glenn F. Straub and George E. Straub—Owners, P.O. Box 160, Martins Ferry, Ohio 43935.

2. Wholly-owned corporations which will participate in the operations, and States of incorporation:

(i) Tri-State Asphalt Corporation, and Ohio corporation whose address is: P.O. Box 160, Martins Ferry, Ohio 43935.

(ii) Edgar Spring, Inc., d.b.a. Spring Industries, an Ohio corporation whose address is: P.O. Box 70, Martins Ferry, Ohio 43935.

(iii) Tri-State Asphalt Products, Inc., a West Virginia corporation whose address is: 69-16th Street, Wheeling, West Virginia 26003.

1. Parent corporation and address of principal office: Sunnyland America, Inc., a Georgia corporation, Albany Road, P.O. Box 1138, Thomasville, Georgia 31792.

2. Wholly-owned subsidiaries which will participate in the operations, and the States of incorporation:

(i) Sunnyland Foods, Inc., Georgia
(ii) Sunnyland Foods, Inc. of Alabama, Alabama
(iii) Win Sales Company, Florida
(iv) B-C Packing Company, Georgia

(v) Roberts Packing Company, Florida
(vi) Georgia Packing Company of Florida, Florida

1. Parent corporation and address of principal office: Wheelabrator-Frye Inc., a Delaware corporation, Liberty Lane, Hampton, New Hampshire 03842.

Communications concerning this notice should be sent to the following address: Trailmobile Division, Attention: Director of Transportation, 200 East Randolph Drive, Chicago, Illinois 60601.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

The M. W. Kellogg Company, a Delaware corporation, 200 South Michigan Avenue, Chicago, IL 60604
Pullman Woodex Corporation, a Delaware corporation, 4900 Waters Edge Drive, Raleigh, NC 27606
Pullman Trailmobile Canada Limited, a Canadian corporation, 100 Shaver Street, Brantford, Ontario, Canada
Garden City Fan & Blower Co., a Delaware corporation, 1701 Terminal Road, Niles MI 49120
Sinclair & Valentine Company, Inc., a Delaware corporation, 7600 University Avenue, Des Moines, IA 50311
Transport Systems, Inc., a Texas corporation, P.O. Box 1886, Denton, TX 76201
Whitting Corporation, an Illinois corporation, 15700 Lathrop Avenue, Harvey, IL 60426
Frye Copysystems, Inc., a Delaware corporation, P.O. Box 4947, 7445 University Avenue, Des Moines, IA 50311
Neptune International Corporation, a Delaware corporation, 30 Perimeter Park, Atlanta, Ga 40431

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13251 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

Long and Short-Haul Application for Relief (Formerly Fourth Section Application)

April 28, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43915, Southwestern Freight Bureau, Agent (No. B-123), new reduced rates on petroleum coke, from Gilsonite, CO and Salt Lake City, UT, to Stations in Southwestern Territory. Rates to be published in Item 3000 series of Tariff ICC SWFB 4692. Grounds for relief—Market Competition.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13179 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

April 28, 1981.

In our decision of April 21, 1981, 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.5-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.9-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. May 1, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979	63.5

Date of current price measurement and price per gallon (including tax)

April 27, 1981	132.9

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.5	3.2	6.9	[3] 2.9
Percent surcharge allowed	18.5	3.2	6.9	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-13245 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Ferderal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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 comform to the requirements of Title 49,

Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–3–053

Decided April 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams. (Fisher Not Participating).

MC 148394 (Sub-3), filed April 17, 1981. Applicant: McKINLEY TRUCKING CO., INC., 652 N. Williams St., Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489–5724. 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. OPY5–49

Decided April 24, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 142478 (Sub-2), filed March 23, 1981, previously noted in (Republication) the **Federal Register** issue of April 9, 1981. Applicant: ACE INDUSTRIES, INC., d.b.a. ACE COURIER & EXPEDITING SERVICE, 282 South Potomac St., Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting (1) *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., and (2) 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.

Note.—Purpose of republication is to modify by adding part (2).

MC 148619 (Sub-1), filed April 14, 1981. Applicant: AT&E MOTOR LINES, INC., 101 Wellham Ave., N.E., Glen Burnie, MD 21061. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005, (202) 783–7900. 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 148758 (Sub-3), filed April 14, 1981. Applicant: C. F. LIEBERT, INC., P.O. Drawer L, #8—12th St., Blaine, WA 98230. Representative: Gary Knutson (same address as applicant) (206) 332–5951. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155228,filed April 9, 1981. Applicant: C. O. BRUCE, JR. and TOM DUKE, d.b.a. TRIANGLE TRUCK BROKERAGE CO., P.O. Box 601, Blum, TX 76627. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155248, filed April 10, 1981. Applicant: E. B. LITTLE, JR., d.b.a. E. B. LITTLE, JR., TRUCKING CO., Rt. 1, Box 211 BA, Converse, TX 78109. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457–0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155249, filed April 13, 1981. Applicant: BENNIE GREENWOOD and MAY BEDWELL, d.b.a. GREENWOOD TRUCKING CO., P.O. Box 207, Lamesa, TX 79331. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112 (817) 457–0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155318, filed April 13, 1981. Applicant: SHENANDOAH TRANSPORT, INC., Rt. 2, Box 125 C, Berryville, VA 22611. Representative: George M. Dustin (same address as applicant), 703–667–9100. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 155369, filed April 15, 1981. Applicant: FEDERATION OF INDEPENDENT AND SELECT TEAMSTERS, INC., 4745 Lancaster Dr. N.E., P.O. Box 9057, Salem, OR 97305. Representative: David E. Miller (same address as applicant), (503) 393–3478. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–13246 Filed 4–30–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issurances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules*

Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 22, 1981.

By the Commission, Krock, Joyce and Dowell.

C–F–14611 filed April 1, 1981. Authority sought for purchase by MANLEY TRUCK LINE, INC., Suite 560, 9300 W. 110 St., Overland Park, KS 66210, of the operating rights of CHICAGO KANSAS CITY FREIGHT LINE, INC., 106 W. 14th St., Kansas City, MO 64105, and control of such rights through the purchase by Overland Enterprises, Inc., Suite 560, 9300 W. 110 St., Overland Park, KS 66210 and, in turn, by Gene A. Scott. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Operating rights sought to be purchased: Docket No. MC–3500 authorizing the transportation of general commodities, with the usual exceptions, over regular routes between Kansas City and St. Joseph, MO and Chicago, IL, serving all intermediate points in IL and all points within 50 miles of Springfield, IL and all points within 50 miles of St. Charles, IL as off-route points in connection with the regular-route operations. The vendor's certificates also include a limited amount of specified commodity authority. The vendee proposes to tack or join the authority sought to be purchased with its existing regular route authority. Application has been filed for temporary authority under Section 11349. Hearing: Kansas City, MO. Condition: Gene A. Scott, the sole owner of Overland Enterprises, Inc., Must join in the application. A copy of the statement signed by Gene A. Scott must be mailed to the Interstate Commerce Commission Finance Support Unit, Room 5349, Attention: Barbara Lewis

MC–F–14615, filed April 3, 1981. PORT EXPRESS INTERNATIONAL, INC. (PORT EXPRESS), (7401 Newman Boulevard, LaSalle, Quebec, Canada, H8N 1X4),—PURCHASE (PORTION)—QUINN FREIGHT LINES, INC. (QUINN), (1093 North Montello Street, Brockton, MA 02403). Representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Port Express seeks authority to purchase a portion of the operating rights of Quinn. Maislin Industries, Ltd., a non-carrier holding company of LaSalle, Quebec, Canada, the sole stockholder of Port Express, seeks to acquire control of said rights through the transaction. Port Express is purchasing a portion of Quinn's authority issued in Certificate No. MC–4941 (the pertinent subnumbers are not specified) authorizing the transportation, as a motor common carrier, of general commodities, with the usual exceptions (1) over irregular routes between Burlington, VT, on the one hand, and, on the other, points in New York within 30 miles of St. Albans, VT, and (2) over specified regular routes between Burlington, VT, and ports of entry on the US-Canada Boundary line at or near Rouses Point and Champlain, NY. A portion of the involved regular-route authority is limited to the transportation of shipments originating at, or destined to, points in Canada. Impediments: (1) The vendee in this proceeding is affiliated with several motor common carriers including (a) Maislin Transport of Delaware, Inc. (Delaware), which operates pursuant to authority issued in Certificate No. MC–60580, and subnumbers thereunder, transporting general and specified commodities, over both regular and irregular routes, in Connecticut, Delaware, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, and (b) Maislin Transport, Ltd. (MTL), which operates pursuant to authority issued in Certificate No. MC–108006, and subnumbers thereunder, transporting general and specified commodities, over regular and irregular routes, in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. In No. MC–F–14436F, *Maislin Transport of Delaware, Inc.—Control—Quinn Freight Lines, Inc.*, filed June 6, 1980, the vendor in this proceeding, Quinn, stated that approval of that transaction would give rise to partial duplication of authority under common control. The Delaware—Quinn control proceeding is being held open pending resolution of the duplication of authority problem. In the instant proceeding, Quinn is attempting to sell a portion of its authority which it says duplicates that of Delaware, The sale to Port Express, an affiliate of Delaware, however, would also give rise to a duplication of authority under common control in this proceeding. In addition, the information discussed above was found in Appendix B, involving information with respect to the vendor.

The information required in Appendix D–3 has not been furnished by the parties. Such omission prevents us from ascertaining the extent of such duplication, and it also prevents us from

ascertaining the existence and extent of any duplications with respect to MTL or any other affiliate of vendee. Applicants must present in detail the information required by section D3 of Appendix D to the application form to enable us to properly evaluate the duplication of authority issue.

(2) Applicants have failed to present any evidence concerning the actual transportation of shipments under the operating authority involved in the proposed transaction. This information is required under section D4 of Appendix D to Application Form OP-F-44. See *Central Transport, Inc.—Pur.—Piedmont Petroleum*, 127 M.C.C. 1 (1977). Applicants must provide such information.

(3) Applicants must set forth with greater specificity exactly which portions of Quinn's certificates are involved in this transaction, and, correspondingly, what authority is being retained.

(4) The application does not contain the required information to Maislin Industries, Ltd., which is a party to this transaction. Further, the person or persons, who control Maislin Industries, Ltd., are also necessary parties to the transaction, and, as such are required to join in the application. A signed copy of this information must be mailed to the Interstate Commerce Commission, Finance Support Unit Room 5349, Attention: Barbara Lewis.

Note.—Purchaser Port Express does not hold any authority from this Commission. No application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13219 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-55 Decided April 27, 1981.

By the Commission, Review Board No. 2, members Carleton, Fortier and Williams.

MC 30605 (Sub-173), filed April 16, 1981. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, KS 67201. Representative: Richard K. Knowlton, 60 E. Jackson Blvd., Chicago, IL 60604 (312) 427-4900. Transporting *general commodities* (except classes A and B explosives), between points in Boone, Campbell, Jefferson, and Kenton Counties, KY, Allegheny, Beaver, Butler, Cambria, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties, PA, Storey County, NV, and Shelby County, TN, and points in AR, AZ, CA, CO, IL, IA, IN, KS, LA, MI, MN, MO, NE, NM, OH, OK, TX, and WI. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of carrier's existing certificate in No. MC-30605 and related subs.

MC 44605 (Sub-57), filed April 20, 1981. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Ann M. Pougiales, 100 Bush St. San Francisco, CA 94104 (415)-986-5778. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, NV, OR, UT, WA and WY.

MC 59934 (Sub-15), filed April 20, 1981. Applicant: MAIN TRUCKING & RIGGING CO., INC., Wallace St., Elmwood Park, NJ 07407. Representative: Edward L. Nehez, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006 (201)-575-7700. Transporting *machinery*, between the facilities of Amertap Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 97825 (Sub-6), filed April 20, 1981. Applicant: LOUISIANA MIDLAND TRANSPORT CO., INC., 3679 Florida St., Baton Rouge, LA 70806. Representative: Carlos G. Spaht, P.O. Box 2997, 500 Laurel St., Baton Rouge, LA 70821 (504) 383-4703. Transporting *fly ash*, between the facilities of Gifford-Hill & Co., Inc., at or near Cason, TX, on the one hand, and, on the other, points in MS, LA, and TX.

MC 105045 (Sub-160), filed April 17, 1981. Applicant: R. L. JEFFRIES TRUCKING COMPANY, INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005 (202) 347-3987. Transporting (1) *machinery*, and (2) *metal products*, from the facilities of Hesston Corporation, its suppliers and dealers, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 105984 (Sub-31), filed April 20, 1981. Applicant: JOHN B. BARBOUR

TRUCKING COMPANY, a Corporation, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116 (817) 731–8431. Transporting *machinery* and *Mercer commodities*, between points in WA, OR, and CA, on the one hand, and, on the other, points in CO, ID, KS, LA, MT, ND, NM, OK, SD, TX, and WY.

MC 107295 (Sub-1034), filed April 17, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant) (309) 928–2144. Transporting *pipe, pipe fittings, hydrants, valves, pumps, tanks, control panels, fire brick, and sewage treatment items* between points in Mahaska County, IA, Boone County, MO, Cook and DuPage Counties, IL, Jefferson and Talladega Counties, AL, Boone County, KY, Coshocton and Tuscarawas Counties, OH, and Upshur County, WV, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1035), filed April 20, 1981. Applicant: PRE-FAB TRANSIT CO., A CORPORATION, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant) (309) 928–2141. Transporting *malt beverages*, between points in Houston County, GA, on the one hand, and, on the other, points in the U.S.

MC 107445 (Sub-41), filed April 20, 1981. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, IN 46225. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting (1) *machinery*, (2) *metal products*, and (3) *those commodities*, the transportation of which because of their size or weight requires the use of special handling or equipment, (a) between points in IA, IL, IN, KY, MI, MO, and OH, and (b) between points in IA, IL, IN, KY, MI, MO, and OH, on the one hand, and, on the other, points in the U.S.

Note—Applicant relies on traffic studies rather than shipper support.

MC 111274 (Sub-73), filed April 21, 1981. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant) (309) 266–9773. Transporting *steel buildings*, between points in the U.S., under continuing contract(s) with Republic Buildings Corporation, of Van Wert, OH.

MC 111274 (Sub-74), filed April 21, 1981. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant) (309) 266–9773. Transporting (1) *lumber and wood products*, and (2) *pulp, paper and related products*, between points in the U.S. under continuing contact(s) with Weyerhaeuser Company, of Tacoma, WA.

MC 113325 (Sub-166), filed April 20, 1981. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh St., St. Louis, MO 63104. Representative: T. M. Tahan (same address as applicant), (314) 772–6666. Transporting *commodities in bulk*, between points in AR, IA, IL, IN, KS, KY, MI, MN, MO, NE, OH, TN, and WI.

MC 127955 (Sub-7), filed April 21, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. & Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *paper and paper products*, between Palatka, FL, on the one hand, and, on the other, points in the U.S.

MC 133965 (Sub-20), filed April 20, 1981. Applicant: CALZONA TRANSPORTATION INC., P.O. Box 6558, Phoenix, AZ 85005. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, (303) 320–6100. Transporting *commodities in bulk*, between points in AZ, CA, CO, ID, NM, NV, OR, TX, and UT.

MC 134064 (Sub-52), filed April 20, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856. Transporting *food and related products*, between points in GA, on the one hand, and, on the other, points in the U.S.

MC 134755 (Sub-234), filed April 21, 1981. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant) (417) 862–5588. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135824 (Sub-5), filed April 17, 1981. Applicant: KLAPEC TRUCKING COMPANY, R.D. 1, 673 N. Seneca St., Oil City PA 16301. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contracts(s) with Polish American Machinery Company, of Titusville, PA.

MC 140665 (Sub-137), filed April 21, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, Mo 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, Oh 44266, (216) 296–2887. Transporting *General commodities* (except classes A and B explosives), between points in the U.S.

MC 141614 (Sub-3), filed April 20, 1981. Applicant: J. D. AND BILLY HINES TRUCKING, INC., 1110½ West First St., Prescott, AR 71857. Representative: J. D. Hines (same address as applicant), (501) 887–2601. Transporting *saw dust* and *shavings*, between points in the U.S., under continuing contracts(s) with Edward Hines Lumber Company, of Hope, AR.

MC 142835 (Sub-17), filed April 21, 1981. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. , 1981. Applicant: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *Food and related products* (1) between points in FL, on the one hand, and, on the other, points in AL, AR, GA, IA, KS, KY, LA, MS, MO, NE, NC, OK, SC, TN, and TX, and (2) between points in OH, on the one hand, and, on the other, points in CT, DE, IA, KS, KY, ME, MD, MA, MI, NE, NH, NJ, NY, PA, RI, TN, VT, VA, WV, WI, and DC.

MC 145664 (Sub-26), filed April 20, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave., W., Duluth, MN 55807. Representative: Joyce L. Donaldson (same address as applicant), (218) 624–3641.Transporting *metal products*, Between points in the U.S.

MC 146814 (Sub-11), filed April 20, 1981. Applicant: VAN WYK, INC., "C" St., Sheldon, IA 51201. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (712) 324–2214.Transporting *such commodities* as are dealt in by manufacturers and distributors of recreational vehicles, between points in O'Brien, Plymouth and Woodbury Counties, IA, and Minnehaha County, SD, on the one hand, and, on the other, points in the U.S.

MC 148665 (Sub-3), filed April 20, 1981. Applicant: CFS CONTINENTAL TRANSPORTATION COMPANY, a corporation, 2550 North Claybourn Ave., Chicago, IL 60614. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375.Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH.

MC 150825 (Sub-2), filed April 20, 1981. Applicant: B & T MAIL SERVICE,

INC., 2521 South Ronke Lane, New Berlin, WI 53151. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601, (608) 788–2000. Transporting *general commodities* (except classes A and B explosives), between points in Waukesha County, WI, on the one hand, and, on the other, points in GA, IL, IN, IA, KS, KY, MA, MI, MN, MD, MO, NC, NJ, NY, PA, OH, OK, TN, TX, WI, and DC.

MC 151165 (Sub-2), filed April 20, 1981. Applicant: CATHAY, INC., 7680 South State St., Midvale, UT 84047. Representative: Dix H. McMullin (same address as applicant), (801)–255–0642. Transporting *food and related products*, between Los Angeles, CA, and points in Davis, Morgan and Salt Lake Counties, UT, on the one hand, and, on the other, points in the U.S.

MC 151394 (Sub-1), filed April 20, 1981. Applicant: BERNHARDT FURNITURE COMPANY, 1839 Morganton Blvd., P.O. Box 740, Lenoir, NC 28645. Representative: Fred R. Piercy (same address as applicant). (704) 758–9811. Transporting *packing partitions*, and *wood pulp*, between points in Jackson County, IN, on the one hand, and, on the other, points in NC.

MC 151725 (Sub-2), filed Arpil 20, 1981. Applicant: LEAF TRANSPORTATION, INC., 1155 North Cicero Ave., Chicago, IL 60651. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Consolidated Products Systems, Inc., of McKeesport, PA.

MC 151835, filed April 20, 1981. Applicant: C & C TRANSPORT CO., a division of Chumley Lumber Co., Inc., 3309 Lakewood, Houston, TX 77093. Representative: William E. Collier, 8918 Tesoro Dr., Suite 215, San Antonio, TX 78217, (512) 826–6496. Transporting *building* and *building materials*, between points in the U.S., under continuing contract(s) with Mid-West American, Inc., of Houston, TX.

MC 153134 (Sub-1), filed April 21, 1981. Applicant: HI COUNTRY CARRIERS, INC., 4061 South Broadway, P.O. Box 1354, Englewood, CO 80110. Representative: Charles J. Kimball, 1600 Sherman St. No. 665, Denver, CO 80203, (303) 839–5856. Transporting (1) *such commodities* as are dealt in by manufacturers and distributors of fiberglass reinforcements, between points in the U.S., under continuing contract(s) with Thalco, A Division of United Merchants Manufacturers, Inc., of Los Angeles, CA; and (2) *such commodities* as are dealt in by manufacturers and distributors of electrical equipment, between points in the U.S., under continuing contract(s) with Westinghouse Electric Corporation, of Pittsburgh, PA.

MC 153284, filed April 10, 1981. Applicant: C.M. BOWEN, d.b.a. TEXAS MOTOR LINE, 361 West Tyler Ave. Longview, TX 75601. Representative: C.M. Bowen (same address as applicant), (214) 757–8201. Transporting *general commodities*, between points in Bowie, Titus, Morris, Camp, Upshur, Franklin, Hopkins, Wood, Smith, Rusk, Panola, Gregg, Harrison, Marion, Cass, Tarrant, and Dallas Counties, TX, and Texarkana, AR.

MC 154405 (Sub-1), filed April 20, 1981. Applicant: JAMES GOAD, d.b.a. JOPLIN PITTSBURG EXPRESS, Route 2, Box 4, Liberal, MO 64762. Representatives: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883–7311. Transporting *general commodities* (except classes A and B explosives), between points in Jasper County, MO, and Allen, Bourbon, Cherokee, Crawford, Labette, and Neosho Counties, KS.

MC 155404, filed April 20, 1981. Applicant: GOLDEN TRAVELERS, INC., 333 Old Romney Rd., Lafayette, IN 47905. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317)–638–1301. As a *broker*, at Lafayette, IN, of *Passengers and their baggage*, in round-trip, special and charter operations, beginning and ending at points in Tippecanoe County, IN, and extending to points in the U.S.

MC 155415, filed April 20, 1981. Applicant: LEO BECKER & LEE LEROY MOORE, d.b.a. BAKER HIDE AND FUR, P.O.B. 542, Baker, MT 59313. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101, (406) 252–4165. Transporting *Mercer Commodities*, between points in Fallon County, MT, on the one hand, and, on the other, points in Slope, Bowman, Golden Valley, Adams, Hettinger, Billings, Stark and Williams Counties, ND, Harding, Perkins, Butte and Meade Counties, SD, and Natrona and Campbell Counties, WY.

MC 155424, filed April 21, 1981. Applicant: RINGER ENTERPRISES, INC., d.b.a. RINGER TRUCKING CO., 2121 Russell St., Baltimore, MD 21230. Representative: Stanley I. Goldman, 1700 K St., N.W. Suite 301, Washington, DC 20006, (202) 833–8884. Transporting *General commodities* (except classes A and B explosives), between points in MD, on the one hand, and, on the other, points in NY, NJ, PA, OH, DE, WV, VA, MD, and DC.

VOLUME NO. OPY–4–105

Decided: April 27, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 31367 (Sub-39), filed April 20, 1981. Applicant: H. F. CAMPBELL & SON, INC., P.O. Box 260, Millerstown, PA 17067. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108 (717) 233–5731. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 33037 (Sub-4), filed April 20, 1981. Applicant: STUDER TRUCK LINE, INC., Beattie, KS 66406. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234–0565. Transporting (1) *food and related products* and (2) *Chemicals and related products*, between points in AR, CO, IL, IA, KS, KY, LA, MN, MO, MT, NE, NM, ND, OK, SD, TN, TX, WI and WY.

MC 57697 (Sub-27), filed April 20, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2645 E. 51st Ave., Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in the U.S.

MC 57697 (Sub-28), filed April 21, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2645 E. 51st Ave., Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217 (503) 285–0481. Transporting *machinery*, between points in Denver County, CO, on the one hand, and, on the other, points in the U.S. in and east of MI, OH, KY, TN and MS.

MC 59247 (Sub-18), filed April 20, 1981. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Rd., Linden, NJ 07036. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001 (212) 279–3050. Transporting *general commodities* (except classes A and B explosives), between points in and east of TX, AR, MO, IA and MN, on the one hand, and, on the other, New York, NY and points in New London County, CT.

MC 120737 (Sub-90), filed April 20, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602 (312) 236–5944. Transporting *metal products*, between points in Lee and

Kane Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 128837 (Sub-35), filed April 20, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting *printed matter,* between points in Effingham, Jefferson, Randolph and Marion Counties, IL, on the one hand, and, on the other, points in AZ, CA, CO, NV, OR, UT and WA.

MC 128837 (Sub-36), filed April 20, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting *food and related products,* between points in Vermilion and Peoria Counties, IL, West Feliciana and Avoyelles Parishes, LA, and Dodge County, WI, on the one hand, and, on the other, points in the U.S.

MC 135797 (Sub-340), filed April 21, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant) (501) 659-8800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 145217 (Sub-3), filed April 21, 1981. Applicant: RICHARD McNAY, INC., Rural Rt. 8, Quincy, IL 62301. Representative: Joel H. Steiner, 39 So. LaSalle, Suite 600, Chicago, IL 60603, (312) 236-9375. Transporting *food and related products,* between points in Adams, McDonough, and Sangamon Counties, IL, on the one hand, and, on the other, points in IA, IN, MO, WI, and CO.

MC 146577 (Sub-3), filed April 20, 1981. Applicant: UNITED HAULING CORPORATION, P.O. Box 1193, Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701 (208) 336-5955. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Metal & Scrap Co., Inc., and Ace Supply, Inc., both of Caldwell, ID, Kuzman Forest Products, Inc., of Portland, OR, and Idaho Western, Inc., of Boise, ID.

MC 149057 (Sub-2), filed April 20, 1981. Applicant: C & M TRUCKING, INC., 3500 No. Monroe, Monroe, MI 48161. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167 (313) 349-3980. Transporting *stone,* between points in Lucas, Hancock, and Sandusky Counties, OH.

MC 149057 (Sub-3), filed April 20, 1981. Applicant: C & M TRUCKING, INC., 3500 No. Monroe, Monroe, MI 48161. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167 (313) 349-3980. Transporting *metal products,* between points in Monroe County, MI on the one hand, and, on the other, points in AR and OK.

MC 149497 (Sub-9), filed April 20, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant) (715) 359-2907. Transporting *packaging materials,* between points in the U.S., under continuing contract(s) with Free-Flow Packaging Corporation, of Redwood City, CA.

MC 153557 (Sub-1), filed April 20, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: George W. Mercker, 1017 Kentucky Home Life Bldg., Louisville, KY 40202 (502) 585-4251. Transporting *such commodities* as are dealt in by chain groceries, drug, department and food business houses, between points in Clark and Floyd Counties, IN, on the one hand, and, on the other, points in KY and OH.

MC 155387, filed April 20, 1981. Applicant: CHAPMAN TRUCKING COMPANY, INC., P.O. Box 4051, Casper, WY 82604. Representative: Larry J. Chapman (same address as applicant) (307) 265-8441. Transporting *Mercer commodities,* between points in WY, CO, ID, UT, MT, ND, SD, NE, KS, OK, TX, LA, NM, WA, and AZ.

MC 155407, filed April 20, 1981. Applicant: D. P. GALLIMORE & SONS, INC., Route 1, Ellerbe, NC 28338. Representative: Pratt Gallimore (same address as applicant) (919) 652-5544. Transporting *food and related products,* between points in Onslow County, NC, on the one hand, and, on the other, points in TX, CA, and NY.

Mc 155427, filed April 21, 1981. Applicant LARRY E. DARBY, d.b.a. DARBY TRUCKING COMPANY, P.O. Box 546, Evergreen, AL 36401. Representative: Steve Wadlington, P.O. Box 845 Evergreen, AL 36401 (205) 578-1370. Transporting (1) *fertilizer,* (2)*commodities in bulk,* and (3) *lumber and wood products,* between points in AL, GA, FL, MS, TN, AR, and LA.

Volume No. OPY-4-106

Decided: April 27, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fortier, and Williams

MC 70557 (Sub-50), filed April 20, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603 (321) 236-9375. Transporting *pulp, paper and related products,* between the facilities of St. Regis Paper Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 120257 (Sub-60), filed April 20, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116 (817) 731-8431. Transporting *metal products,* between points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX.

MC 129387 (Sub-122), filed April 17, 1981. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343 3071. Transporting *such commodities* as are dealt in by grocery and food business houses, (1) between points in NC, on the one hand, and, on the other, points in the U.S., and (2) between points in Cerro Gordo County, IA, Jackson County; MO, Bucks County, PA, Troup County, GA, Duval County, FL, Franklin County, KY, McLean County, IL, Desha County, AR, Oklahoma County, OK, and Frederick County, Md, on the one hand, and, on the other, points in the U.S.

MC 143027 (Sub-11), filed April 17, 1981. Applicant: CAPITAL AIR FREIGHT, INC., P.O. Box 8566 Madison, WI 53708. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703 (608) 256-744. Transporting *such commodities* as are dealt in by office supply stores, between Chicago, IL, on the one hand, and, on the other, points in WI.

MC 144307 (Sub-2), filed April 17, 1981. Applicant: RIVER BUS LINES, INC., P.O. Box 8622, Jackson, MS 39204. Representative: Robert W. King, P.O. Box 123, Jackson, MS 39205, (601) 948-1547.Transporting *passengers and their baggage,* in charter operations, between points in MS, on the one hand, and, on the other, points in the U.S.

MC 155377, filed April 17, 1981. Applicant: PGT TRUCKING, INC., P.O. Box 197, Industry, PA 15052. Representative: John F. Hollengreen, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. N.W., Washington, DC 20004, (202) 628-4600. Transporting *metal products,* between points in IL, IN, KY, MI, NJ, NC, NY, OH, PA, SC, WV, and WI.

Volume No. OPY5-48

Decided: April 24, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 31389 (Sub-327), filed April 13, 1981. Applicant: McLEAN TRUCKING COMPANY, 1920 West First St., Winston-Salem, NC 27104. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27102, (919) 721–2433. Transporting *general commodities* (except classes A and B explosives), serving the facilities of Westinghouse Electric Corporation, at or near Alamo (Crockett County), TN as on off-route point in connection with carrier's otherwise regularroute operations.

MC 64499 (Sub-6), filed April 10, 1981. Applicant: AMERICAN PACIFIC STAGE COMPANY, 11910 Greenstone Ave., Santa Fe Springs, CA 90670. Representative: Robert N. Cleaves, 4676 Admiralty Way, Suite 801, Marina Del Rey, CA 90291, (213) 821–0892. Transporting *passengers and their baggage* in the same vehicle with passengers or in separate vehicles, in special or charter operations, beginning and ending at points in San Francisco, Marin, Contra Costa, Sanoma, and Alameda Counties, CA and extending to points in the U.S.

MC 78259 (Sub-3), filed April 13, 1981. Applicant: MERCURY TRUCK LINES., P.O. Box 3386, Omaha, NE 68103. Representative: Patricia Branstetter, 601 Thirty Second Ave., Council Bluffs, IA 51501, (712) 366–2226. Transporting *food and related products*, between points in IA and NE, on the one hand, and, on the other, points in IL, IN, MI, CT, DE, NJ, NY, MA, OH, PA, RI, KS, MO, WI.

MC 113459 (Sub-144), filed April 13, 1981. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: J. Michael Hightower, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Haliburton Services, at points in the U.S.

MC 116048 (Sub-28), filed April 15, 1981. Applicant: JAMES ELWOOD QUINN, INC., P.O. Box 236, Beulaville, NC 28518. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *food and related products*, between points in ME, on the one hand, and, on the other, points in AR, AZ, CA, CO, IL, IN, IA, KS, KY, MI, MO, NE, NM, OH, OK, TX, and WI.

MC 124408 (Sub-18), filed April 8, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, 701–235–4487. Transporting *chemicals and related products* between the facilities used by Hilex, Division of Purex Corporation, at Eagan and St. Paul, MN, on the one hand, and, on the other, points in ND, SD, WI, and IA.

MC 135568 (Sub-7), filed April 10, 1981. Applicant: CHRISTIE RIGGING & TRUCKING CO., 182 Oakwood Drive, Glastonbury, CT 06033. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting (1) *metal products*, (2) *transportation equipment*, (3) *machinery*, and (4) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, points in the U.S.

MC 136818 (Sub-127), filed April 6, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transportation *suitcases, briefcases, and related travel goods*, between points in the U.S., under continuing contract(s) with Samsonite Corporation, of Denver, CO.

MC 138068 (Sub-6), filed April 1, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, Urbana, OH 43078. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *general commodities* between points in the U.S., under continuing contract(s) with the BFGoodrich Company of Akron, OH.

MC 145498 (Sub-3), filed April 13, 1981. Applicant: SKYLINE CONSTRUCTION CO., INC., Box 38, Big Piney, WY 83113. Representative: Toni Gilchrist, Box 783, Big Piney, WY 83113, (307) 276–3383. Transporting *Mercer Commodities*, between points in AZ, NV, and SD, on the one hand, and, on the other, points in CO, ID, MT, ND, UT, and WY.

MC 146078 (Sub-40), filed April 13, 1981. Applicant: CAL–ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, (501) 846–2185. Transporting *food and related products*, between points in St. John The Baptist Parish, LA, and Kenner, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MI, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WA, and WV.

MC 147228 (Sub-3), filed April 14, 1981. Applicant: ROBERT D. BOWHAY, Summerfield, KS 66541. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *chemicals and related products*, between points in OK, KS, MO, IA, NE, TX, and CO.

MC 149088 (Sub-4), filed April 14, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *ores and minerals*, between points in El Paso County, CO on the one hand, and, on the other, points in KS, NM, TX, OK, NE, and MO.

MC 149568 (Sub-5), filed April 13, 1981. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John T. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *such commodities* as are dealt in or used by hospitals, between points in the U.S., under continuing contract(s) with Becton Dickinson & Company, of Rutherford, NJ.

MC 150578 (Sub-16), filed April 14, 1981. Applicant: STEVEN TRANSPORT, A DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive,. Suite 302, Mesquite, TX 75150. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341.Transporting *food and related products*, between the facilities used by Anderson-Clayton Foods in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150658, filed April 13, 1981. Applicant: FEDDERLY MARION FREIGHT LINES, INC., P.O. Box 228 Issaquah, WA 98027. Representative: Jack R. Davis 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *commodities in bulk*, between points in CA, ID, MT, OR, NV, and WA.

MC 151179 (Sub-1), filed April 13, 1981. Applicant: G–M TRANSPORTS, INC., 12344 E. Northwest Hwy., Dallas, TX 75228. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Dal-Tile Corp, of Dallas, TX.

MC 151359 (Sub-2), filed April 13, 1981. Applicant: PAC–WEST CARRIERS, INC., P.O. Box 87, Los Alamitos, CA 90720. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, Ca 90212, (213) 277–2323. Transporting *metal products*, between points in the U.S., under

continuing contract(s) with Pangborn, a Kennecott Company, for Hagerstown, MD.

MC 152238 (Sub-6), filed April 13, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), (916) 436–2266. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Soule' Buildings, Div., of Soule' Steel Company, of San Francisco, CA.

MC 154769 (Sub-1), filed April 13, 1981. Applicant: ABRAHAMSON EXPRESS, INC., Route 3, Box 43, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *such commodities* as are dealt in or used by the manufacturers of foundry castings and foundry products, between points in the U.S., under continuing contract(s) with Waupaca Foundry, Inc., of Waupaca, WI.

MC 155288, filed April 13, 1981. Applicant: MANFREDI MUSHROOM COMPANY, INC., Box 368, Kennett Square, PA 19348. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, (614) 228–8575. Transporting *food and related products*, between Chester County, PA, on the one hand, and, on the other, points in the U.S.

MC 155289, filed April 13, 1981. Applicant: JACK TRANSPORTS, INC., 587 Byron Drive, Memphis, TN 38109. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Popular Avenue, Memphis, TN 38137, (901) 767–5600. Transporting *metal products*, between Memphis, TN, and Toledo, OH, points in Shelby and Fayette Counties, TN, Lubbock County, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NE, NV, NJ, NM, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV.

MC 155328, filed April 15, 1981. Applicant: WESTERN TRAVELERS CLUB, INC., 77 Colonial Road, Lawrence, MA 01843. Representative: Robert G. Parks, 20 Walnut St—Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. To engage in operations, in interstate or foreign commerce, as a *broker*, at Lawrence, MA, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, beginning and ending at points in MA, and extending to points in the U.S.

MC 155348, filed April 14, 1981. Applicant: VENEZIA HAULING, INC., 703 West Ridge Pike, Limerick, PA 19465. Representative: Theodore Polydorff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass and stone products*, between points in the U.S., under continuing contract(s) with Diamond Glass Company, of Royersford, PA.

MC 155349, filed April 14, 1981. Applicant: AMERICAN TRANSPORTATION SERVICES, INC., 370 East Main St., Branford, CT 06406. Representative: Frederick A. Long (same address as applicant), (203) 481–4686. Transporting (1) *such commodities* as are dealt in or used by manufacturers of fencing between points in Fairfield County, CT, Middlesex County, MA, Cook County, IL, Grayson County, TX, Stephens County, GA, and Halifax County, NC, on the one hand, and, on the other, points in the U.S., and (2) *food and related products* between points in Hartford County, CT, on the one hand, and, on the other, points in NY, PA, MD, DE, WI, MI, IL, ID, TX, BA, GA, FL, NC, and SC.

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Decided: April 27, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

W–409 (Sub-5), filed April 2, 1981. Applicant: SHAVER TRANSPORTATION COMPANY, 4900 N.W. Front Ave., P.O. Box 10324, Portland, OR 97210. Representative: Donald Macleay, Commonwealth Bldg., 1625 J St., NW., Washington, D.C. 20006, 202–393–3390. To operate as a *common carrier* by water, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage, transporting *general commodities* (except classes A and B explosives), between ports on the Pacific coast, the Gulf of Mexico coast, and the Atlantic coast, and tributary waterways.

MC 140889 (Sub-19), filed April 20, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Road, Willoughby, Ohio 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, (216) 781–1600. Transporting (1) *farm products* and (2) *food and related products*, between points in the U.S., under continuing contract(s) with Wegman's Food Markets, Inc., of Rochester, NY.

MC 142809 (Sub-1), filed April 16, 1981. Applicant: HARVEY KEENAN & DON PENICK, d.b.a. DOUBLE EAGLE TRUCKING, 241 Kennedy Road, Onalaska, WA 98570. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting (1) *pulp, paper, and related products*, and (2) *food and related products*, between points in CA, OR, and WA.

MC 143218 (Sub-10), filed April 16, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 340 Victoria Rd., Youngstown, OH 44515. Representative: Andrew J. Burkholder, 275 East State St., Columbus, OH 43215, (614) 228–8575. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Amweld Building Products, Division of American Welding & Manufacturing, of Niles, OH.

MC 145978 (Sub-10), filed April 17, 1981. Applicant: R & S TRUCKING, INC., 3421 Hoveland Ave., Sioux Falls, SD 57104. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 147318 (Sub-6), filed April 16, 1981. Applicant: DEEP SOUTH TRUCKING, INC., P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, P.O. Box 696, Purvis, MS 39475, (601) 794–8003. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with McGraw-Edison Company, of Pittsburgh, PA.

MC 149308 (Sub-13), filed April 13, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, 703–525–4050. Transporting *chemicals and related products*, between points in Bucks County, PA, on the one hand, and, on the other, points in the U.S.

MC 150509 (Sub-2), filed April 17, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Terrance D. Jones, 2033 K St. NW., Washington, DC 20006, (202) 223–8270. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Max Factor & Company of Hollywood, CA.

MC 152238 (Sub-7), filed April 13, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), 916–436–2266.Transporting *petroleum, natural gas and their*

products, between points in the U.S., under continuing contract(s) with Mauren-Laurens Oil Co., of Compton, CA.

MC 152238 (Sub-8), filed April 16, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), (916) 436-2266. Transporting *lumber and wood products*, between points in the U.S. under continuing contract(s) with Furman Lumber, Inc., of Boston, MA.

MC 154669 (Sub-1), filed April 14, 1981. Applicant: T. GERALD BALLARD and G. BRENT BALLARD, d.b.a. BALLARD TRUCKING, 936 Century Drive, Tremonton, UT 84337. Representative: G. Brent Ballard (same address as applicant), (801) 257-3369. Transporting *metal products*, between points in Box Elder County, UT on the one hand, and on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 155089, filed March 31, 1981. Applicant: JOHN AND ERMA TOURS, LTD., Box 175, Emery, SD 57332. Representative: John V. Terveen, (same address as applicant), 605-449-4237. To operate as a *broker* at Emery, SD, arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Minnehaha County, SD, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13347 Filed 4-30-81; 8:45 am]

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[Permanent Authority Decisions Volume No. 71]

Restriction Removals; Decision-Notice

Decided: April 27, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comment filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2359 (Sub-28)X, filed April 9, 1981. Applicant: DAMEO TRUCKING, INC., 568 Central Ave., Bridgewater, NJ 08807. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its Sub-Nos. 1 and 16 permits to (A) remove the "in bulk" restrictions in both permits, (B) expand the commodity descriptions: (1) in Sub-No. 1 (a) from concrete pipe, building and roofing materials, asphalt, abestos and asphalt and asbestos products; iron and steel articles, wire tubing, tools, machine parts, hoisting equipment; chemcials, and materials supplies and equipment used in chemical manufacturing; and composition floor covering to "ores and minerals, clay, concrete, glass or stone products, lumber and wood products, pulp, paper, and related products, textile mill products, metal products, machinery, chemicals and related products, petroleum, natural gas and their products, and coal and coal products"; (b) from returned shipment of concrete pipe with asbestos binder to "clay, concrete glass or stone products"; (c) from fibrous glass products and materials, insulating products and materials, building, wall and insulating board, and asphalt and asbestos, asphalt and asbestos products and plastic pipe to "ores and minerals, clay, concrete, glass or stone products, petroleum, natural gas and their products and coal and coal products and rubber and plastic products"; and from talc to "ores and minerals, and clay, concrete, glass or stone product"; and (2) in its Sub-No. 16 permit from malt beverages and advertising and display supplies and materials to "food and related products", and (C) expand the territorial description to points between in the U.S. under part (2)(a) above and between points in the U.S. under contracts with named shippers in the rest of the commodity descriptions.

MC 7555 (Sub-81)X, filed April 17, 1981. Applicant: TESTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K St. NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 52, 57, 74F, 76F and 77F certificates to: (1) broaden the commodity description to (a) "such commodities as are dealt in or used by wholesale and retail grocery stores" from groceries in the lead; (b) "chemicals and related products" from cosmetics in the lead, and from paints and caulking compound in Sub-No. 74F; and (c) "food and related products" from canned goods in truckload lots in the 1st paragraph of sheet 3 of the lead, and from foodstuffs and roasted peanuts in Sub-No. 76F; (2) broaden the territorial description from city to county-wide service, in some cases, and authorize radial operations in place of existing one way service between Baltimore, MD and New York, NY and points in NC and SC; between Richmond and Norfolk, VA, and Scotland County (Laurinburg) and Charlotte, NC; between Philadelphia, PA, and, Camden County, NJ, between Newark, NJ, and, points in NC, between Philadelphia and Adams County (Biglerville) PA and Cumberland County (Bridgeton) NJ and points in NC and SC in the lead; between Chemung County (facilities at Horseheads) NY, and points in NC, SC, GA, FL, and AL in Sub-No. 52; between Monroe County (facilities at Brockport) NY, and, points in NC, SC, GA, AL, and FL in Sub-No. 57; Dougherty County (Albany) GA, and points in FL, NC, SC, TN, MD, NJ, MA, OH, MI, IL, CT, DE, NY, PA, RI and IN; between Jacksonville, FL and points in GA, NC, SC, TN, MD, NJ, MA, OH, MI, IL, CT, DE, NY, PA, RI, and IN; between NJ, and FL, GA, NC, SC, TN, MD, MA, OH, MI, IL, CT, DE, NY, PA, RI and IN; between Worth County (Sylvester), GA and Bradley County (Cleveland) TN in Sub-No. 76F; (3) remove the facilities limitation in Sub-No. 57 and the "originating at" restriction in Sub-No. 52; (4) remove the exception of commodities in bulk in Sub-Nos. 57, 74F, 76F and 77F and the exception of frozen foods in Sub-Nos. 52 and 57.

MC 8535 (Sub-126)X, filed April 10, 1981. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St. NW., Washington, DC 20036. Applicant seeks

to remove restrictions in its Sub-Nos. 53, 61F, 62F, 63F, 65F, 66F, 69F, 70F, 74F, and 76F certificates to (A) broaden the commodity description, to (1) in Sub-Nos. 53, 61F, 62F, 63F, 65F, 66F, 69F and 74F, "metal products" for iron and steel articles (2) in Sub-Nos. 70F and 76F, "metal products" for aluminum and aluminum articles, and, materials, equipment, and supplies; (B) in Sub-Nos. 53, 62F and 69F, remove the dump vehicle restriction; (C) in Sub-Nos. 74F and 76F remove the "in bulk" restriction; (D) in Sub-Nos. 61F, 62F, 63F, 65F, 66F, 69F, 70F, 74F, and 76F, delete restrictions limiting service to named facilities; (E) authorize county-wide authority to replace existing city-wide service: (1) in Sub-No. 61F, New Castle County, DE, for New Castle, (2) in Sub-Nos. 62F and 65F, Mahoning, Jefferson and Belmont Counties, OH, Brooke, Marshall and Ohio Counties, WV, and Washington and Westmoreland Counties, PA for Canfield, Mingo Junction, Martins Ferry, Steubenville and Yorkville, OH, Beech Bottom, Benwood, Follansbee and Wheeling, WV, and Allenport and Monessen, PA, (3) in Sub-No. 63F, Butler County, OH for Hamilton and Middletown, OH, (4) in Sub-No. 66F, Chester and Montgomery Counties, PA for Coatesville and Conshohocken, PA, (5) in Sub-No. 69F, Daviess County, KY for Steelton, KY, (6) in Sub-No. 70F, Vigo County, IN for Terre Haute, IN, and, (7) in Sub-No. 74F, Jefferson County, OH and Hancock County, WV for Steubenville, OH, and Weirton, WV; and (F) authorize radial authority to replace existing one-way service between cities and counties in various combinations of eastern States, in Sub-Nos. 61F, 62F, 65F, 66F, 69F, 70F and 74F.

MC 8771 (Sub-76)X, filed April 9, 1981. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 40, 41, 45, 51, 53, 54, 63, 65, 66, 67, 69, 70, and 73 certificates to: (1) broaden the commodity descriptions to (a) "machinery" from heavy machinery in the lead; (b) "machinery and contractor's equipment" from machinery parts and contractor's equipment in the lead; (c) "metal products and contractor's machinery and equipment" from structural steel, scrap iron, pipe and contractor's machinery and equipment in the lead; (d) "metal products" from aluminum pipe and fittings, and aluminum billets in Sub-Nos. 40F, and 41F, and iron and steel articles in Sub-Nos. 54F and 70F; (e) "machinery, contractor's equipment, commodities which because of their size or weight require the use of special equipment and transportation equipment" from machinery, machinery parts, contractor's equipment, commodities which because of their size or weight require the use of special equipment, and self propelled vehicles weighing more than 15,000 pounds in Sub-Nos. 3F, and 73F; (f) "machinery" from construction equipment, and earth-moving equipment and material-handling equipment in Sub-No. 51F, metal cutting machinery in Sub-No. 63F, pipe bending or cleaning machines in Sub-No. 65F and cranes and storage racks, parts and accessories in Sub-No. 66F; (g) "metal products and clay, concrete, glass or stone products" from structural steel and structural steel encased in concrete in Sub-No. 45F; (h) "metal products and machinery" from iron and steel articles, hydraulic cylinders, fluid power pumps, fluid power motors and hydraulic valves and plant machinery and equipment in Sub-No. 53F; (i) "machinery, and contractor's equipment", from axles, transmissions and gear boxes and such commodities as are used in manufacture and distribution of axles, gear boxes and transmissions and automotive parts and accessories in Sub-No. 67F; and (j) "machinery and construction equipment", from such commodities as are dealt in by manufacturers of farm and construction equipment in Sub-No. 69F; (2) broaden city to county-wide authority: Ellenville to Ulster County, NY in Sub-Nos. 40F and 41F; Warren to Trumbull County, OH in Sub-No. 44F; Conklin and Gouvevneur to Broome and St. Lawrence Counties, NY in Sub-No. 45F; White Marsh to Baltimore County, MD in Sub-No. 51F; facilities near Youngstown to Mahoning County, OH, facilities near Berkley Springs to Morgan County, WV, facilities near Hagerstown to Washington County, MD, facilities near Bedford Park to Cook County, IL, facilities near Canton to Stark County, OH, facilities near Export to Washington County, PA, Pulaski to Lawrence County, PA, facilities near Girard to Trumbull County, OH, in Sub-No. 53F; facilities near Sterling and Rock Falls to Whiteside County, IL in Sub-No. 54F; Belvidere to Boone County, IL in Sub-No. 63F; Mendota to La Salle County, IL, in Sub-Nos. 65F and 66F; facilities near Burlington and Bettendorf to Des Moines and Scott Counties, IA, and near Terra Haute and Fort Wayne to Allen and Vigo Counties, IN in Sub-No. 69F; Oakmont to Allegheny County, PA, York to York County, SC in Sub-No. 70F; (3) allow radial authority in place of existing one-way service between Ulster County, NY, and Los Angeles, CA, Oakland, CA, Portland, OR and Seattle, WA in Sub-No. 40F; Ulster County, NY, and points in LA, TX, NE, MN, CO, OK, AL, AR, GA, and FL in Sub-No. 41F; between the counties identified above and points in the U.S. in Sub-Nos. 44F, 45F, 51F, 53F, 63F, and 65F; between Whiteside County, IL and points in OH, MI, VA, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME and DC in Sub-No. 54F; between LaSalle County, IL and points in CT, DE, IA, KY, ME, MD, MA, MI, MO, NH, NJ, NY, PA, RI, TN, VT, VA and DC in Sub-No. 66F; between Des Moines and Scott Counties, IA and Allen and Vigo Counties, IN and points in AL, CT, DE, FL, GA, LA, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VA, VT and WV in Sub-No. 69F; Allegheny County, PA and York County, SC and points in CT, DE, IL, IN, IA, KY, MD, MA, MI, MO, NY, NC, OH, PA, RI, SC, TN, VA, WV and WI in Sub-No. 70F; (4) remove the restriction against service to AK and HI in Sub-Nos. 44F, 45F, 51F, 53F, 63F, 65F and 73F.

MC 30378 (Sub-66)X, filed April 13, 1981. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall Road, Hazelwood, MO 63042. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 58, 60, 61F, 63F, and 64F certificates to (1) change the commodity descriptions from (a) automobiles, trucks, chassis, automobile parts, cabs, automobile bodies, unfinished automobiles, tractors, new chassis, truck chassis, bodies and cabs, new automobile parts and accessories, etc. to "transportation equipment" in each of the above-numbered certificates, and (b) farm tractors and attachments for farm tractors, or farm tractors and, when part of a shipment including tractors, farm implements, equipment, tools, parts and attachments therefor, etc., to "farm tractors" in the lead and Sub-No. 58; (2) allow service at all intermediate points in the regular route portion of lead certificate, between Quapaw, OK and the KS–MO state line; (3) change service points to county-wide authority: from Quapaw, OK to Ottawa County, OK; from Hazelwood, and Claycomo, MO to St. Louis and Clay Counties, MO from facilities located in St. Louis and Clay Counties, MO to St. Louis and Clay Counties, MO; from Hegewisch, IL to Cook County, IL, and from Texarkana, TX to Bowie County,TX, wherever they appear in the irregular route portion of each certificate; (4) eliminate truckaway, driveway, initial movement, secondary movement, plantsite, (in some

instances), and originating at restrictions in each certificate; (5) eliminate an ex-rail restriction in the lead; and (6) replace one-way authority with radial authority between points located throughout the U.S. or specified states.

MC 30513 (Sub-16)X, filed April 21, 1981. Applicant: NORTH STATE MOTOR LINES, INC., P.O. Box 4108, Rocky Mount, NC 27801. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW, Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 10, 12, and 15 certificates to (1) broaden its commodity descriptions (a) in the lead, to "general commodities, (except classes A and B explosives)", from general commodities (with exceptions); to "food and related products", from agricultural commodities, peanuts, fish, flour, livestock and groceries and food; to "textile mill products", from cotton; to "lumber and wood products", from lumber; to "machinery", from batteries; to "clay, concrete, glass or stone products", from glass bottles and jars; to "metal products", from ice tanks; to "building materials", from terra cotta pipe; to "machinery, building materials, and metal products", from hardware, machinery, roofing, tin, and solder; to "chemicals and related products'; from fertilizer and fertilizer materials; to "petroleum, natural gas, and their products", from petroleum products, in containers; to "metal products, and rubber and plastic products", from empty petroleum containers; and to "tobacco products", from leaf tobacco, dried and packed tobacco, tobacco, and tobacco sheets; (b) in Sub-No. 8, to chemicals and related products", from fertilizer and fertilizer materials (except in bulk, in tank vehicles); (c) in Sub-No. 10, part 1, to "building materials", from fibreboard, fibreboard products, and accessories and supplies used in the installation and application thereof, and in part 2, remove the commodities in bulk exception; (d) in Sub-No. 12, to "tobacco products", from reconstituted, reconstructed, or homogenized tobacco; and (e) in Sub-No. 15, to "tobacco products, and materials, supplies and equipment used in the processing, packing , storing, handling, and marketing thereof", from materials, supplies and equipment (with exceptions) used in the processing, packing, storing, handling, and marketing of unmanufactured tobacco, and unmanufactured tobacco when moving on the same vehicle at the same time with the commodities described above; (2) replace cities and facilities with county-wide authority (a) in the lead, beginning with the 4th granting paragraph, Farmville, NC, with Pitt County, NC, Wilmington, NC, with New Hanover and Brunswick Counties, NC, Reading, PA, with Berks County, PA, Wilson, NC with Wilson County, NC, Bridgeton, NJ, with Cumberland County, NJ, Mount Olive, NC, with Wayne and Duplin Counties, NC, Greenville, NC, with Pitt County, NC, Columbia, SC with Richland and Lexington Counties SC, Jarratt, VA, with Sussex and Greensville, VA, Fayetteville and Goldsboro, NC, with Cumberland, Green, and Wayne Counties, NC, Williamston, Wilmington, Rocky Mount, Wilson, Greenville, Kinston, New Bern and Washington, NC, with Martin, Brunswick, New Hanover, Nash, Edgecombe, Wilson, Pitt, Lenoir, Craven, and Beaufort Counties, NC; Mullins, Loris, Conway, and Dillon, SC, with Marion, Horry, and Dillon Counties, SC, Fairmont, Lumberton, Whiteville, Chadburn, and Fair Bluff, NC, with Robeson and Columbus Counties, NC, Farmville, Goldsboro, Greenville, Rocky Mount, Kinston, Robersonville, Williamston, and Henderson, NC, with Pitt, Wayne, Nash, Edgecombe, Lenoir, Martin, and Vance Counties, NC, Oxford, Durham, Winston-Salem, and Reidsville, NC, with Granville, Durham, Forsyth, and Reidsville Counties, NC, (b) in Sub-No. 8, Charleston, SC, with Charleston and Berkeley Counties, SC, (c) in Sub-No. 10, Spring Hope, NC, with Nash County, NC, and (d) in Sub-No. 12, Louisville, KY, with Jefferson and Oldham Counties, KY, and (3) change one-way to radial authority between several specified counties, cities and States, and points in several sepcified counties, cities, and States in the eastern part of the U.S.

MC 35706 (Sub-15)X, filed April 17, 1981. Applicant: ATSL, INC., 10 East Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda 135 North 4th Street, Philadelphia, PA 19106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8F, 13F, and 14F certificates to (1) broaden the commodity descriptions to "such commodities as are dealt in by retail department stores" from (a) new furniture and home, hotel and retail store furnishings, new furniture, uncrated, and household goods, as defined by the Commission, in the lead; (b) materials used in the manufacture of furniture, in Sub-No. 8F; (c) ladies apparel and store supplies, in Sub-No. 13F; and (d) ladies wearing apparel, and equipment, materials and supplies used in the distribution of ladies wearing apparel, in Sub-No. 14F; (2) remove the "except commodities in bulk" restrictions in Sub-Nos. 8F, 13F, and 14F; (3) eliminate the originating at and destined to restriction in Sub-No. 14F; (4) remove all plantsite limitations wherever they appear in the above sub-numbers; (5) replace cities with county-wide authority: Pennsuken with Queens County, NY, in the lead; Hellam with York County, PA, in Sub-No. 8F; and Secaucus with Hudson County, NJ, in Sub-Nos. 13F and 14F; and (6) change its one-way authorities to radial authorities between various combinations of points in PA, NJ, AL, OH, and NY, DE, MD, PA, NJ, OH, MI, IL, TX, and DC.

MC 39167 (Sub-19)X, filed April 9, 1981. Applicant: C. J. ROGERS TRANS. CO., 2947 Greenfield Road, Melvindale, MI 48122. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its lead and Sub-Nos. 14F, 15F, and 17F certificates to (1) broaden the commodity description (a) in its lead certificate to "metal products," from iron and steel articles; "building materials," from gypsum and gypsum products, insulating materials, lime, and iron and steel electrical conduit pipe; "machinery," from dies, die parts, die checking fixtures, die models and jigs, tools, patterns and templates; (b) in Sub-No. 14F, to "transportation equipment and metal products," from automobile transmissions, automobile transmission parts, metal containers, metal racks and iron and steel scrap; (c) in Sub-No. 15F, to "metal products," from iron and steel articles; (d) in Sub-No. 17F, to "building materials," from prestressed concrete building components; (2) remove the plantsite restrictions, in the lead and Sub-Nos. 15F and 17F; (3) remove the restriction limiting service to the transportation of shipments originating at or destined to named plantsite, in the lead certificate; (4) remove the commodities (a) "in bulk" restriction, in Sub-Nos. 14F and 17F, and (b) "in tank vehicles" restriction, in Sub-No. 14F; (5) remove the restriction limiting service to the transportation of specified commodities in flat-bed equipment, without sides or tops, as it applies to gypsum and gypsum products, in the lead certificate; (6) authorize county-wide authority to replace existing city-wide service: (a) Boyd County, KY, for Ashland, KY; Porter County, IN, for Burns Harbor, IN; and Wayne and Oakland Counties, MI, for River Rouge and Ferndale, MI, in the lead certificate; (b) Clermont County, OH, for Batavia Township, OH, in Sub-No. 14F; (c) Cook County, IL, for Chicago, IL; Lake County,

IN, for Gary, IN; Stark, Cuyahoga, Lorain, Trumbull and Mahoning Counties, OH, for Canton, Cleveland, Elyria, Massillon, Niles, Warren and Youngstown, OH, in Sub-No. 15F; and (d) Wayne County, MI, for Livonia, MI and Montgomery County, OH, for Dayton, OH, in Sub-No. 17F; and (7) authorize radial authority to replace existing one-way service between points in various combinations of eastern States, and specified counties in (a) MI, in the lead certificate, and (b) IN and OH, in Sub-No. 15F.

MC 66746 (Sub-27)X, filed April 16, 1981. Applicant: SHIPPERS EXPRESS, INC., P.O. Box 8308, Jackson, MS 39204. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 21F and 23F certificates (1) to remove exceptions to general commodities (except classes A and B explosives); (2) to authorize service at all intermediate points on its regular routes in MS and LA, in Sub-Nos. 21F and 23F; (3) to remove a restriction in its Sub-No. 21F certificate prohibiting service to those portions of commercial zones of MS points lying outside MS; and (4) remove a restriction against traffic moving between Memphis, TN and a described portion of MS in Sub-No. 23F.

MC 107103 (Sub-28)X, filed April 13, 1981. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive, SW, Grand Rapids, MI 49509. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its lead and Sub-No. 3, 5, 6, 13F, 14F, 15F, 18F, 20F, 21F, 23F, 26F, 27F certificates and E1 letter notice to (1) broaden the commodity descriptions (a) pipe casing and pipe to "clay, concrete, glass or stone products; lumber and wood products; metal products; and pulp, paper and related products" in its Sub-No. 13F (b) iron and steel articles, rough cast iron castings, to "metal products" in Sub-Nos. 14, part (1) 20, and 23; (c) iron and steel articles, to "size and weight commodities" in Sub-Nos. 15, 21, and 27; (d) lumber, lumber products, forest products and lumber mill products to "forest products and lumber and wood products" in Sub-No. 18; (e) gypsum and gypsum products to "clay, concrete, glass or stone products; and ores and minerals;" in Sub-No. 26; (2) remove restrictions requiring that transportation of related machinery parts and related contractors, materials and supplies be incidental to transportation of size and weight commodities in the lead, Sub-Nos. 3, 5, and 6, and E1; (3) remove restrictions in size and weight authorities against transportation of named commodities such as aircraft and aircraft parts in Sub-Nos. 3, 5 and 6F; (4) remove a restriction against transportation of traffic the origin and destination of which are within 35 miles of Detroit, MI in its lead; (5) remove the AK to HI exceptions in Sub-Nos. 13F, and 21F; and AK, HI, and MI in Sub-Nos. 6 and 15, (6) broaden the port of entry at Saulte Ste. Marie, MI to authorize service to and from all ports of entry in MI in Sub-Nos. 14, 15 and 18; (7) remove restrictions to transportation "in foreign commerce only" in Sub-Nos. 15 and 18; (8) eliminate restrictions to traffic originating at the origin points in Sub-No. 6; (9) authorize county-wide in place of city-wide service: Holland, MI, with Ottawa, MI, in Sub-No. 6; Dafter, MI, with Chippewa, MI, in Sub-No. 13; Sebewaing, MI with Huron County, MI, in Sub-No. 20; Monroe, MI, with Monroe County, MI, in Sub-No. 21; East Jordan, MI, with Charlevoix, MI, and Siloam Springs, AR, with Benton County, AR, in Sub-No. 23; Grand Rapids, MI, with Kent County, MI, in Sub-No. 26; (10) remove plantsite restrictions in Sub-Nos. 13, 20, 21, 23, 26, 27.

Note.—Carrier's authority to tack will be governed by 49 CFR 10412.

MC 109265 (Sub-29)X, filed April 13, 1981. Applicant: W. L. MEAD, INC., P.O. Box 31, Norwalk, OH 44857. Representative: John P. McMahon, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 24, 25, 26F, and 27F certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in the lead and Sub-Nos. 24, 25, 26F, and 27F; (2) authorize service at all intermediate points on its regular routes in the lead: between Boston, MA and Columbus, OH, between Boston, MA and Springfield, MA; between Providence, RI and Worcester, MA, between Providence, RI and West Becket, MA, between Attica, OH and Findlay, OH, between Boston, MA and Providence, RI, between Zanesville, OH and Chicago, IL, between Chicago, IL and Dayton, OH, between Plymouth, IN and South Bend, IN, between Willshire, OH and junction U.S. Hwy 33 and 127 at Mercer, OH, between Springfield, OH and Greenville, OH, between Dayton, OH and junction OH Hwys. 69 and 29 at Carysville, OH, between Urbana, OH and Bellefontaine, OH, between Jacksontown, OH and Lima, OH, between Marysville, OH and Kenton, OH, between Columbus, OH and Lima, OH, between Urbana, OH and Delaware, OH, between Sidney, OH and Bellefontaine, OH, between junction U.S. Hwy 25 and OH Hwy 571 (formerly OH Hwy 71) just west of Tipp City, OH and Springfield, OH, and between Findlay and Lima, OH; (3) eliminate restrictions which limits the transportation of traffic moving from, to, or through specified points in the lead (for example service at Findlay is restricted to traffic moving to or from a point in CT, MA, or RI); (4) eliminate restrictions on traffic moving in one direction only at certain authorized intermediate points for example service is authorized to and from the intermediate points of Cleveland and Akron, OH restricted to westbound traffic (5) eliminate the restriction which requires traffic to be interchanged with other carriers in the lead; and (6) remove named facilities at New Concord, OH in the lead alternate route authority.

MC 109465 (Sub-8)X, filed April 17, 1981. Applicant: GREAT LAKES TERMINAL & TRANSPORT CORP., 1750 North Kingsbury Street, Chicago, IL 60614. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 5, and 7 permits to (1) broaden the commodity description to "petroleum, natural gas and their products, chemicals and related products and rubber and plastic products" from liquid chemicals, solvents, mineral spirits and naphthas in the lead and Sub-No. 2, and from liquid chemicals, solvents, in Sub-Nos. 4, 5 and 7, (2) remove the "in bulk, in tank vehicles" restriction in all permits, and (3) change the territorial description in all permits to between points in the US under contracts(s).

MC 109634 (Sub-10)X, filed April 13, 1981. Applicant: TRAILER CONVOYS, INC., 1248 Hwy 31, Jeffersonville, IN 47130. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead and Sub-No. 2 permits to (1) broaden the commodity descriptions from new trailers, semi-trailers, and trailer chassis, in its lead, and trailers, semi-trailers, and trailer chassis (except trailers designed to be drawn by passenger vehicles, in initial movements, in truckaway service) in Sub-No. 2, to "transportation equipment"; and (2) broaden the territorial description in both permits to between points in the U.S. under continuing contracts(s) with named shippers.

MC 110325 (Sub-174)X, filed April 13, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 8, 14, 15, 18, 21, 22, 25, 28, and 30 certificates which authorize service in AL, AR, AZ, CA, GA, KS, MO, MS, NM, OK, TN and TX, to (1) remove all exceptions in its regular-route, general commodity authority except "Classes A and B explosives;" (2) remove territorial restrictions which limit service to some intermediate points, no intermediate points, or intermediate points in one direction to authorize service at all intermediate points; (3) remove the restriction in Sub-No. 18, which restricts service on a described regular route against the transportation of traffic originated at or destined to points in AZ, CA and NM; (4) the restriction in Sub-No. 21, which allows, no service at St. Louis, MO on traffic originating at, destined to, or interlined at Dallas, TX; (5) delete facilities limitations from off-route points in Sub-Nos. 15, and 22; (6) broaden commodity descriptions in irregular route authority: (a) Sub-No. 15, roofing, building paper, insulating material, nails and asphalt, to "ores and minerals, lumber and wood products, pulp, paper and related products, petroleum or coal products, rubber and plastic products, clay concrete or stone products, metal products (b) Sub-No. 22, groceries, produce, cotton seed, cotton seed meal, cotton seed hulls, seed, feed, farm implements, agricultural commodities and livestock, to "food and related products, metal products and machinery " (c) Sub-No. 25, "soap and soap products" to "chemicals and related products"; (7) in Sub-Nos. 15, and 25, replace Kansas City, MO with Johnson, Leavenworth and Wyandotte Counties, KS an Cass, Clay, and Jackson and Platte Counties, MO, and (8) remove all exceptions in its irregular route, to authorize general commodity authority, "except Classes A and B explosives."

MC 114121 (Sub-6)X, filed April 13, 1981. Applicant: SUPERIOR CARTAGE OF WASHINGTON, INC., 400 SW 34th St., Renton, WA 98055. Representative: Michael J. Stecher, 256 Montgomery St., 5th Flr., San Francisco, CA 94104. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 5F certificates to (A) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities (with usual exceptions), in both certificates; and (B) eliminate the restriction limiting service to the transportation of traffic moving on freight forwarders bills of lading, in Sub-No. 5F.

MC 117201 (Sub-52)X, filed April 13, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Applicant seeks to remove restrictions in its MC 117201 certificate and its MC 115570 (Sub-No. 1) and MC 125952 (Sub-Nos. 5, 9 and 51) permits to (1) broaden the commodity descriptions from wood shakes and shingles to "lumber and wood products" in MC 117201 and from paper, paper products, fibreboard, fibreboard products, pulpboard, roofing materials, insulation, insulation materials, and wallboard, in MC 115570 (Sub-No. 1), from roofing and insulation materials in MC 125952 (Sub-No. 9) and from hardboard, lumber and doors in MC 125952 (Sub-No. 51), to "construction materials"; and broaden the territorial descriptions to between points in the U.S. under continuing contract(s) with named shippers in No. MC 115570 (Sub-No. 1) and MC 125952 (Sub-Nos. 5 and 51); and authorize radial operations between described portions of WA and CA in No. MC 117210.

MC 117647 (Sub-7)X, filed April 9, 1981. Applicant: BILLY J. ELKINS, P.O. Box 224, West Terre Haute, IN 47885. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 49204. Applicant seeks to remove restrictions in its lead and Sub-No. 6 certificates to (1) broaden the commodity descriptions from (a) creosoted ties, piling, poles, and structural timbers, ties, and untreated ties to "lumber and wood products" in the lead and (b) coal and coal tar products, in bulk, in tank vehicles, to "commodities in bulk" in Sub-No. 6; (2) remove the facilities limitations at Gray, KY in the lead, and Terre Haute, IN, in the Sub-No. 6; (3) expand city-wide to county-wide authority from Gray to Knox County, KY, in the lead, Terre Haute to Vigo County, IN in the lead and Sub-No. 6, and Memphis, TN to Shelby County, TN in Sub-No. 6; and (4) change one-way to radial authority between Knox County, KY, and, points in IL, IN, KY, MI, and OH; and Vigo County, IN, and, points in IN, IL, IA, KY, MI, OH, and WI; in the lead; and (b) Vigo County, IN, and, points in KY, IL, IA, MI, MO, OH, TN and WI in Sub-No. 6.

MC 117699 (Sub-4)X, filed April 20, 1981. Applicant: MILLER BROS., CO., INC., P.O. Box EA, Hyrum, UT 84319. Representative: Bruce W. Shand, Suite 280, Western Home Bank Bldg., 311 South State Street, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in Sub-Nos. 1F and 3F certificates to (1) broaden the commodity descriptions from bananas, meat, and cheese, etc., to "food and related products" (2) eliminate the facilities limitations in Sub-No. 3F; (3) authorize radial service between points in specified States located mainly in the central and western portion of the U.S.; and (4) expand city-wide to county-wide authority from: Salt Lake City to Salt Lake County, UT; Hyrum to Cache County, UT; Ogden to Weber County, UT; Boise and Roberts to Ada, Canyon, and Jefferson Counties, ID.

MC 119555 (Sub-28)X, filed April 20, 1981. Applicant: OIL AND INDUSTRY SUPPLIERS LTD, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Applicant seeks to remove restrictions in its Sub-Nos. 4, 6 and 19 Certificates to (1) remove the "in bulk, in tank vehicles" restriction in Sub-Nos. 4 and 19; (2) expand the port of entry on the International Boundary line between the United States and Canada at Noyes, MN to authorize all ports of entry within MN in Sub-No. 19; (3) broaden the commodity description (a) from liquiefied petroleum gas to "petroleum, natural gas and their products" in Sub-No. 4; (b) from agricultural chemicals to "chemicals and related products" in Sub-No. 6; (c) from rapeseed oil to "food and related products" in Sub-No. 19; (4) substitute Cabell County, WV for Huntington, WV in Sub-No. 19; (5) eliminate the restriction of transportation to traffic originating at specified Canadian origins in Sub-Nos. 6 and 19; (6) convert one-way authority to radial authority in Sub-Nos. 4, 6 and 19 between ports of entry on the International Boundary line between the United States and canada located in MN and ND, and, points in numerous midwestern states.

MC 120737 (Sub-91)X, filed April 20, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions from its Sub-No. 75F certificate to (1) eliminate the "except commodities in bulk" restriction; (2) eliminate the "AK and HI" exceptions; (3) expand Aurora, IL to Kane County, IL, and York, PA to York County, PA; and (4) expand its one-way authority to radial authority between Kane County, IL, and York County, PA, and, points in the U.S.

MC 123310 (Sub-23)X, filed April 13, 1981. Applicant: DOUG ANDRUS

DISTRIBUTING, 1820 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. The applicant seeks to remove restrictions in its Sub-Nos. 11, 14F, 16F, 18F, 19F, 21F, certificates to: (A) in its Sub-Nos. 11 (1) broaden the commodity description to: "lumber and wood products" from lumber, and (2) Change one-way to radial authorities, between point in Clearwater, ID; Latah, Nez Perce and Lewis Counties, ID, and, points in CO, (B) in its Sub-No. 14 (1) broaden the commodity description to "chemicals and related products, and food and related products" from feed, feed ingredients, mineral mixtures and animal health aid products, and whey and powdered dry milk solids, (2) broaden facilities and change one-way to radial authority, between points in Adams County, and Denver (facilities at or near Henderson and Denver, CO) points in UT; (C) in Sub-No. 16 (1) broaden the commodity description to: "chemicals and related products," from sulphur, in bags, (2) Change one-way to radial authority between points in Yellowstone County, MT, and, points in ID, OR, UT, and those in part of WA (D) in Sub-No, 18 (1) broaden the commodity description to "building materials," from cedar fencing materials, (2) broaden cities to county-wide and one-way to radial authority between points in Lincoln and Mineral Counties, (Superior and Troy) MT and those points in ID in and north of Benewah and Shoshone Counties and points in CO, (E) in Sub-No. 19 to (1) broaden the commodity description to "chemicals and related products," from fertilizer, (2) change one-way to radial authority (a) between points in Yellowstone County, MT, and, points in ID, OR, and WA and, (b) between points in UT, and, points in ID, MT, OR, and WA, (F) in Sub-No. 21 (1) broaden the commodity description to "building materials," from lumber, and (2) Change one-way to radial authority between points in OR, WA, MT, part of ID and, points in UT.

MC 125352 (Sub-6)X, filed April 21, 1981. Applicant: JAN TRANSPORT, INC., 16 Central Ave., Tenafly, NJ 07670. Representative: Donald E. Cross, 918 16th St. NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead and Sub-No. 2F and 4X certificates and certificates No. MC-41749 and Sub-No. 1, acquired in MC-F-12480 to: (1) remove all exceptions other than classes A and B explosives from "general commodities" authority in all the above authorities, (2) broaden commodity descriptions to "textile mill products" from oil cloth and cotton piece goods, "food and related products" from canned fish, "chemicals and related products, rubber and plastic products" from rubber, crude and manufactured; (3) authorize service at all intermediate points in connection with regular-route operations between New Haven, CT and Avon, MA in Sub-No. 2F; (3) remove the restriction which limits service to traffic moving on freight forwarder bills of lading in Sub-No. 2F and MC-41749 (Sub-No. 1); (4) remove a facilities limitation in Sub-No. 2F; (5) expand city to county-wide service and authorize radial operations in place of one-way service: New York, NY, and Philadelphia, PA, Baltimore, MD, Washington, DC, Mercer and Camden Counties (Trenton and Camden) NJ and points in NJ within 50 miles of Columbus Circle, NY; between New York, NY, and Phildelphia, PA, Baltimore, MD, Washington, DC, Fairfield, New Haven and New London Counties, CT (Stamford, Bridgeport, New Haven and New London), Washington and Providence Counties (Westerly, Providence and Pawtucket) RI, Plymouth County (Brockton) and Boston, MA, Mercer and Camden Counties (Trenton and Camden NJ and points in NJ within 50 miles of Columbus Circle, NY, between New York, NY and Middlesex and Fairfield (Middletown, Portland, Bridgeport and Norwalk) CT, Bristol and Providence Counties (Bristol, Providence and Woonsocket) RI, Norfolk and Middlesex Counties (Avon, Watertown, Framingham and Stoughton) MA, Mercer County (Trenton) NJ and points in NJ within 50 miles of Columbus Circle, NY in MC-41749; Norfolk County (Avon) MA, in MC-41749 (Sub-No. 1).

MC 125894 (Sub-24)X, filed April 13, 1981. Applicant: J & R SCHUGEL TRUCKING, INC., 301 North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 4F, 8F, 9F, 10F, 12F, 14F, 16F, 17F, 18F, 20F, 21F, and 23F certificates to (A) broaden the commodity descriptions: to "food and related products" from dehydrated alfalfa, meat by-products, soybean products and by-products, and inedible sugar in Sub-Nos. 2, 4, 17, and 18; to "commodities in bulk" from dry bulk feed and feed ingredients in Sub-No. 3; to "chemicals and related products" from fertilizer, and dry fertilizer in Sub-Nos. 8, 20 (part 2), and 21; to "food and related products, farm products, ores and minerals, and chemicals and related products" from feed and feed ingredients in Sub-Nos. 9, 10, 12, 14, and 20 (part 1), and from flour, aminal and poultry feed, feed ingredients and health products in Sub-No. 16; to "chemicals and related products, ores and minerals, and food and related products" from salt and salt products in Sub-No. 23; and, remove restrictions specifying "except liquid commodities," except commodities in bulk," "in tank vehicles," and "in bulk" in Sub-Nos. 4, 12, 17, and 21; (B) remove the restriction against service to or from a named corporation in Sub-No. 2; (C) remove the restriction limiting service to the transportation of traffic originating at the named plantsite and destined to points in the named destination States in Sub-No. 4, and remove the exception excluding service in AK and HI in Sub-No. 17; and (D) replace facilities, and cities with commercial zone or county-wide authority, and change one-way service to radial service: Sub-No. 2, between points in Le Sueur County, MN (Le Center, MN), and, points in WI; Sub-No. 3, between Minneapolis/St. Paul, MN (facilities near Minneapolis, MN), and points in three States; Sub-No. 4, between points in Chippewa County, WI (plantsite at Chippewa Falls, WI), and, points in two States; Sub-No. 8, between points in Kandiyohi County, MN (facilities at Willmar, MN), and, points in two States; Sub-No. 9, between points in Muscatine County, IA (facilities near Muscatine, IA), and, points in four States; Sub-No. 10, between points in Linn County, IA (Cedar Rapids, IA), and, points in nine States; Sub-No. 12, (a) between Minneapolis/St. Paul, MN (Minneapolis, MN), and, points in Boone County, MO (Centralia, MO), and Dodge and Dawson Counties, NE (Fremont and Gothenburg, NE), and Minnehaha and Beadle Counties, SD (Corson and Huron, SD), (b) between Chicago, IL, and, points in Blue Earth County, MN (Mankato, MN), Dodge and Dawson Counties, NE (Fremont and Gothenburg, NE), and Minnehaha and Beadle Counties, SD (Corson and Huron, SD), and (c) between points in Muscatine County, IA (Montpelier, IA), and, points in Blue Earth County, MN (Mankato, MN), Boone County, MO (Centralia, MO), Dawson County, NE (Gothenburg, NE), and Minnehaha and Beadle Counties, SD (Corson and Huron, SD); Sub-No. 14, between points in Blue Earth County, MN (facilities at Mankato, MN), and, points in four States; Sub-No. 16, between points in Blue Earth County, MN (Mankato, MN), and, points in 11 States; Sub-No. 17, between points in IA and MN, and, points in the U.S.; Sub-No. 20, (a) between points in Dakota County, MN (Hastings, MN), and, points in two States, and (b) between points in MN, and, points in two States; Sub-No. 21, between points in Dakota County, MN

(Rosemont Township, MN), and, points in IA; and Sub-No. 23, between points in Woodbury County, IA (Sioux City, IA), and, described portions of MN and WI.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 129631 (Sub-82)X, filed March 10, 1981. Applicant: PACK TRANSPORT, INC. 3975 South 300 West, Salt Lake City, UT 84107. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 6, 12, 16, 17, 18, 22, 25, 26, 27, 28, 30, 31, 32, 36, 37, 38, 42, 43G, 49G, 50, 53, 56, 58, 60F, 61F, 64, 65F, 66F, 73F, 80F, and 81F, certificates to: (1) broaden its commodity descriptions: from general commodities with exceptions to "general commodities" in Sub-No. 6; from general commodities with the usual exceptions to "general commodities except classes A and B explosives" in the lead and Sub-Nos. 26 and 36; from seed, animal feed, grain, flour, etc. to "food and related products and farm products" in the lead and Sub-Nos. 4 and 6, sheet 2; from cement to "clay, concrete, glass or stone products and chemicals and related products" in the lead and Sub-No. 6, sheet 3; from urethane foam boards to "rubber and plastic articles" in Sub-No. 58; from scrap paper, cardboard, etc. to "pulp, paper, and related products" in Sub-No. 61F; from lumber, plywood, lumber mill products, etc. to "lumber and wood products" in Sub-Nos. 2, 12, 16, 17, 25, 27, 31, 32, 43G, 53, and 64: from gypsum, wallboard, cast stone, brick, etc. to "clay, concrete, glass or stone products" in Sub-Nos. 17, 32, 37, and 42; from roofing, sliding, decking, insulation, etc. to "building materials" in Sub-Nos. 17, 22, 28, 43G, and 80F; from aluminum, iron and steel rods, roof plates, bolts, fencing materials, crating materials, etc. to "metal products" in Sub-Nos. 17, 32, 42, 56, 66F, and 81F; from pre-cut log buildings to "buildings and building materials" in Sub-No. 50; from furniture, crated, to "furniture and fixtures" in Sub-No. 4, sheet 1; from lime, sea coal, and sulphur to "chemicals and related products" in Sub-Nos. 26, 37, and 73F; from coke to "petroleum, natural gas, and their products" in Sub-No. 26; from iron and steel articles as described in Appendix V of the Descriptions case to "iron and steel articles" in Sub-Nos. 38 and 49G; from fencing and fencing materials to "metal products and lumber and wood products" in Sub-No. 60F; from prefabricated metal buildings, building components and materials, equipment, and supplies to "buildings, building materials, and materials, equipment, and supplies used in the manufacture, distribution, and erection thereof" in Sub-No. 65F; and from pallets, horticulture containers, skids, boxes, etc. to "lumber and wood products and pulp, paper and related products" in Sub-No. 73F; (2) replace existing one-way authority with radial authority between named points throughout the U.S., in Sub-Nos. 2, 6, 12, 16, 17, 22, 25, 27, 28, 31, 32, 42, 43G, 49G, 50, 53, 56, 58, 61F, and 64; (3) authorize return movements in place of one-way authority on its regular-routes in the lead and Sub-No. 6; (4) authorize service at all intermediate points on authorized regular routes between named points, generally in the west, in the lead and Sub-Nos. 4 and 6; (5) remove seasonal restrictions in the lead, sheet 2 and Sub-No. 6, sheet 3; (6) remove restrictions limiting service to pickup or delivery in the lead, sheet 2; (7) remove restrictions aganist the transportation of "size and weight" commodities, commodities in bulk, or "mercer" commodities in Sub-Nos. 16, 17, 30, 37, 58, 60F, 66F, and 73F, (8) remove originating at and/or destined to restrictions in Sub-Nos. 27, 28, 32, 38, 53, 56, 60F, 65F, and 66F; (9) remove facility restrictions in Sub-Nos. 50, 65F, and 66F; (10) remove restriction against the transportation of cement in Sub-No. 27; (11) authorize service at AK and HI in Sub-Nos. 58, 60, 65F, 73F, and 80F; (12) authorize service at UT in Sub-No. 58; (13) remove restrictions against the transportation of a number of stone or clay commodities between named points in the west in Sub-No. 37; and (14) replace authority to serve named points with county-wide authority: Lake County, MT, for Polson, MT, in Sub-No. 2; Bancock, Bonneville, Jefferson, Madison and Teton Counties, ID for Inkom, Pocatello, Idaho Falls, Rexburg, Rigby, Driggs and Ammon, IN, and Sublette and Sweetwater Counties, WY, for Rock Springs, Eden, Farson, and Pinedale, WY, in Sub-No. 4, sheet 2; Lincoln County, WY for Kemmerer, WY Sub-No. 6, sheet 2; Rich County, UT for Garden City, Laketown, Randolph, and Woodruff, UT in Sub-No. 6 , sheets 2 and 3; Cache County, UT for Smithfield and Logan, UT in Sub-No. 6, sheet 2; Oneida County, ID for Malad, ID in Sub-No. 6, sheets 2 and 3; Lincoln, Sublette, Sweetwater, and Unita Counties, WY for 29 named points in those 4 counties in Sub-No. 6, sheet 2; Morgan County, UT for Devils Slide, UT, in Sub-No. 6, sheet 3; Baker County, OR for Baker, OR, in Sub-Nos. 18 and 49G; Union County, OR for La Grande, OR, in Sub-Nos. 27 and 38; Weber, Davis, and Salt Lake Counties, UT, for Salt Lake City, Woods Cross, Ogden, and North Ogden, UT in Sub-No. 28; Salt Lake County, UT, for Midvale, UT, Sevier County, UT, for Sigurd, UT, Conconino County, AZ for Flagstaff, AZ, and Washoe County, NV, for Empire, NV, in Sub-No. 32; Weber County, UT, for Ogden, UT, in Sub-No. 42; Albany County, WY, for Laramie, WY, in Sub-No. 50; Columbia, Clackmas, Multnomah, Washington, and Yamhill Counties, OR, and Clark County, WA, for Portland, OR, King County, WA, for Seattle, WA, Maricopa County, AZ, for Phoenix, AZ, El Paso County, TX, for El Paso, TX, Pueblo County, CO for Pueblo, CO, Davis County, UT, for Clearfield, UT, and San Bernadino County, CA, for Etiwanda, and Kaiser, CA, in Sub-No. 56; Salt Lake County, UT, for Salt Lake City, UT, in Sub-No. 58 and 66F; and Utah County, UT, for Spanish Fort, UT, in Sub-No. 65F.

MC 133684 (Sub-33) X, filed April 6, 1981. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Hwy. E, Tacoma, WA 98424. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 7, 10, 13, 16, 20, 21, 24, 27, 28F, 30F, 31F and 32F certificates to (A) broaden the commodity description to (1) "food and related products" from (a) malt beverages, in its lead and Sub-Nos. 1, 7, 10, 13, 16, 24, 31F and 32F, (b) wine, champagne and brandy, in Sub-Nos. 21 and 28F, and (c) beer and wine, in Sub-No. 27, (2) "farm products and food and related products" from cranberries and cranberry products, in Sub-No. 20, and (3) "chemicals and related products and lumber and wood products" from charcoal, charcoal briquettes and lighter fluid, and, hickory chips and fuel wood logs, in Sub-No. 30F; (B) expand city-wide service to county-wide authority; Vancouver, WA, to Clark County, WA, in its lead and Sub-Nos. 1 and 7; Tacoma, WA, to Pierce County, WA, in its lead and Sub-Nos. 1, 10, 13 and 24; Olympia, WA, to Thurston County, WA, Bellingham, WA, to Whatcom County, WA, and Longview, WA, to Cowlitz County, WA, in Sub-No. 1; Spokane, WA to Spokane County, WA, in Sub-No. 7; Markham, WA, to Grays Harbor County, WA, in Sub-No. 20; Modesto, CA to Stanislaus County, CA, in Sub-No. 21; Fairfield, CA, to Solano County, CA, and Kent, WA, to King County, WA, in Sub-No. 24; White City, OR, to Jackson County, OR and Grants Pass, OR, to Josephine County, OR, in Sub-No. 30; Azuza, CA, to Los Angeles County, CA, and Everett, WA, to Snohomish County, WA, in Sub-No. 16; (C) eliminate the restriction limiting service to the transportation of (1) traffic having an immediately subsequent movement by water, in the lead and

Sub-No. 1, (2) specified commodities in containers, in the lead certificate; (D) eliminate the "except in bulk, in tank vehicles" restriction in Sub-Nos. 1, 20, 21, 28F and 32F; (E) remove the facilities restriction, in Sub-No. 24; and, (F) authorize radial authority to replace existing one-way service between cities and counties in 11 western States, in the lead certificate and Sub-Nos. 1, 7, 10, 13,16, 20, 21, 24, 27, 28F and 30F.

MC 136782 (Sub-33)X, filed April 16, 1981. Applicant: R. A. N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 16F, 18F, and 24F certificates to (1) broaden the commodity descriptions from (a) meats, meat products, meat by-products and articles distributed by meat-packing houses to "food and related products" in Sub-No. 16; (b) plastic and plastic articles to "rubber and plastic products" in Sub-No. 18; (c) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 24; (2) remove the restictions "except commodities in bulk" in Sub-Nos. 16 and 18; (3) eliminate the originating at or destined to facilities restriction in Sub-No. 16; (4) expand facilities authority to county-wide authority: from Waterford, PA, to Erie County, PA, in Sub-No. 16; and (5) allow radial service in place of existing one-way authority between Brooklyn, NY, and points in OH, PA, IN and IL in Sub-No. 18.

MC 138255 (Sub-7)X, filed April 14, 1981. Applicant: DAYTON AIR FREIGHT, INC., Dayton International Airport, P.O. Box 78, Vandalia, OH 45377. Representative: Janie A. Kinney, 1015 Eighteenth Street NW., Suite 408, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) eliminate the airport limitations at Indianapolis, IN, Chicago, IL, New York, NY, and Detroit, MI, and expand Dayton International Airport at Vandalia to Dayton, OH, Greater Cincinnati Airport at Erlanger, KY, to Cincinnati, OH, and Detroit Metropolitan Airport at Romulus to Detroit, MI; and (3) remove the "ex-air" restriction.

MC 140159 (Sub-18)X, filed April 20, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 8F, 11F and 13F certificates to (1) broaden the commodity description from (a) salt and coal, in bulk, in dump vehicles to "commodities in bulk" in Sub-Nos. 1, 3, and 8F; (b) stone to "clay, concrete, glass or stone products" in Sub-No. 11F; and (c) salt to "ores and minerals", in Sub-No. 13F; (2) eliminate the facilities limitation at Cleveland, OH; (3) expand city to county-wide authority from Fairport to Lake County, OH, in Sub-Nos. 1 and 8F; and Cleveland to Lake, Geauga, Cuyahoga, Lorain, Summit, Medina, and Portage Counties, OH, in Sub-No. 13F; and (4) change one-way to radial authority between (a) Lake County, OH, and, points in Centre, Cambria, Bedford, Blair, Huntingdon, and Fulton Counties, PA, in Sub-No. 1; (b) points in Blair, Cambria, Clearfield, Indiana, and Westmoreland Counties, PA, and, points in VA; and points in Blair, Cambria, Indiana, and Westmoreland Counties, PA, and, points in MD, in Sub-No. 3; (c) Lake County, OH, and, points in Clearfield, Snyder, Mifflin, Juniata, Perry, Cumberland, Adams, Franklin, and Somerset Counties, PA, in Sub-No. 8F; and (d) Lake, Geauga, Cuyahoga, Lorain, Summit, Medina, and Portage Counties, OH, and, points in PA, in Sub-No. 13F.

MC 140302 (Sub-3)X, filed April 17, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Points Rd., Curtis Bay, MD 21225. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-No. 2F, MC-139759 Sub-No. 2, and FC-77914 in which issuance of a certificate is pending, to (1) broaden the commodity descriptions from (a) chemicals, fertilizer, insecticides and fungicides, and liquid linoleum cement to "chemicals and related products" in MC-139759 Sub-No. 2 and in the irregular routes portion of FC-77914; and (b) waste liquid products, in bulk, in tank vehicles to "commodities in bulk" in Sub-No. 2F; (2) authorize service at all intermediate points on regular routes between New York, NY, and Amsterdam, NY; New York, NY and Boston, MA; New York, NY and Washington, DC; junction US Hwy 1 and New Jersey Hwy 3 and Secaucus, NJ; and New York, NY and Walton, NY, in the regular route portion of FC-77914; (3) change city-wide to county-wide irregular route authority from North Weymouth to Norfolk County, MA; West Haven to New Haven County, CT; Carteret to Middlesex County, NJ; Whippany to Morris County, NJ; and Fullerton to Lehigh County, PA, in FC-77914; (4) authorize radial authority for one-way irregular route authority between (a) points in DE, MD, NJ, NY, NC, OH, PA, SC, VA, and WV, and, Baltomore, MD, in Sub-No. 2F; and (b) Norfolk County, MA, and, New Haven County, CT; Baltimore, MD, and, New Haven County, CT; New Haven County, CT, and, points in Massachusetts; Middlesex County, NJ, and, points in Connecticut; and Morris County, NJ, and Lehigh County, PA, and Wilmington, DE, in FC-77914; and (5) remove the restrictions (a) against transporting whole human blood and blood derivatives in MC-139759 Sub-No. 2; and (b) except commodities requiring dump truck service; in bulk; and in tank vehicles in FC-77914.

MC 142847 (Sub-2)X, filed April 16, 1981. Applicant: LESLIE OAKLEY AND BARRY D. OAKLEY, d.b.a., BROTHERS TRUCKING, Fairfield, MT. Representative: William E. Seliski, No. 2 Commerce POB 8255, Missoula, MT 59807. Applicant seeks to remove restrictions in No. MC-138628 certificate to (1) broaden the commodity description from plastic, aluminum, and steel irrigation pipe and wheel line sprinklers to "such commodities as are dealt in by farm supply stores"; (2) expand city to county-wide authority from Eugene, Portland, and Clackamas to Lane, Multnomah, Benton, Linn, Douglas, Columbia, Washington, Yamhill, and Clackamas Counties, OR, and Clark County, WA; Tacoma, Seattle, and Spokane to Pierce, King, Spokane, Thurston, Mason, Snohomish, Kitsap, Peno Oreille, Stevens, Lincoln, and Whitman Counties, WA, and Kootenai and Benewah Counties, ID; and Boise to Ada County, ID; and (3) expand one-way to radial authority between Lane, Multnomah, Benton, Linn, Douglas, Columbia, Washington, Yamhill and Clackamas Counties, OR, Clark, Pierce, King, Spokane, Thurston, Mason, Snohomish, Kitsap, Peno Oreille, Stevens, Lincoln, and Whitman Counties, WA, and Kootenai, Ada, and Benewah Counties, ID, and, points in MT.

MC 144621 (Sub-52)X, filed April 17, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman Street #665, Denver, CO 80203. Applicant seeks to remove restrictions from its certificate No. MC-14461 (Sub-No. 15F) acquired in MC-F-14491F to (1) broaden the commodity description from wine, except in bulk, to "food and related products." (2) expand its one-way to radial authority between points in CA,

and, points in TX and those points in the U.S. in and east of WI, IA, IL, KY, TN and MS.

MC 144762 (Sub-3)X, filed April 17, 1981. Applicant: TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, Montana 59403. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from fish oil, in bulk, to "food and related products"; (2) replace a port of entry located at or near Calis, ME with all ports of entry on the International Boundary line between the U.S. and Canada in ME; and (3) replace one-way with radial authority between the ports of entry described in (2) above and Philadelphia, PA.

MC 149474 (Sub-2)X, filed April 20, 1981. Applicant: CONTRACTORS CARGO COMPANY, 11100 S. Garfield Ave., South Gate, CA 90280. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Applicant seeks to remove restrictions in its Permit No. MC–17745 to broaden its territorial authority to between points in the U.S. under continuing contract(s).

MC 150826 (Sub-1)X, filed April 21, 1981. Applicant: FULTRAN, INC., 3000 Shermer Road, Northbrook, IL 60062. Representative: Joel H. Steiner, 39 S. LaSalle St., Suite 600, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from ferrous and non-ferrous metals to "metal products"; and (2) broaden its territorial scope to serve between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-13248 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

Complaints Filed Under Section 229 of the Staggers Rail Act of 1980

AGENCY: Interstate Commerce Commission.

ACTION: Notice of policies for handling these cases.

SUMMARY: Section 229 of the Staggers Rail Act of 1980 provided (with certain exceptions) that any rail rate that was not challenged in a complaint filed with us by March 30, 1981 would be deemed lawful for the future. In the interests of efficient processing and expeditious resolution of rate complaints that we have received, we are here setting out our intended handling of these cases through their initial stages. In addition, we are establishing a number of special procedures to encourage informal resolution.

DATES: (1) Complaints will be served on defendants as soon as possible; (2) an original and 6 copies of answers to complaints and comments by defendants are due 30 days thereafter. Complainants may submit joint comments with defendants or may file 10 days after defendants file their answers.

ADDRESS: Answers and comments should be served on the parties and sent to: Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTAL INFORMATION: Section 229 of the Staggers Rail Act of 1980 provided a final opportunity for railroad customers to challenge the reasonableness of rates in effect on October 1, 1980. By establishing a filing deadline and extinguishing future remedies, the law virtually guaranteed the filing of a significant number of complaints.

We have received just under 800 complaints. Their nature and their number require adopting special procedures for their handling. More importantly, we want to encourage and provide for negotiation and settlement of as many of these complaints as possible. It is our view that rate agreements between carriers and their customers are far better than a series of expensive and time consuming adjudications.

1. Initial Stages of Proceeding

As an initial step, we believe the answer to the complaint (See rule 33 of the Commission's Rules of Practice) provides a useful vehicle to assist in focussing the issues—both procedural and substantive. We urge all defendants to answer these complaints. While the answer typically covers only responses to a complainant's substantive allegations, we request that all defendants also include information on the following subjects:

(1) Is informal settlement contemplated? If so, have negotiations begun and what effect will or should they have on the procedural handling of the case?

(2) Would some form of pre-hearing conference (e.g., meeting in Washington, DC or conference phone call) presided over by an Administrative Law Judge assist ns resolving the dispute? If so, what procedure is desired?

(3) Is there a need for discovery, oral hearing (See rule 51), staggered deadlines for filing, postponement of evidence taking to allow settlement negotiations, or other special procedures?

(4) Should other related complaints be consolidated? If so, provide the numbers and titles.

We request similar information from complainants.

Presuming all parties seek to avoid unnecessary and expensive litigation, we urge complainants and defendants to coordinate their responses and submit them in a joint pleading. In this manner, negotiations may more promptly begin. Moreover, both sides will be in a better position to inform us regarding the future handling of the case. If we are asked to decide a substantial number of these cases on a formal record, we must have sufficient information to allocate our resources effectively and avoid delay.

II. Subsequent Handling

In those cases that cannot be resolved informally and those in which the parties do not suggest postponing development of the record during negotiations, a somewhat procedure than that typically used will be adopted. We intend first to request evidence only on the jurisdictional issue, that is, whether the rate exceeds 160 percent of variable cost, and whether the carrier has market dominance over the movement(s) to which the challenged rate applies, and to issue a decision on this subject. If we have jurisdiction, we will then proceed to take evidence on the issue of the reasonableness of the rate. Parties are also free at this stage to submit evidence on the existence of a contract that would govern the rate. If one is shown to exist, the Commission would not, in most cases, investigate the reasonableness of the rate. The submission of evidence on other issues before these jurisdictional questions are resolved is likely to create unnecessary private and public expense given the number of cases.

This action does not significantly affect either the quality of the human environment or conservation of energy resources.

(Sec. 229, Staggers Rail Act of 1980, Pub. L. 96–448.)

Dated: April 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13250 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 28)]

Consolidated Rail Corporation Exemption for Contract Tariff ICC-CR-C-0012

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file this contract tariff on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Consolidated Rail Corporation (Conrail) filed on April 21, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests we permit it to advance the effective date of tariff ICC-CR-C-0012 so that the effective date would be on one day's notice.

This contract between Conrail, The Virginia and Maryland Railroad Company (VAMD) and Interspace Corporation involves the movement of concrete pipe and fittings from Perryman, MD, Little Creek/Virginia Beach, VA, and Cape Charles, VA and is for 6 months. This pipe is to be used in the construction of a dispersion bed for a sewage treatment plant being constructed for the local government in the Virginia Beach area. The pipe will be laid by barge on the ocean floor and exemption is necessary so that the pipe and fittings can arrive at Cape Charles before the barges in order to prevent the shipper from incurring substantial vessel demurrage.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition shall be granted. The immediate transportation of this pipe to Cape Charles is essential in order to avoid costly vessel demurrage and complete construction of the dispersion bed within the required time and is precisely the exceptional or emergency condition which warrants an exemption. In light of the short term of the contract, the carrier's obligation to provide service to other shippers should not be impaired. Conrail states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted to be effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: April 27, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis. Commissioner Alexis dissented.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13181 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29430 (Sub-Nos. 18, 19)]

Boston and Maine Corp. Debtor (Robert W. Meserve and Benjamin, H. Lacy Trustees)—Trackage Rights Over Delaware and Hudson Railway Co. Between Mechanicville, N.Y. and Buffalo, N.Y., and Between Mechanicville, N.Y., and Philadelphia (Park Junction), Pa.

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Trustees) for trackage rights over the Delaware and Hudson Railway Company. Acceptance of both applications is conditioned upon completion of the application by June 1, 1981. Acceptance of the application in F.D. 29430 (Sub-No. 18) is further conditioned upon submission of statements demonstrating the Commission has jurisdiction to grant the proposed trackage rights. These applications are filed as proposed conditions to possible approval of the application by which NWS Enterprises, Inc. seeks to acquire control of Norfolk and Western Railway Company and Southern Railway Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by June 15, 1981. Oral hearings in the primary consolidation proceeding will begin May 12, 1981. Verified statements in opposition to the responsive applications are tentatively due by July 3, 1981. Hearings related to the responsive applications are scheduled to begin July 14, 1981.

Statements showing that the Commission has jurisdiction to grant the trackage rights sought in F.D. 29430 (Sub-No. 18) must be filed within 20 days. Replies must be filed within 10 days thereafter.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On April 2, 1981, the Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Trustees), (BOMA) filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights as follows:

(a) In Finance Docket No. 29430 (Sub-No. 18), over the lines of Delaware and Hudson Railway Company (DH) or its lesser interest therein between Mechanicville, NY, a distance of 361 miles, and between Mechanicville, NY and Buffalo, NY, and Philadelphia (Park Junction), PA, a distance of 363 miles.

(b) In Finance Docket No. 29430 (Sub-No. 19), over the lines of DH in the vicinity of Mechanicville, NY, and Albany, NY, a total distance of 94 miles.

BOMA currently operates in ME, MA, NH, NY and VT.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket No. 29430 (Sub-No. 1) and embraced cases. In those proceeding NWS Enterprises, Inc. (NWS) seeks authority to acquire control of Norfolk

and Western Railway Company (NW) and Southern Railway Company (SR).[1] Notice of those applications was published in the **Federal Register** on January 2, 1981, at 46 FR 173.

Pursuant to 49 U.S.C. 11345 responsive applications such as those filed by BOMA were required to be filed by April 2, 1981. BOMA filed its application on that date. Under our regulation an extension of time of up to 90 days in which to complete a timely filed application may be granted a responsive applicant.[2] An extension of time iuntil June 1, 1981, to complete certain specified exhibits was granted BOMA, and other responsive applicants, in Finance Docket No. 29430 (Sub-No. 1), *NWS Enterprises—Control*, decision served March 23, 1981 (not printed).

The applications generally comply with the regulations, waivers and extensions applicable in their proceeding. However some deficiencies exist in BOMA's applications as follows: (a) BOMA has not filed a copy of a machine readable tape containing the data shown in Table B of Exhibit A–14 as required by 49 CFR 1111.4(c)(2)(vii).

(b) BOMA's density and mileage data for each segment of line on its density chart, Exhibit A–14(i) are not legible.

(c) BOMA's Tables A and B of Exhibit A–14 (ii) do not conform to the requirement of 49 CFR 1111.2(b)(ii). That section requires BOMA to submit carload interchange data and State-to-State movements between it and connectiong carriers at *all* gateways handling 5,000 or more carloads or 5 percent of total carloads, whichever is smaller, annually. Instead BOMA states,[3] "Pages 1–2 of Exhibit A–14(ii) analyze the origins and destinations of traffic currently handled by (BOMA) subject to diversion to the NWS System. Pages 5–6 of Exhibit A–14(ii) identify the origins and destinations of current (BOMA) traffic handled by both (BOMA) and CSX which would (sic) be handled by a competitor of the merged systems and would be subject to diversion around (BOMA)." This is not what § 1111.2(b)(1)(ii) requires. (d) BOMA has not provided the revenue ton-miles for 1976, 1977, 1978 and 1979 in Exhibit A–15(ii), 49 CFR 1111.2 (b)(2)(ii). (e) BOMA has not provided the revenue or tonnage for each commodity group shown in Exhibit A–15(iii) and (iv) for the years 1976, 1977, 1978, and 1979.

We do not believe the deficiencies noted in BOMA's applications justify rejection of the applications at this time. Accordingly, the applications will be accepted, but conditioned upon BOMA's curing the deficiencies within 15 days of the service of this decision.[4] This period will not affect the progress of the proceedings, for BOMA and other responsive applicants will complete other portions of their applications by June 1, 1981.

We accept these trackage rights applications upon the conditions that (1) the applications are properly completed by the extension date and (2) BOMA cures the deficiencies in the applications noted above.

Additionally, the applications, especially Finance Docket No. 29430 (Sub-No. 18), raise questions of our jurisdiction to grant the relief sought. The application in Sub-No. 18 requests trackage rights over the lines of railroad of DH, "or its lesser interest therein." If DH is not the sole owner of the trackage over which BOMA seeks to operate it may be necessary for another party to consent to the proposed trackage rights transaction. We cannot impose trackage rights as a condition to approval of the NWS consolidation application over a party which is a stranger to the transaction. *Boston & Maine Corp. Trackage Rights Over Conrail*, 360 I.C.C. 239, 241 (1979). In its application BOMA has not described the interest of DH or other carriers in the track involved. Accordingly, acceptance of this application is further conditioned upon BOMA (1) adequately describing the ownership of the trackage over which it seeks to operate and (2) showing that the relief it seeks can be granted as a condition to approval of the primary application without the consent of a nonparticipant in the transaction.[5]

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, D.C. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for disposition with the applications in Finance Docket No. 29430 (Sub-No. 1) *et al.* Those applications are the subject of an oral hearing to be conducted by Administrative Law Judge David H. Allard, commencing May 12, 1981. By statute, the evidentiary phase of these proceedings must end by January 2, 1983. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation, F.D. No. 29430 (Sub-No. 18 or 19), and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, no later than June 15, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend actively to participate in the oral hearings on the applications or whether they wish to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party or to receive decisions will result in the person not being placed upon the service list. Any comments filed will remain a part of the record in these proceedings.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on (1) Applicant's representative: Sidney Weinberg, Attorney, Boston and Maine Corporation, 150 Causeway Street, Boston, MA 02114.

(2) Representatives of primary applicants NWS, NW and SR:

[1] DH is controlled by Dereco Inc. a wholly-owned subsidiary of NW.

[2] 49 CFR Part 1111, *as amended by* Ex. Parte No. 262 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62891 (September 23, 1980).

[3] Page 5 of the application.

[4] BOMA's application also omitted Exhibit 6, however, the order required in that exhibit was included in Exhibit 1 (iv). Additionally, the map contained in Exhibit 8 does not precisely comply with the regulations. These defects are minor, and we will not require BOMA to cure them.

[5] DH itself is an applicant in this proceeding only by virtue of its stock ownership. *See* Finance Docket No. 29430, *NWS Enterprises–Control*, decision served October 1, 1980, 45 FR 66911 (October 8, 1980). The primary application proposes no change in the operation of DH. The issue of whether granting any relief through DH as a condition to approval of the primary transaction may be too remote, under *Boston & Maine, supra*, is addressed in our information request to BOMA. *See* Finance Docket No. 29430 (Sub-No. 1) *NWS Enterprises–Control*, decision served March 23, 1981 (not printed). While this issue will undoubtedly be addressed in the course of the proceeding, we do not feel it is controlling in the determination to accept BOMA's applications.

Donald M. Tolmie, General Counsel, Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, VA 24042.

R. Allen Wimbish, General Solicitor, Southern Railway Company, 920 15th Street, NW., Washington, D.C. 20005.

Richard J. Flynn, Sidley & Austin, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served March 18, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 29430 (Sub-No. 1), *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to BOMA's applications as filed.

It is ordered:

1. The applications in Finance Docket No. 29430 (Sub-Nos. 18 and 19) are accepted for consideration, subject to the conditions that (1) the applications are completed by the dates previously set, and (2) the deficiencies described above are cured within 15 days of the service of this decision.

2. The application in Finance Docket No. 29430 (Sub-No. 18) is further conditioned upon Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Trustees) showing that the relief it seeks is within the jurisdiction of this Commission. Statements and arguments to make such a showing shall be filed within 20 days of the service date of this decision. Replies by interested parties shall be filed within 10 days thereafter.

3. The parties shall comply with all provisions stated above.

4. This decision is effective upon date of service, May 1, 1981.

Decided: April 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum and Gillman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13109 Filed 4-30-81; 8:45 a.m.]

BILLING CODE 7035-01-M

[Finance Docket 29430 (Sub-Nos. 8-16)]

Consolidated Rail Corp.; Trackage Rights and Construction and Operation; Applications Conditionally Accepted for Consideration

Finance Docket No. 29430 (Sub-No. 8), Consolidated Rail Corporation—trackage rights for Norfolk and Western Railway Company—Cleveland, OH to Buffalo, NY; Finance Docket No. 29430 (Sub-No. 9), Consolidated Rail Corporation—construction and operation of a connection near Mayfield Road, Cleveland, OH;

Finance Docket No. 29430 (Sub-No. 10), Consolidated Rail Corporation—construction and operation of a connection at Pittsburgh Avenue, Erie, PA;

Finance Docket No. 29430 (Sub-No. 11), Consolidated Rail Corporation—construction and operation of a connection at Bay View near Buffalo, NY;

Finance Docket No. 29430 (Sub-No. 12), Consolidated Rail Corporation—construction and operation of a connection at B.C. Interlocking, Buffalo, NY;

Finance Docket No. 29430 (Sub-No. 13), Consolidated Rail Corporation—trackage rights over Norfolk and Western Railway Company—St. Louis to Kansas City and Danville to Kansas City;

Finance Docket No. 29430 (Sub-No. 14), Application of Consolidated Rail Corporation under 49 U.S.C. 11103.

Finance Docket No. 29430 (Sub-No. 15), Application of Consolidated Rail Corporation under 49 U.S.C. 11103;

Finance Docket No. 29430 (Sub-No. 16), Application of Consolidated Rail Corporation for authority under 49 U.S.C. 11301 to assume obligations in respect of securities of the Kansas City Terminal Railway Company.

AGENCY: Interstate Commerce Commission.

ACTION: Applications conditionally accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of Consolidated Rail Corporation seeking to authorize trackage rights over track of Consolidated Rail Corporation for the Norfolk and Western Railway Company. The Commission is also accepting for consideration the application of Consolidated Rail Corporation for trackage rights over the Norfolk and Western Railway Company. The acceptances are conditioned upon completion of the applications by June 1, 1981. Acceptance of the application in F.D. 29430 (Sub-No. 13) is further conditioned upon submission of statements demonstrating the Commission has jurisdiction to grant the proposed trackage rights. These applications are filed as proposed conditions to possible approval of the application by which NWS Enterprises, Inc. seeks to acquire control of Norfolk and Western Railway Company and Southern Railway Company. A schedule has been set for consideration of the applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by June 15, 1981. Oral hearings in the primary consolidation proceeding will begin May 12, 1981. Verified statements in opposition to the responsive applications are tentatively due by July 3, 1981. Hearings related to the responsive applications are scheduled to begin July 14, 1981, statements showing that the Commission has jurisdiction to grant the trackage rights sought in F. D. 29430 (Sub-No. 13) must be filed within 20 days. Replies must be filed within 10 days thereafter.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott (202) 275-3002.

ADDRESS: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On April 2, 1981, the Consolidated Rail Corporation (Conrail) filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 as follows:

(a) In Finance Docket No. 29430 (Sub-No. 8), Conrail seeks to grant Norfolk and Western Railway Company (NW) trackage rights over approximately 176.4 miles of Conrail track between Cleveland, OH, and Buffalo, NY. If the proposal is approved NW would then be required to run its through train service, presently operating over NW's parallel line between Cleveland and Buffalo, over the Conrail line.

(b) In Finance Docket No. 29430 (Sub-Nos. 9-12), Conrail seeks authority to construct and operate connections which will facilitate the Cleveland/Buffalo operation described above.

(c) In Finance Docket No. 29430 (Sub-No. 13), Conrail seeks trackage rights over approximately 572 miles of NW track between Danville, IL, and Kansas City, MO, and between St. Louis, MO, and Kansas City, MO, both via Moberly, MO. Conrail seeks the right to interchange with all carriers in the Kansas City terminal area and the right

of access to any other carrier at any point along NW's lines.

(d) In Finance Docket No. 29430 (Sub-No. 14 and 15), Conrail seeks terminal area trackage rights related to the Kansas City operations described above.

(e) In Finance Docket Nol. 29430 (Sub-No. 16), Conrail seeks approval of a proposed purchase of securities necessary to implement its Kansas City proposal.

Conrail presently operates in CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NY, OH, PA, RI, VA, WV, DC, and the Provinces of Quebec and Ontario, Canada.

These applications have been filed as proposed conditions to possible approval of the application in Finance Docket No. 29430 (Sub-No. 1) and embraced cases. In those proceedings NWS Enterprises, Inc. seeks authority to acquire control of NW and Southern Railway Company (SR). Notice of those applications was published in the **Federal Register** on January 2, 1981, at 46 FR 173.

Pursuant to 49 U.S.C. 11345, responsive applications such as those filed by Conrail were required to be filed by April 2, 1981. Conrail filed its applications on that date.

Under our regulations an extension of time of up to 90 days in which to complete a timely filed application may be granted a responsive applicant.[1] An extension of time until June 1, 1981, to complete certain specified exhibits was granted Conrail, and other responsive applicants, in Finance Docket No. 29430 (Sub-No. 1), *NWS Enterprises—Control*, decision served March 23, 1981 (not printed).

The applications substantially comply with the regulations, waivers and extensions granted in these proceedings.[2] We accept these applications upon the condition that the applications are properly completed by the extension date.

Additionally, the application in Finance Docket No. 29430 (Sub-No.13) raises questions of our jurisdiction to grant the relief sought. In order to implement Conrail's proposed trackage rights to Kansas City, it will be necessary for Conrail to acquire bridge trackage rights over NW's joint trackage with the Atchison, Topeka and Santa Fe Railway Company (ATSF), which extends for approximately 29 miles between the vicinity of Carrollton, MO, and Camden, MO. We cannot impose trackage rights over ATSF as a condition to approval of the NWS consolidation application because ATSF is not a party to the transaction. *Boston & Maine Corp. Trackage Rights over Conrail*, 360 I.C.C. 239, 241 (1979). Accordingly, acceptance of this application is further conditioned upon Conrail showing that the relief it seeks can be granted as a condition to the primary application without the consent of a non-applicant carrier.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's respresentatives upon request.

The applications accepted here will be consolidted for disposition with the applications in Finance Docket No. 29430 (Sub-No. 1) *et al.* Those applications are the subject of an oral hearing conducted by Administrative Law Judge Daivd H. Allard, commencing May 12, 1981. By statute, the evidentiary phase of these proceedings must end by January 2, 1983. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. No. 29430 (Sub-No. 8, 9, 10, 11, 12, 13, 14, 15, or 16)), and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than June 15, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: The person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party or to be advised of decisions will result in the person not being placed upon the service list. Any comment filed will remain a part of the record on ths proceeding.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

Barbara W. Mather, Esq., Pepper, Hamilton & Scheetz, 2001 The Fidelity Building, 123 South Broad Street, Philadelphia, PA 19109

Charles N. Marshall, Esq., Senior Commerce Counsel, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19104

and (2) representatives of the primary applicants NWS, NW and SR:

Donald M. Tolmie, General Counsel, Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, VA 24042

R. Allan Wimbish, General Solicitor, Southern Railway Company, 920 15th Street NW., Washington, DC 20005

Richard J. Flynn, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, DC 20006.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served March 18, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 29430 (Sub-No. 1), et al., the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to Conrail's applications as filed. It is ordered:

1. The applications in Finance Docket No. 29430 (Sub-Nos. 8–16) are accepted for consideration, subject to the condition that they are completed by the dates previously set.

2. The application in Finance Docket No. 29430 (Sub-No. 13) is further conditioned upon Consolidated Rail Corporation showing that the relief

[1] 49 CFR Part 1111, *as amended by* Ex Parte No. 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Minor deficiencies exist with respect to Conrail's related construction applications. Specifically Exhibits A and B filed pursuant to 49 CFR 1120.7, dealing with engineering reports of reconnaissance and specifications for the proposed lines, are not responsive. These deficiencies do not affect our acceptance of the applications for consideration. If more detailed information than that provided by Conrail is required in our annlysis, it may be requested under 49 CFR 1111.4(c)(2)(b) since these applications are related to the primary consolidation.

sought is within the jurisdiction of this Commission. Statements and arguments to make such a showing shall be filed within 20 days of the service date of this decision. Replies by interested parties shall be filed within 10 days thereafter.

3. The parties shall comply with all provisions stated above.

4. This decision is effective upon date of service, May 1, 1981.

Decided: April 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13107 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29430 (Sub-No. 7)]

Delaware & Hudson Railway Co.—Merger—Norfolk & Western Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Application conditionally accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Delaware and Hudson Railway Company for inclusion in the proposed NWS system through merger with the Norfolk and Western Railway Company. The acceptance is conditioned upon completion of the application by June 1, 1981. This application is filed as a proposed condition to possible approval of the applications by which NWS Enterprises, Inc. seeks to acquire control of Norfolk and Western Railway Company and Southern Railway Company. A schedule has been set for consideration of the application.

DATES: Written comments must be filed with the Interstate Commerce Commission by June 15, 1981. Oral hearings in the primary consolidation proceeding will begin May 12, 1981. Verified statements in opposition to the responsive applications are tentatively due by July 3, 1981. Hearings related to the responsive applications are scheduled to begin July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESS: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: On April 2, 1981, the Delaware and Hudson Railway Company (DH) filed with the Interstate Commerce Commission an application under 49 U.S.C. 11343 for inclusion in the proposed NWS ENTERPRISES, INC. (NWS) system through merger with the Norfolk and Western Railway Company (NW), which, along with the Southern Railway Company (SR), will be controlled by NWS if the primary application is approved.

DH presently provides service in DC, MD, PA, NJ, NY, VA, and VT.

This application has been filed as a proposed condition to possible approval of the applications in Finance Docket No. 29430 (Sub-No. 1) and embraced cases. In that proceeding NWS seeks authority to acquire control of NW and SR. Notice of that application was published in the **Federal Register** on January 2, 1981, at 46 FR 173.

Pursuant to 49 U.S.C. 11345, responsive applications such as the inclusion proposed by DH were required to be filed by April 2, 1981. Under our regulations an extension of time of up to 90 days in which to complete a timely filed application may be granted a responsive applicant.[1] An extension of time until June 1, 1981, to complete certain specified exhibits was granted to DH, and other responsive applicants, in Finance Docket No. 29430 (Sub-No. 1), *NWS Enterprises, Inc.—Control,* decision served March 23, 1981 (not printed).

The application substantially complies with the applicable regulations, waivers and extension granted in this proceeding.[2] We accept the application for inclusion upon the condition that the application is properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, D.C. In addition, they may be obtained from applicant's representatives upon request.

The application accepted here will be consolidated for disposition with the applications in Finance Docket No. 29430 (Sub-No. 1) et al. Those applications are the subject of an oral hearing conducted by Administrative Law Judge David H. Allard, commencing May 12, 1981. By statute, the evidentiary phase of these proceedings must end by January 2, 1983. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in this proceeding by submitting written comments regarding the application. Such submissions should indicate the exact proceeding designation (F.D. No. 29430 (Sub-No. 7)), and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, no later than June 15, 1981. Such comments shall include the following: The person's position in support of or in protest to the proposed transactions, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend actively to participate in the oral hearings on the applications or whether they wish to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party or to receive decisions will result in the person not being placed upon the service list. Any comments filed will remain a part of the record in this proceeding.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

William P. Quinn, Esq., Fell, Spalding, Goff & Rubin, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106

Kinga M. LaChapelle, Esq., Delaware and Hudson Railway Company, 40 Beaver Street, Albany, NY 12207

and (2) representatives of primary applicants NWS, NW and SR:

Donald M. Tolmie, Esq., General Counsel, Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, VA 24042

R. Allan Wimbish, General Solicitor, Southern Railway Company, 920 15th Street NW., Washington, DC 20005

Richard J. Flynn, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, DC 20006.

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[1] 49 CFR Part 1111, *as amended* by Ex Parte No. 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] DH did not file a copy of a machine readable tape containing data shown in Table B of Exhibit A-14 as required by 49 CFR 1111.4(c)(2)(vii). However, since a tape containing this information for DH was filed with the primary applications we will not require DH to submit an identical tape with its responsive application.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served March 18, 1981.

Responsive Applications

Because this application is itself a proposed condition to approval of the applications in Finance Docket No. 29430 (Sub-No. 1) *et al.*, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to DH's application as filed.

It is ordered:

1. The application in Finance Docket No. 29430 (Sub-No. 7) is accepted for consideration, subject to the condition that it is completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on the date of service, May 1, 1981.

Decided: April 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13106 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29430 (Sub-No. 17)]

St. Louis Southwestern Railway Co.; Trackage Rights Over Norfolk & Western Railway Co.; Kansas City to St. Louis

AGENCY: Interstate Commerce Commission.

ACTION: Application conditionally accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of St. Louis southwestern Railway Company and its parent corporation Southern Pacific Transportation Company for trackage rights over the Norfolk and Western Railway Company. The acceptance is conditioned (1) upon completion of the application by June 1, 1981; and (2) upon submission of statements demonstrating that the Commission has jurisdiction to grant the proposed trackage rights. The application is filed as a proposed condition to possible approval of the applications by which NWS Enterprises, Inc., seeks to acquire control of Norfolk and Western Railway Company and southern Railway Company. A schedule has been set for consideration of the application.

DATES: Written comments must be filed with the Interstate Commerce Commission by June 15, 1981. Oral Hearings in the consolidated proceedings will begin May 12, 1981. Verified statements in opposition to the responsive applications are tentatively due by July 3, 1981. Hearings related to the responsive applications are scheduled to begin July 14, 1981.

Statements showing the Commission has jurisdiction to grant the application must be filed within 20 days. Replies must be filed within 10 days thereafter.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On April 2, 1981, the St. Louis Southwestern Railway Company (SSW) and its parent Southern Pacific Transportation Company (SP) filed with the Interstate Commerce Commission an application under 49 U.S.C. 11343 for trackage rights over the Norfolk and Western Railway Company (NW) between Kansas City and St. Louis.[1]

SSW currently operates in IL, MO, TN, AR, LA, KS, NM, OK and TX. SP currently provides services in AZ, CA, OR, LA, NV, NM, UT, and TX.

This application has been filed as a proposed condition to possible approval of the applications in Finance Docket No. 29430 (Sub-No. 1), and embraced cases. In those proceedings NWS Enterprises, Inc. (NWS) seeks authority to acquire control of NW and the Southern Railway Company (SR). Notice of these applications was published in the **Federal Register** on January 2, 1981, at 46 FR 173. The trackage rights sought by SP in Finance Docket No. 29430 (Sub-No.17) involve the lines employed by NW and sought to be controlled by NWS.

Pursuant to 49 U.S.C. 11345, responsive applications such as the one filed by SP were required to be filed by April 2, 1981. Under our regulations an extension of time of up to 90 days in which to complete a timely filed application may be granted a responsive applicant.[2] An extension of time until June 1, 1981, to complete certain specified exhibits was granted SP, and other responsive applicants, in Finance Docket No. 29430 (Sub-No. 1), *NWS Enterprises—Control*, decision served March 23, 1981 (not printed).

The application substantially complies with the regulations, waivers and extensions granted in these proceedings.[3] We accept the application upon the condition that the application is properly completed by the extension date. Additionally, SP's applications raise questions as to our jurisdiction to grant the relief sought. In order to implement SP's proposed trackage rights between Kansas City and St. Louis, it will be necessary for SP to acquire trackage rights over segments of the lines of other carriers. Specifically, SP proposes to operate over (1) approximately 29 miles of track owned by the Atchinson, Topeka and Santa Fe Railway Company between C.A. Junction and W.B. Junction, MO; (2) approximzately 0.7 mile of track owned by Kansas City Southern Railway Company between KCT Junction and Airline Junction in the vicinity of Kansas City, MO; and (3) approximately 4.2 miles of track owned jointly by Chicago, Rock Island and Pacific Railroad Company and Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Airline Junction and Birmingham in the vicinity of Kansas City, MO. We cannot impose trackage rights, as a condition to approval of the proposed consolidation, over carriers which are not parties to the primary transaction, *Boston & Maine Corp. Trackage Rights Over Conrail*, 360 I.C.C. 239, 241 (1979). Accordingly, acceptance of SP's application is further conditioned upon SP showing that the relief it seeks can be granted as a condition to the primary application without the consent of a non-applicant carrier.

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[1] SP also filed material which it denominated as three additional applications for trackage rights (1) over a line segment of the Atchison Topeka and Santa Fe Railway Company, between C.A. Junction and W.B. Junction, (2) over a line segment of the Kansas City Southern Railway Company, in the vicinity of KCT Junction, and (3) over line segments of the Chicago, Rock Island and Pacific Railway company and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in the vicinity of Kansas City. Sp acknowledges in its application that these segments constitute parts of the line which NW employs between Kansas City and St. Louis over which SP seeks trackage rights in this proceeding. In the interest of administrative simplicity we will treat each of these segments as part of the application for the encompassing trackage rights between Kansas City and St. Louis and consider the entire question in Finance Docket No. 29430 (Sub-No. 17).

[2] 49 CFR Part 1111, *as amended by* Ex Parte No. 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[3] SP did not file a copy of a machine readable tape containing data shown in Table B of Exhibit A-14 as required by 49 CFR 1111.4(c)(2)(vii). However, a tape containing this information was filed with the Commission as part of SP's responsive application in Finance Docket No. 30000, *Union Pacific Corp.—Control*. Our analysis of this application can proceed using the tape already on file, and we will not require SP to submit an identical tape in this proceeding.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights application accepted here will be consolidated for disposition with the applications in Finance Docket No. 29430 (Sub-No. 1) *et al.* Those applications are the subject of an oral hearing to be conducted by Administrative Law Judge David H. Allard, commencing May 12, 1981. By statute, the evidentiary phase of these proceedings must end by January 2, 1983. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. No. 29430 (Sub-No. 17)) and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than June 15, 1981. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend actively to participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party or to be advised of decisions will result in the person not being placed upon the service list. Any comments filed will remain a part of the record in this proceeding.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

Charles J. McCarthy, Esq., Belknap, McCarthy, Sweene, Spencer, and Harkaway, 1750 Pennsylvania Avenue, NW., Washington, DC 20006

John MacDonald Smith, Senior General Attorney, Southern Pacific Transportation Company, Southern Pacific Building, San Francisco, CA 94105

and (2) representatives of the primary applicants NWS, NW and SR:

Donald M. Tolmie, General Counsel, Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, VA 24042

R. Allan Wimbish, General Solicitor, Southern Railway Company, 920 15th Street, NW., Washington, D.C. 20005

Richard J. Flynn, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served March 18, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 29430 (Sub-No. 1), *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to SP's application as filed.

It is ordered:

1. The application in Finance Docket No. 29430 (Sub-No. 17) is accepted for consideration, conditioned upon (a) completion of the application by the dates previously set; and (b) St. Louis Southwestern Railway Company and Southern Pacific Transportation Company showing that the relief sought is within the jurisdiction of this Commission. Statements and arguments to make such a showing must be filed within 20 days of the service date of this decision. Replies by interested parties shall be filed within 10 days thereafter.

2. The parties shall comply with all provisions stated above.

3. This decision is effective upon date of service, May 1, 1981.

Decided: April 24, 1981

By the Commisison, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13108 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-7]

Mallinckrodt, Inc.; Approval of Registration

On January 19, 1979, Mallinckrodt, Inc. ["Mallinckrodt"] made application to the Drug Enforcement Administration ["DEA"] for renewal of its registration as an importer and manufacturer of certain basic classes of controlled substances. Notices of the filing of these applications were published in the **Federal Register**, 44 FR 76413, on December 26, 1979. Two pharmaceutical manufacturers, McNeilab, Inc. ["McNeilab"] and Lee Laboratories, Inc. ["Lee Labs"], as applicants for similar registrations, requested a hearing on Mallinckrodt's applications. A third pharmaceutical manufacturer, Burroughs Wellcome Co. ["Burroughs Wellcome"], filed objections to the Mallinckrodt applications but did not request a hearing.

On February 25, 1980, the Deputy Administrator, noting that Mallinckrodt's applications had been investigated by DEA's Office of Compliance and Regulatory Affairs which had found that the applicant demonstrated the ability to meet the statutory requirements for the registrations applied for, referred this matter to Administrative Law Judge Francis L. Young for initiation of the hearing procedures requested by McNeilab and Lee Labs.

On March 27, 1980, a notice was published in the **Federal Register**, 45 FR 20253, announcing the commencement of the hearing proceedings and affording an opportunity for participation by any and all parties entitled to do so. Pursuant to this notice, a prehearing conference was held on May 28, 1980. The prehearing conference was attended by counsel representing that applicant, Mallinckrodt, DEA's Office of Chief Counsel, McNeilab, Lee Labs, Burroughs Wellcome and another applicant, Diosynth, Inc. ["Diosynth"]. The last four named pharmaceutical companies emerged as opposing Mallinckrodt's applications. The agency staff counsel generally supported the applicant.

After the prehearing conference, the Administrative Law Judge issued a prehearing ruling which provided, *inter alia*, that on or before August 4, 1980, each of the opposing companies should file a paper stating with particularity the objections or issues concerning which it desired to be heard. Following the filing of these opposition statements,

Mallinckrodt filed a Motion to Modify the Prehearing Ruling and for an Order Conditionally Recommending Registration. This motion asserted that the objections and issues raised by the opposing companies failed to present any genuine issue to provide the basis for an evidentiary hearing. Oral argument on Mallinckrodt's motion was heard on September 17, 1980.

On December 3, 1980, after considering Mallinckrodt's motion, the previously mentioned statements of opposition, and the oral arguments made at the September 17, 1980, hearing session, the Administrative Law Judge issued his opinion and recommendations in this matter. Pursuant to 21 CFR 1316.65, copies of Judge Young's opinion were served on counsel for all of the participants. Exceptions to the Administrative Law Judge's recommendations were filed on behalf of Burroughs Wellcome and these were incorporated into the record. Subsequently, on December 31, 1980, Judge Young certified and transmitted the record of these proceedings to the Administrator.

Judge Young found, in essence, that none of the opposing companies had unconditionally stated any objection or issue which, if meritorious, would justify denial of Mallinckrodt's applications. He concluded that there is no need for an evidentiary hearing at this time and recommended that Mallinckrodt's applications be approved.

The Administrator has considered the record of these proceedings and, pursuant to 21 CFR 1316.67, hereby publishes his final order. The Administrator adopts the recommendations of the Administrative Law Judge in their entirety. It appears to the Administrator that the objections to Mallinckrodt's registration are conditional in nature. Essentially, the opposing companies have said that they oppose Mallinckrodt's being unconditionally reregistered at this time because the Administrator, or perhaps an appellate court, might rule that only a very small number of firms may lawfully be registered to participate in the activity for which all of the parties have sought registration. Should this occur, the opposers argue, a hearing of the sort discussed in *Ashbacker Radio Corp.* v. *Federal Communications Commission*, 326 U.S. 327 (1945), would be required so that the merits of all applicants for a limited number of registrations can be compared one against the other. Judge Young has concluded that it would be vacuous to discuss the "Ashbacker doctrine" when there is no indication that conditions have arisen which would require the agency to apply it. The Administrator agrees with this conclusion.

At the present time, it appears that there are eight applicants for registrations to import and to manufacture the basic classes of controlled substances at issue in this case. Three of the applicants, including Mallinckrodt, are currently registered and have been engaged in this activity for a number of years. Very recently, the Administrator conditionally approved the applications of McNeilab, one of the firms which opposed Mallinckrodt's applications in this matter. The Administrator's decision in the McNeilab case was published in the Federal Register, 46 FR 22089, on April 15, 1981. There may indeed come a time when the Administrator may be constrained to decide that no more firms can be registered to participate in this activity. Such a decision would be triggered by the filing of so many applications, or the registration of so many firms, that DEA could not adequately monitor their activities in order to prevent diversion and otherwise comply with the requirements of the Controlled Substances Act and the United States' obligations under the Single Convention on Narcotic Drugs. Whether such a number of registrants and applicants will ever be reached is highly speculative. The total quantity of the controlled substances at issue here which can be imported and manufactured is strictly limited by the legitimate medical and scientific demand for the final drug products. Competition in the pharmaceutical marketplace will ultimately determine how many of the current registrants and applicants will remain in the field. For purposes of this proceeding, however, the Administrator finds that the limitation upon the number of potential registrants participating in this activity has not been reached. Even if all of the current number of registrants and applicants are ultimately registered, DEA will be able to monitor their activities in a manner consistent with the law and our international obligations.

Accordingly, the conditional objections to the granting of Mallinckrodt's applications must be, and they hereby are, rejected. Under the authority vested in the Attorney General by Sections 303 and 1008 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823 and 958), as redelegated to the Administrator of the Drug Enforcement Administration, it is hereby ordered that the applications of Mallinckrodt, Inc., be, and they hereby are, approved.

This order is effective May 1, 1981.

Dated: April 24, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-13296 Filed 4-30-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 80-22]

Ray Roya, M.D. Chicago, Illinois; Hearing

Notice is hereby given that on August 11, 1980, the Drug Enforcement Administration, Department of Justice, issued to Ray Roya, M.D., Chicago, Illinois, an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application for registration under Section 303 of the Controlled Substances Act (21 U.S.C. 823), executed on February 22, 1980, to prescribe, dispense, distribute, conduct research or otherwise handle controlled substances.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, May 12, 1981, in the Hearing Room of the Occupational Safety and Health Review Commission, Room 1530, 55 East Monroe Street, Chicago, Illinois.

Dated: April 27, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-13297 Filed 4-30-81; 8:45 am]

BILLING CODE 4410-09-M

Law Enforcement Assistance Administration

Announcement of Program: Prison Industries Enhancement Certification Program

AGENCY: Law Enforcement Assistance Administration.

ACTION: Issuance of Final Guideline.

SUMMARY: The Law Enforcement Assistance Administration (LEAA), pursuant to the Justice System Improvement Act of 1979 (42 U.S.C. 3701), is issuing a guideline for the certification of state prison industry operations.

SUPPLEMENTARY INFORMATION: This program announcement was originally published on February 13, 1981 to

request public comment. No substantive comments were received during the 30-day comment period, and the announcement has not been revised from its initial publication.

This announcement does not constitute a "major" rule, as defined by Executive Order 12291, because it does not result in: (a) an effect on the economy of $100 million or more, (b) a major increase in any costs or prices, (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

FOR FURTHER INFORMATION CONTACT: H. Tom Tubs, Corrections Program Manager Law Enforcement Assistance Administration 633 Indiana Avenue, NW, Room 1115 Washington, D.C. 20531 (202) 724-7681.

George H. Bohlinger, III,
Acting Administrator, Law Enforcement Assistance Administration.

Program Announcement

SUBJECT: Announcement of Availability of Certification of State Prison Industries for participation in interstate commerce and for the sale of supplies and the making of contracts with the Federal government.

SUMMARY: The Law Enforcement Assistance Administration announces its intention to certify up to seven State Department of Corrections Prison Industry Shop Operations as authorized by the Justice System Improvement Act of 1979. Applicant eligibility is limited to State Departments of Corrections which are in substantial compliance with the legal, administrative and program requirements for certification.

DATE: Applications will be reviewed upon receipt and certifications issued as soon thereafter as possible. The closing date for receipt of applications is July 1, 1981.

Scope of Program Announcement

A. *Program Purpose.* The purpose of this certification program is to provide exemption to two Federal criminal laws which severely restrict the ability of State prison industry programs to market their goods: a Federal ban against interstate commerce of prisoner made products, and a Federal ban against sales to the Federal government of State prisoner made products; and to encourage the development of prison industry shops at the State level involving private sector industry, and development of marketable job skills in inmates.

B. Program Goal and Objectives. The goal of this certification program is to provide as realistic a working environment as possible within State correctional facilities while enabling an inmate to become more self sufficient, to the benefit of himself, the prison system, and the taxpayer.

There are four objectives of this program: 1) to provide prison industry programs a greater opportunity to expand and employ a greater proportion of prison inmates through involvement of private sector industry; 2) to provide that the expanded prison industry program does not adversely impact upon private sector jobs by displacing employed workers or impairing existing contracts; 3) to achieve prohibition against the exploitation of prison labor by requiring payment of wages comparable to those paid for similar work in the private sector in the locality in which the work is performed, by requiring benefits such as Workmen's Compensation not be deprived to inimates solely on the basis of their status as offenders, and, by requiring the voluntary participation of inmates as employees within the prison industry program certified; and, 4) to provde inmate an opportunity to learn and practice marketable job skills.

C. *Eligible Applicants.* Applicants for certification are limited to State Departments of Corrections who are legally, administratively, and programmatically in substantial compliance with the requirements for certification. Substantial compliance must include the presence of State law or regulation enabling the payment of wages to inmates, payment of Workmen's Compensation to inmates, involvement of private industry in prison industry operations, sale and marketing of prisoner made goods in intrastate or interstate commerce and the withholding of deductions from inmate wages.

D. *Available Funding.* No funds are available to support achievement or enhancement of prison industries participating in this program.

E. *The Application Process.* 1. *Availability of Application Forms.* All State Departments of Corrections State Planning Agencies and Governors have been contacted to solicit interest in participating in this program. Upon receipt of an expression of interest from the State, an application kit will be provided to the applicant.

2. *Application Submission.* One signed original and two copies of the application for certification, including all cover letters and attachments must be submitted to the Corrections division, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW., Washington, DC 20531.

3. *Application Consideration.* a. *Application Process.* In order to be considered for certification, all applications must be submitted on the forms and in the manner required by LEAA as described in this program announcement. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the certification. The Administrator, LEAA, determines the final action to be taken with respect to each application for this program. Applications which do not conform to this announcement or are not complete will not be accepted and applicants will be notified accordingly. All applications shall be subjected to a review and evaluation conducted by LEAA. This process of review and evaluation may include onsite verification of the policies, procedures and practices set forth in the application. The results of this review will supplement and assist the Administrator's consideration of applications. After the Administrator has reached a decision to certify or to not certify a project, the applicant will be notified in writing of that decision.

b. *Certification.* The Administrator, LEAA, shall grant certification consistent with the purposes of this program announcement. No more than seven (7) projects may be certified as specified by the Justice System Improvement Act of 1979, Section 827(c). The official certification document is the Notice of Certification. Successful applicants shall be notified through the issuance of a Notice of Certification which sets forth in writing to the certified Department of Corrections the purpose of the certification, the terms and conditions of the certification, the effective date of the certification and the total period for which the certification shall be effective.

c. *Criteria for Review and Evaluation of Applications for Certification.* Applications for certification will be reviewed and evaluated against the following criteria: (1) The description of statutory and administrative legal authority present which is required to support achievement of the program goals and objectives. (11 points)

(2) The method, type, and scope of involvement of private sector industry in the described prison industry program. (21 points)

(3) The capability and qualifications of the proposed prison industry operation and the adequacy of the facilities and resources of the applicant organization. (22 points)

(4) The ability of the applicant to provide payment of wages and benefits

commensurate with wages and benefits paid for work of a similar nature in the locality in which the work is performed. (20 points)

(5) The adequacy of the policies, procedures, and practices which support the voluntary participation of inmates in the prison industry program. (5 points)

(6) The quality of assurances, including the presentation of data and information, that the expanded prison industry program does not adversely impact upon private sector jobs by displacing employed workers or impairing existing contracts. (5 points)

(7) The method, type and scope of consultation with respresentatives of local labor union central bodies or similar union organizations potentially affected by the work proposed in the application. (6 points)

(8) The scope, i.e. number of states, of the available market for the goods to be manufactured. (5 points)

(9) The adequacy of ability to collect and report data describing achievement of program objectives. (5 points)

d. *Closing Date for Receipt of Applications.* The closing date for receipt of formal applications is July 1, 1981. Applications received after the closing date will be considered ineligible, and will not be reviewed or evaluated.

[FR Doc. 81-13206 Filed 4-30-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Request for Nomination of Members

The Assistant Secretary of Labor for Occupational Safety and Health requests nominations for the National Advisory Committee on Occupational Safety and Health. The committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

Nominations will be accepted in the following categories: Public Representative, Employee Representative, Employer Representative, Safety Representative and Health Representative. The term of office is two years. Nominees must have specific experience and be actively engaged in work related to occupational safety or health. The category of membership for which the candidate is qualified should be specified in the nomination letter which should come from an organization representative of that particular category. A resume of the nominee's background, experience and qualifications and a current address and telephone number should be included with the letter. In addition, the nomination letter shall state that the nominee is aware of the nomination, is willing to serve as a committee member, and has no conflict of interest that would preclude committee membership. No member of the committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

Nominations should be submitted to Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3635, U.S. Department of Labor, Washington, D.C. 20210, no later than June 1, 1981.

Signed at Washington, D.C. this 27 day of April 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-13234 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the Approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of Federal standards as State standards after comments and/or public hearing and standards which are at least as effective as those promulgated under Section 6 of the Act. Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of Federal standards. By letter dated December 3, 1980 from Darrell D. Douglas, Administrator, Accident Prevention Divsion, Workers' Compensation Department, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR 1910.20, Access to Employee Exposure and Medical Records, as published in the **Federal Register** (45 FR 35277) on May 23, 1980. The standard also amended nine additional State standards comparable to 29 CFR 1910.440, Commercial Diving Operations; 1910.1001, Asbestos; 1910.1003-1016, Carcinogens; 1910.1017, Vinyl Chloride; 1910.1018, Inorganic Arsenic; 1910.1025, Lead; 1910.1043, Cotton Dust; 1910.1044, Dibromochloropropane; and 1910.1045, Acrylonitrile. The State standard also included corrections as published in the **Federal Register** (45 FR 54333) on August 15, 1980. These standards, which are contained in OAR Chapter 437, Division 200, Oregon Occupational Safety and Health Code, were promulgated by the State after a notice to amend was published in the Secretary of State's Administrative Rules Bulletin on October 15, 1980 pursuant to OAR Chapter 183.335. No requests for a public hearing were received. The effective date of these standards was December 1, 1980.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the comparable Federal standard. The Oregon State standards differ only from the Federal Access to Employee Exposure and Medical Records in that the State has deleted amendments to § 1910.1028, Benzene, pursuant to U.S. Supreme Court's, ruling striking the standard down on July 2, 1980. State amendments comparable to § 1910.1029, Coke Oven Emissions and § 1910.1046, Exposure to Cotton Dust in Cotton Gins have not been included as the State has certified that those industries do not exist in Oregon, as published in the **Federal Register** (45 FR 43483) dated June 27, 1980.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Building, Salem, Oregon 97310; and the Technical Data Center, Room N2349R, New Department of Labor Building, 3rd and Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may

prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective May 1, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 31st day of March, 1981.

James W. Lake,

Regional Administrator.

[FR Doc. 81-13230 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (39 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of State standards which are at least as effective as those promulgated under Section 6 of the Act. In accordance with ORS Chapter 183.336, the Workers' Compensation Department duly filed Notice of Intent to repeal OAR Chapter 437, Oregon Occupational Safety and Health Code, Sections 11-11-1 through 11-11-39 pertaining to shore-based material handling devices. The Notice was published in the Secretary of State's Administrative Rules Bulletin on June 19, 1978. No written comments or requests for a public hearing regarding the filed Notice of Intent were received. The repeal of rules was effective August 7, 1978, upon the filing of an Order of Adoption with the Secretary of the State of Oregon.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State rules were deleted to eliminate duplication of enforcement activity, as the Federal OSHA Program was given jurisdiction over marine terminals as published in the **Federal Register** (42 FR 40268) dated Augsut 9, 1977.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Buildings, Salem, Oregon 97310; and the Technical Data Center, Room N2349R, New Department of Labor Building, 3rd and Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standard was adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective May 1, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 31st day of March, 1981.

James W. Lake,

Regional Administrator.

[FR Doc. 81-13231 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

Utah State Standards; Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the **Federal Register** (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1952.113 of Section E sets forth the State's schedule for adoption of Federal Standards. By letter dated March 27, 1981 from Ronald T. Joseph, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR Part 1910, Electrical Standards 46 FR 4056 published on Friday, January 16, 1981.

These standards which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held.

The Standards for 29 CFR Part 1910, Electrical Standards, were adopted by the Industrial Commission of Utah, Archives File Number 4713 on March 27, 1981, effective on April 16, 1981 pursuant to Title 35-9-6 Utah Code annotated 1943.

1. *Decision.* The State submission having been reviewed in comparison with the Federal Standards, it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and

copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah 84111; and Office of State Programs, Occupational Safety and Health Administration, Room N-3613, 3rd and Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation:* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective May 1, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado this 10th day of April 1981.

Curtis A. Foster,

Regional Administrator.

[FR Doc. 81-13228 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

Utah State Standards; Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the **Federal Register** (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1952.113 of Section E sets forth the State's schedule for adoption of Federal standards. By letter dated December 15, 1980 and February 16, 1981 from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, the State submitted rules and regulations concerning 29 CFR Part 1910, Fire Protection; Means of Egress; Hazardous Materials (45 FR 60703) Friday, September 12, 1980.

These standards, which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated in 1953, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held.

The Standards for 29 CFR Part 1910, Fire Protection; Means of Egress; Hazardous Materials, were adopted by the Industrial Commission of Utah, Archives File Number 4633 on February 10, 1981, effective on February 20, 1981 pursuant to Title 35-9-6 Utah Code annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal Standards, it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado, 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah, 84111; and Office of State Programs, Room N3613, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation:* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective May 1, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado this 4th day of March 1981.

Curtis A. Foster,

Regional Administrator.

[FR Doc. 81-13229 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

[V-80-5]

Block 259/260 Joint Venture, Grant of Variance

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Grant of variance.

SUMMARY: This notice announces the grant of a permanent variance to Block 259/260 Joint Venture, from the standards prescribed in 29 CFR 1910.66(b)(3) concerning the design requirements for powered platforms for exterior buildings maintenance.

DATE: The effective date of this grant of variance is May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3662, Washington, D.C. 20210, Telephone: (202) 523-7144, or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Texas 75202

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 #505 NASA Road I, Houston, Texas 77058.

SUPPLEMENTARY INFORMATION:

I. Background

In January of 1980, Block 259/260 Joint Venture, made application, pursuant to section 6(d) of the Occupational Safety and Health Act [29 U.S.C. 655 (d)] and 29 CFR 1905.11, for a permanent variance

from portions of the safety and health standards prescribed in 29 CFR 1910.66(b)(3). This provision refers to and incorporates Parts II and III of the American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, ANSI A120–1970. Section 21 of Part III of this standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of live and dead loads on the working platform. Further, the face of the building shall be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. The applicant also requested an interim order pending a decision on the application.

The address of the place of employment affected by the variance application is as follows: 1100 Louisiana Street, Houston, Texas 77002.

An interim order pending the decision on the applicant's application for variance from 29 CFR 1910.66(b)(3) was granted on November 14, 1980. Notice of the Block 259/260 Joint Venture, application for variance and for the interim order, and of the grant of the request for an interim order was published in the **Federal Register** [45 FR 75358–59]. The notice invited interested persons to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for variance. No comments were received concerning the applicant's request for variance.

II. Facts

The applicant is the owner of the above noted building which has a rise of approximately 700 feet. He will purchase a powered platform to be used for exterior maintenance of this building.

The applicant will provide a system of intermittent stabilization of his powered platform to prevent horizontal translation with respect to the face of the building. The system will consist of threaded stainless steel insert anchors, secured to the concrete building column and projecting out to the face of the granite cladding. These anchors will be located in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect-quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant contends that its alternative method of securing the powered platform as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

III. Decision

During the course of discussions between representatives of OSHA and the applicant, additional engineering data was requested of and presented by the applicant. On the basis of these data and yet further discussions between the parties, an order was prepared which OSHA feels confident provides an environment as safe and healthful as that provided by the standard.

Included among the requirements are the following:

(a) a requirement for suspension rope angulation in order to exert a specified minimum pressure of the powered platform against the face of the building;

(b) a positive means of assuring knowledge of the wind velocity at the highest point on the building;

(c) use of a full-body harness including leg straps which, together with a short lanyard and an automatic locking rope grab, is designed to prevent injury to an employee in the event of a fall; and

(d) specific requirements for strength and other safety aspects of the powered platform and its appurtenances.

The applicant will be required to comply not only with the requirements contained in the Order, but with all other applicable provisions of 29 CFR 1910.66.

IV. Order

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8–76 (41 FR 29059), it is ordered that Block 259/260 Joint Venture be, and is hereby, authorized to comply with the requirements of this Order set out below in lieu of complying with that portion of § 1910.66(b)(3) of the Occupational Safety and Health Standards that requires the building to be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform.

All other provisions of the standard are unaffected by this variance order, and Block 259/260 Joint Venture, must continue to comply with them in conjunction with the terms of this Order.

1. The employer shall assure that all procedures required for the proper functioning of the intemittent stabilization system are carried out, in particular the requirement for connecting the lanyards attached to the suspension ropes to the building anchors during the descent of the platform.

2. The platform shall be no greater than 32 feet in length nor 3 feet in width.

3. The weight of the platform (no load) shall be no less than 1500 pounds.

4. The platform shall have openings or gaps to facilitate upward air flow.

5. The suspension rope angulation shall be designed into the suspension system and the tie-in lanyard so that the platform shall exert a minimum pressure of approximately 8 pounds against the face of the building.

6. The anchors in the face of the building shall be spaced vertically a maximum distance of 43 feet apart. The minimum tensile strength of the anchor bolt shall be 600 pounds.

7. The powered platform shall not be operated when the wind velocity is 25 miles per hour or greater. At the very least, an instrument which will accurately measure wind velocity shall be located on the roof of the building.

8. Operators shall be provided with full-body harnesses, which include leg straps, connected to a lanyard of no greater than 3 feet in length. This lanyard shall, in turn, be connected by means of an automatic locking rope grab to a horizontal wire rope fastened in a taut manner across the rear of the platform. The ends of this wire rope shall be secured to structural members of the platform, and the mid-point of the rope secured to the rear guardrail. This system, consisting of the harness, the lanyard, the anchorage points, and any additional hardware involved, shall at a minimum be capable of withstanding a static load of 5,000 pounds.

9. The platform shall be provided with a sensing device that will interrupt its power supply in the event that the platform contacts the tie-in lanyard assembly, to prevent further ascent and ensure that the lanyard assembly can be disengaged from the building anchor.

10. The intermittent stabilization system including its building anchor, shall have a factor or safety of 4 against failure.

11. Operators shall have knowledge of and training in the operation of the intermittent stabilization system.

12. The employer shall comply with all provisions in this order and, in addition, shall not be relieved from compliance with all other applicable provisions of 29 CFR 1910.66.

As soon as possible, Block 259/260 Joint Venture, shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective Date: This order shall become effective on May 1, 1981 and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 24th day of April 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-13232 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

[V-80-4]

U.I.D.C. of Texas, Inc.; Grant of Variance

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Grant of Variance.

SUMMARY: This notice announces the grant of a permanent variance to the U.I.D.C. of Texas, Inc., from the standards prescribed in 29 CFR 1910.66(b)(3) concerning the design requirements for powered platforms for exterior building maintenance.

DATES: The effective date of this grant of variance is May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3662, Washington, D.C. 20210, Telephone: (202) 523-7144;

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building—Room 602 Dallas, Texas 75202

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 #505 NASA Road I, Houston, Texas 77058

SUPPLEMENTARY INFORMATION:

I. Background

In January of 1980, U.I.D.C. of Texas, Inc., made application, pursuant to section 6(d) of the Occupational Safety and Health Act [29 U.S.C. 655 (d)] and 29 CFR 1905.11, for a permanent variance from portions of the safety and health standards prescribed in 29 CFR 1910.66(b)(3). This provision refers to and incorporates Parts II and III of the American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, ANSI A120-1970. Section 21 of Part III of this standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of live and dead loads on the working platform. Further, the face of the building shall be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. The applicant also requested an interim order pending a decision on the application.

The address of the place of employment affected by the variance application is as follows: First City Tower, 1001 Fannin (Block 135), Houston, Texas 77002.

An interim order pending the decision on the applicant's application for variance from 29 CFR 1910.66(b)(3) was granted on November 14, 1980. Notice of the U.I.D.C. of Texas, Inc., application for variance and for the interim order, and of the grant of the request for an interim order was published in the **Federal Register** [45 FR 75359-60]. The notice invited interested persons to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for variance. No comments were received concerning the applicant's request for variance.

II. Facts

The applicant is the owner of the First City Tower, a building with a rise of approximately 600 feet. He will purchase a powered platform to be used for exterior maintenance of this building.

The applicant will provide a system of intermittent stabilization of his powered platform to prevent horizontal translation with respect to the face of the building. The system will consist of threaded aluminum insert anchors, secured to the structural aluminum portion of the building and projecting beyond the face of the building. These anchors will be located in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect-quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

III. Decision

During the course of discussions between representatives of OSHA and the applicant, additional engineering data was requested of and presented by the applicant. On the basis of these data and yet further discussions between the parties, an order was prepared which OSHA feels confident provides an evironment as safe and healthful as that provided by the standard.

Included among the requirements are the following:

(a) a requirement for suspension rope angulation in order to exert a specified minimum pressure of the powered platform against the face of the building;

(b) a positive means of assuring knowledge of the wind velocity at the highest point on the building;

(c) use of a full-body harness including leg straps which, together with a short lanyard and an automatic locking rope grab, is designed to prevent injury to an employee in the event of a fall; and

(d) specific requirements for strength and other safety aspects of the powered platform and its appurtenances.

The applicant will be required to comply not only with the requirements contained in the Order, but with all other applicable provisions of 29 CFR 1910.66.

IV. Order

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8–76 (41 FR 29059), it is ordered that U.I.D.C. of Texas, Inc. be, and is hereby, authorized to comply with the requirements of this Order set out below in lieu of complying with that portion of § 1910.66(b)(3) of the Occupational Safety and Health Standards that requires the building to be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform.

All other provisions of the standard are unaffected by this variance order, and U.I.D.C. of Texas, Inc., must continue to comply with them in conjunction with the terms of this Order.

1. The employer shall assure that all procedures required for the proper functioning of the intermittent stabilization system are carried out, in particular the requirement for connecting the lanyards attached to the suspension ropes to the building anchors during the descent of the platform.

2. The platform shall be no greater than 32 feet in length nor 3 feet in width.

3. The weight of the platform (no load) shall be no less than 1500 pounds.

4. The platform shall have openings or gaps to facilitate upward air flow.

5. The suspension rope angulation shall be designed into the suspension system and the tie-in lanyard so that the platform shall exert a minimum pressure of approximately 8 pounds against the face of the building.

6. The anchors in the face of the building shall be spaced vertically a maximum distance of 43 feet apart. The minimum tensile strength of the anchor bolt shall be 600 pounds.

7. The powered platform shall not be operated when the wind velocity is 25 miles per hour or greater. At the very least, an instrument which will accurately measure wind velocity shall be located on the roof of the building.

8. Operators shall be provided with full-body harnesses, which include leg straps, connected to a lanyard of no greater than 3 feet in length. This lanyard shall, in turn, be connected by means of an automatic locking rope grab to a horizontal wire rope fastened in a taut manner across the rear of the platform. The ends of this wire rope shall be secured to structural members of the platform, and the mid-point of the rope secured to the rear guardrail. This system, consisting of the harness, the lanyard, the anchorage points, and any additional hardware involved, shall at a minimum be capable of withstanding a static load of 5,000 pounds.

9. The platform shall be provided with a sensing device that will interrupt its power supply in the event that the platform contacts the tie-in lanyard assembly, to prevent further ascent and ensure that the lanyard assembly can be disengaged from the building anchor.

10. The intermittent stabilization system including its building anchor, shall have a factor or safety of 4 against failure.

11. Operators shall have knowledge of and training in the operation of the intermittent stabilization system.

12. The employer shall comply with all provisions in this order and, in addition, shall not be relieved from compliance with all other applicable provisions of 29 CFR 1910.66.

As soon as possible, U.I.D.C. of Texas, Inc., shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective Date: This order shall become effective on May 1, 1981 and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 24th day of April, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-13233 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

[TA-W-8055, 8056, 8057, 8058, 9173, 9174, 9237 and 9238]

The Arrow Co.; Affirmative Determination Regarding Application for Reconsideration

The Arrow Company, Atlanta, Georgia, Bremen, Georgia, Buchanan, Georgia, Cedartown, Georgia, Albertville, Alabama, Jasper, Alabama, Elysburg, Pennsylvania, and Lewistown, Pennsylvania.

By letter dated March 17, 1981, a worker representative requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance for workers and former workers of The Arrow Company at the above-listed locations. The determination was published in the **Federal Register** on January 27, 1981 (46 FR 8058 and 8806).

The application for reconsideration claims that imports of like and directly competitive shirts increased both absolutely and relative to domestic production during the relevant time period, and that all men's and boys' shirts are economically definable substitutes for one another, whether dress or sport, and whether knit or woven. The petitioner claims that all three of the eligibility requirements of Section 222 of the Trade Act of 1974 have been met and that workers at all plants of The Arrow Shirt Company should be eligible for trade adjustment assistance.

Conclusion

After review of the application, I conclude that the petitioner's claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 24th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-13235 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8710]

Automotive Moulding Co.; Negative Determination on Reconsideration

On March 12, 1981, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at Automotive Moulding Company, Warren, Michigan. The determination was published in the **Federal Register** on March 20, 1981 (46 FR 17924).

In the application for reconsideration, the petitioner claimed that the company's customers purchased imported mouldings which adversely affect the domestic moulding market; that two other domestic moulding manufacturing concerns which had the same customers as Automotive Moulding were certified for adjustment assistance; that the output of Automotive Moulding's production declined at a greater ratio than the decline of imported mouldings; and that the domestic moulding manufacturing concerns must compete with Canadian firms which are favored by the exchange rate between the Canadian and the U.S. dollar.

A review of the investigative file revealed that the Department of Labor conducted a survey of the customers of Automotive Moulding Company. The only surveyed customers that purchased imported moulding increased purchases

of moulding from domestic sources during the period under investigation.

On reconsideration, the Department found that the certification of two other domestic moulding manufacturing plants referred to by the applicant was due to a different time frame within which those investigations were conducted. Data on imported automotive moulding which extended through model year 1979 in those cases showed significant increases. The time frame for the subject case included import data for model years 1980 and 1981.

In addition, one of the plants included in the earlier certification was relatively inefficient and was more vulnerable to import competition. Within the industry, there is an increasing trend toward the use of vinyl moulding.

Concerning the claim that the exchange rate between the U.S. and Canadian dollar favors Canadian firms, the Department has determined through its industry-wide studies that any affect the exchange rate may have had on imported automotive moulding is already reflected in these findings.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers at Automotive Moulding Company, Warren, Michigan.

Signed at Washington, D.C. this 23rd day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-13236 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,742]

Clarke Precision Moulding Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is detemined in this case that all of the requirements have been met.

The investigation was initiated on November 14, 1980 in response to a petition which was filed on behalf of workers at Clarke Precision Moulding Corporation, Fall River, Massachusetts. The workers produced luggage.

U.S. imports of luggage increased both absolutely and relative to domestic production in 1979 compared to 1978 and increased absolutely during the period January–September 1980 compared with January–September 1979.

The manufacturer for which Clarke Precision Moulding Corporation performed all of its contract work ceased all domestic manufacturing in 1980 and became an importer of luggage exclusively.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with luggage produced at Clarke Precision Moulding Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Clarke Precision Moulding Corporation, Fall River, Massachusetts who became totally or partially separated from employment on or after November 6, 1979 and on or before May 30, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-13237 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8175]

Ex-Cell-O Corp., Manistee Operation; Affirmative Determination Regarding Application for Reconsideration

On March 24, 1981, the company requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of Ex-Cell-O Corporation's Manistee Operation in Manistee, Michigan. The determination was published in the **Federal Register** on February 20, 1981, (46 FR 13433).

The application for reconsideration claimed that the conditions which qualified Ex-Cell-O Corporation's Oakman plant in Detroit, Michigan directly affected Ex-Cell-O's Manistee operations.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 24th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-13239 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9000]

Fab-Tec, Inc.; Affirmative Determination Regarding Application for Reconsideration

By an application dated February 24, 1981, the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers of Fab-Tec, Incorporated, Warren, Michigan. The determination was published in the **Federal Register** on January 30, 1981 (46 FR 10029).

The applicant for reconsideration was an employee of Fab-Tec, Incorporated, who was engaged with other millwrights in the installation of material handling machinery under contract to the Buick Motor Division.

In the application for administrative reconsideration, the applicant suggested that the millwrights' activity at Buick be considered as an appropriate subdivision of Fab-Tec. The petitioner alleges that the Department of Labor placed undue reliance on the fact that sales of Fab-Tec, Inc. increased in comparison to prior years because sales of contractual work by Local 1102 members was drastically reduced; that although the Labor Department's statement that average employment of plant employees at Fab-Tec, Inc. was stable is accurate, it is applied to the improper work force, that is, the contractual employment at Buick dropped to almost zero as the next phase of contracted work was not started because of auto sales drop; and that the Labor Department wrongly interpreted the petitioner's allegations, in that the petitioner did not allege employment had decreased at Fab-Tec, but that employment was decreased at the Buick Motor Division where Local 1102 members were contracted to maintain production of transmission parts.

Conclusion

After review of the application, I conclude that the petitioner's claim is of sufficient weight to justify

reconsideration of the Department's prior decision. The application is, therefore, granted.

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

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-13240 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,480]

Irvin Industries, Inc., Automotive Products Group; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In acordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on September 2, 1980 in response to a petition which was filed by the United Textile Workers of America on behalf of workers at Irvin Industries, Incorporated, Automotive Products Group, Blytheville, Arkansas. The workers produce primarily seatbelts for automobiles.

U.S. Imports of seatbelts increased both absolutely and relative to domestic production in both model year 1979 and model year 1980 compared to the previous model year.

The Department of Labor surveyed customers who purchased seatbelts from Irvin Industries, Incorporated, Automotive Products Group. The survey results revealed that customers representing the majority of sales and sales declines reduced purchases from Irvin and increased purchases of imported seatbelts. The customers not only increased their purchases of imported seatbelts in absolute terms but also increased their purchases of imported seatbelts relative to domestic purchases during the period under investigation.

Workers at the Blytheville, Arkansas plant of Irvin Industries, Incorporated, Automotive Products Group are not separately identifiable by product line. Security shades for automobiles account for a relatively small percentage of total production. Any import influence in this product line could not have contributed importantly to overall employment declines at the plant.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with seatbelts produced at Irvin Industries, Incorporated, Automotive Products Group, Blytheville, Arkansas contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Irvin Industries, Incorporated, Automotive Products Group, Blytheville, Arkansas who became totally or partially separated from employment on or after August 19, 1979 are eligible to apply for adjustment assistance benefits under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-13242 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9380; TA-W-9424]

Southern Switches Corp., Dahlonega, Ga. and Piedmont Automotive Products, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In Accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 21, 1980 in response to a petition which was filed on behalf of workers at Southern Switches Corporation, Dahlonega, Georgia and Piedmont Automotive Products, Incorporated, Clarkesville, Georgia. The workers produce switches, resistors and fuse panels. Workers are used interchangeably on all product lines.

U.S. imports of automotive switches increased both absolutely and relative to domestic shipments in 1979 compared to 1978 and increased absolutely during January–September 1980 compared with the same period in 1979. U.S. imports of variable resistors increased relative to domestic shipments in 1979 compared to 1978.

The Department of Labor conducted a survey of the Customers which purchase switches, resistors and fuse panels from Southern Switches and Piedmont Automotive Products. The survey indicated that customers which represented a substantial portion of the two plants' sales declines during the period under investigation increased reliance on imported switches during the same period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with switches produced at Southern Switches Corporation, Dahlonega, Georgia and Piedmont Automotive Product, Incorporated, Clarkesville, Georgia contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of switches at Southern Switches Corporation, Dahlonega, Georgia and Piedmont Automotive Products, Incorporated, Clarkesville, Georgia who became totally or partially separated from employment on or after June 30, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of April 1981.

James F. Taylor,

Director, Offfice of Management Adminstration and Planning.

[FR Doc. 81-13244 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period April 20–24, 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-10,662; Rocket Research Co., Moses Lake, 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-9747; Linel Novelty Mfg., Inc., New York, NY

Investigation revealed that manufacturers for which the subject firm produced under contract increased their contracts with other domestic firms.

TA-W-9320, 9321, & 10,374; Jim Robbins Co. (a subsidiary of Tecumseh Products Co.), Walled Lake, MI, Troy, MI, and Owosso, 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-9679; Barr, Inc., Sandusky, 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-9606; Toughboy Co., Coleman, 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-9502; Gage Pattern and Model, Inc., Madison Heights, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of industrial patterns and core boxes are negligible.

TA-W-9520; Cornelius Weiss Co., Inc., Brooklyn, NY

Investigation revealed that manufacturers for which the subject firm produced under contract increased their contracts with other domestic firms.

TA-W-9404; Hoover Universal, Inc., Saline Die and Casting Div., Saline, 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-9282; Charles Rabin and Co., Inc., Frackville, PA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of men's robes, dressing gowns, and smoking jackets did not increase as required for certification.

TA-W-9145; Molloy Mfg. Co., Fraser, 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-8993; Warren Molded Plastics, Inc., Salem, 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-12,133; Norm Strand Logging Co., Concrete, WA

Investigation revealed that criterion (3) has not been met. The preponderance of softwood logs production is for export.

TA-W-12,041; Hoh River Timber, Beaver, WA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of softwood logs are negligible.

TA-W-10,379 & 11,874; Tube Products Corp., Troy, OH and Louisville, KY

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-10,948; Abex Corporation, Cast Products Group, Medina, NY

Investigation revealed that criterion (3) has not been met. With respect to workers producing tire molds, aggregate U.S. imports of tire molds are negligible. With respect to workers producing iron castings, the investigation revealed that criterion (3) has not been met. Sales of iron castings increased from 1978 to 1979 and U.S. imports of iron castings declined in January–September 1980 compared with January–September 1979.

TA-W-10,564; Ring Screw Works Co., Ferndale Fastener Div., Madison 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-10,488; Union Metals Mfg. Corp., Material Handling Div., Macedonia, 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-10,424; Delbar Products, Inc., Perkasie, PA and Telford, 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-10,375; Norris Industries, Automotive Trim Div., Pineola, NC

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-10,315; Gould, Inc., Powder Metal Products Div., Salem, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9535, 9590, & 9591; Atlas Industries, Woodville, OH, Fremont, OH, and Gibsonburg, 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-9545; Eltra Corp., Prestolite Motor Div., Bay City, 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-9391; Uptilt, Inc., Lansing, 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-9289; The Timms Spring Co., Elyria, 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-11,018; Way Mfg. Co., Rockland, MA

Investigation revealed that criterion (3) has not been met. Evidence developed revealed that sales and employment increased in the period since the expiration of the previous certification (TA-W-2917) on October 1980.

TA-W-10,975; Cutter Laboratories, Inc., Cutter Biomedical, San Diego, CA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of synthetic orthopedic casting tape are negligible.

TA-W-10,884; Wayne Corporation, Miller Meteor Div., Piqua, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of ambulances and hearses are negligible.

A-W-9764; Huron/St. Clair Co., Port Huron, 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 t the firm.

TA-W-9732; Union City Industries, Inc., Union City, 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-9618; GTE Products Corp., Seymour, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9351; Graphic Metals, Inc., Bay City, 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-12,171; Republic Die and Tool Co., Wayne, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools, dies, and fixtures for automotive use are negligible.

TA-W-12,043; Pollington Machine Co., McBain, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools and dies for automotive use are negligible.

TA-W-11,691; U.S. Steel Corp., American Bridge Div., Fairfield, AL

Investigation revealed that criterion (3) has not been met. Evidence developed in the investigation indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,868; Muncy Corp., Enon, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of window regulators are negligible.

TA-W-10,860; Anderson Container Div., Container Corp. of America, Anderson, IN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of corrugated boxes are negligible.

TA-W-10,570; R.B.I. Products Fabricator, New Hudson, 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-10,408; Michigan Production Machining, Inc., Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of costomers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,342; Almont Mfg. Co., Imlay City, 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-10,337; Valiant Industries, Inc., Warren, 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-10,309; Zeller Corp., Defiance, 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-10,010; Quanex Corp., Fabricating Div., Shelby, 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-9968; Unique Chemical & Color Corp., Paterson, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of surface active agents (including dyeing and finishing chemicals) are negligible.

TA-W-9948; United Kellering Co., Inc., Canton, 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-9720; R&S Stamping, Inc., Roseville, 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-9450; TRW, Inc., J.H. Williams Div., Buffalo, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9448; Perfect Plastics, Inc., Troy, 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-9442; Jefferson Screw Products, Inc., Hazel Park, 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-9427; South Haven Coil, Inc., Bedford, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8582; Dresser Industries, Inc., Transportation Equipment Div., Depew, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-9380 & 9424; Southern Switches Corp., Dahlonega, GA and Piedmont Automotive Products, Inc., Clarkesville, GA

A certification was issued covering all workers engaged in employment related to the production of switches separated on or after June 30, 1979.

TA-W-9750, 9750A, & 9750B; Thomas Die and Stamping, Inc., Pontiac, MI, Handi-Vet, Lake Orion, MI, and Hanson Engineering, Bloomfield Hills, MI

A certification was issued covering all workers producing brackets and shield assemblies separated on or after January 1, 1980.

TA-W-9771; Cotton Plant Apparel Co., Inc., Cotton Plant, AR

A certification was issued covering all workers of the firm separated on or after February 15, 1980 and before July 31, 1980.

TA-W-10,168; Ambroson Gloves, Inc., Gloversville, NY

A certification was issued covering all workers of the firm separated on or after October 1, 1979.

TA-W-10,480; Irvin Industries, Inc., Automotive Products Group, Blytheville, AR

A certification was issued covering all workers of the firm separated on or after August 19, 1979.

TA-W-9411; Eaton Corporation, Brake Div., Louisville, KY

A certification was issued covering all workers of the Trailer Axle plant on Strawberry Lane and Department 200 of the Front Steering Axle plant separated on or after March 3, 1980. The investigation further revealed that criterion (3) has not been met for all workers of the Front Steering Axle plant, except Department 200.

TA-W-11,742; Clarke Precision Moulding Corp., Fall River, MA

A certification was issued covering all workers of the firm separated on or after November 6, 1979 and on or after May 30, 1980.

I hereby certify that the aforementioned determinations were issued during the period April 20–24,

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: April 27, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13238 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivison of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 11, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 11, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of April 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Refractories (USWA)	Claysburg, Pa	4/17/81	4/16/81	TA-W-12,638	Silica brick.
I & S Shoe Co., Inc. (company)	Somersworth, N.H	4/20/81	4/16/81	TA-W-12,639	Ladies' vinyl and leather shoes.
Imperial Optical Manufacturing (workers)	Hialeah, Fla	4/20/81	4/16/81	TA-W-12,640	Eye glass frames.
Park Silk Co., Inc. (ACTWU)	Lebanon, Pa	4/20/81	4/14/81	TA-W-12,641	Weavers, (drapery and tie goods) and office.
Rockport Log & Shake Company (workers)	Copalis Crossing, Wash	4/20/81	4/1/81	TA-W-12,642	Shakes and shingles.
Rockwell International (workers)	Bellefontaine, Ohio	4/17/81	4/13/81	TA-W-12,643	Stationary power tools.
Treiber Brothers, Inc. (ACTWU)	Brooklyn, N.Y	4/21/81	4/17/81	TA-W-12,644	Men's and boys' outerwear.
United Merchants & Manufacturers, Inc., Old Fort Finishing Plant (workers).	Old Fort, N.C	4/21/81	4/16/81	TA-W-12,645	Dye and finish piece textile woven and knitted goods.
Watertown Industries, Inc. (workers)	Watertown, Tenn	4/17/81	4/14/81	TA-W-12,646	Ladies' blouses and men's shirts.
Young Times, Inc. (company)	New York, N.Y	4/17/81	4/15/81	TA-W-12,647	Ladies' sportswear.
Crown Pants Company (ACTWU)	Hammonton, N.J	4/3/81	3/20/81	TA-W-12,648	Slacks for men's suits and pants for military uniforms.
Beaut-full Women, Inc. (workers)	New York, N.Y	4/16/81	4/5/81	TA-W-12,649	Ladies' blouses.
Ephrata II, Div., Ship'n Shore (company)	Ephrata, Pa	4/23/81	4/14/81	TA-W-12,650	Ladies' blouses, sweaters, shirts.
R & S Apparel Contractors, Inc. (workers)	New York, N.Y	4/16/81	4/5/81	TA-W-12,651	Ladies' blouses.
Santa Rosa Shoe Corp., Santa Rosa Division (workers).	Santa Rosa, Calif	4/17/81	4/10/81	TA-W-12,652	Work boots, safety boots, and after work casual shoes.
Multi-Phase Finishing Company (UAW)	Warren, Mich	4/23/81	4/21/81	TA-W-12,653	Grinding of parts for trucks, tractors, autos and earth moving equipment.
Beekay Fashions, Inc. (workers)	New York, N.Y	4/24/81	4/21/81	TA-W-12,654	Men's and women's sportswear.
Dap, Incorporated (workers)	Michigan City, Ind	4/24/81	4/20/81	TA-W-12,655	Pressure, sensitive tape.
Fabrics America Group, Toweling Div. (workers)	Enterprise, Ala	4/24/81	4/20/81	TA-W-12,656	Terry cloth towels and industrial towels.

[FR Doc. 81-13241 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

President's Committee on the International Labor Organization; Meeting

In accordance with Section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is hereby given of a meeting of the President's Committee on the ILO:

Name: President's Committee on the International Labor Organization.

Date: May 15, 1981.

Time: 10:30 a.m.

Place Department of Labor, Third & Constitution Ave., NW, Room S-2508, Washington, D.C. 20210

This meeting will be closed to the public under the authority of Section 10(d) of the Federal Advisory Committee Act. During its closed session, the Committee will discuss national security matters.

All communications regarding this Committee should be addressed to: Mr. James H. Quackenbush, Counselor to the Committee, Department of Labor, Third & Constitution Ave., NW, Room S-5309, Washington, D.C. 20210, telephone (202) 523-6251.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-13243 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is

hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Tuesday and Wednesday, May 12 and 13, 1981, in Room 418, Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Public Law 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative agenda contains the following topics:

May 12, 1981

9:00 a.m.—9:30 a.m.
Plenary.
• Announcements.
9:30 a.m.—12:00 noon.
Review of National Oceanic and Atmospheric Programs.
9:30 a.m.—10:00 a.m.
• National Aeronautics and Space Administration (NASA).
Lawrence R. Greenwood, Director, Environmental Observation Division.
10:00 a.m.—10:30 a.m.
• Department of Energy
William Richards Acting Director, Division of Ocean Energy Systems.
10:30 a.m.—12:00 noon.
• Department of Interior.
Galen Buterbaugh, Fish and Wildlife Service.
Lewis Moore, Water and Power Resources Service.
12:00 noon—1:00 p.m.
Lunch.
Plenary.
1:00 p.m.-3:30 p.m.
Review of National Oceanic and Atmospheric programs (continued).
1:00 p.m.—1:30 p.m.
• Environmental Protection Agency.
Allan Hirch, Deputy Assistant Administrator for the Environmental Processes and Effects Research.
1:30 p.m.—2:00 p.m.
• Army Corps of Engineers.
George R. Robertson, Deputy Director, Civil Works.
2:00 p.m.—2:30 p.m.
• Federal Coordinator for Meteorological Services and Supporting Research.
Richard Hallgren, Acting Federal Coordinator.
2:30 p.m.—3:30 p.m.
• National Climate Program Office.I24• National Marine Pollution Office.
Marty Belsky, Assistant Administrator for Policy Planning.
3:30 p.m.—5:00 p.m.
Panel Meetings.
• Hydrology Panel, Paul Bock, Chairman.
• Ad Hoc Panel on Oil Spill Liability and Compensation (B-100).
Topics: Federal Preemption Adjudication Boards.
5:00 p.m.
Adjourn.

May 13, 1981

8:30 a.m.—10:00 a.m.
Panel Meetings.
• Atmospheric Research Facilities Louis Battan, Chairman.
• Ad Hoc Panel on Oil Spill Liability and Compensation (B-100).
10:00 a.m.—12:00 noon.
Plenary.
• Committee Discussion and Development of Advice to President.
12:00 noon—1:00 p.m.
Lunch.
1:00 p.m.—3:30 p.m.
Plenary.
• Committee Discussion and Development of Advice to President (continued).
• Panel Reports.
3:30 p.m.
Adjourn.

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Suite 438, Page Building #1), Washington, DC 20235.

Steven N. Anastasion,

Executive Director.

[FR Doc 81-13259 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-2-M

Independent Areas Task Force (IATF) Fisheries Subgroup; Meeting

Pursuant to Section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the fisheries subgroup of the Independent Areas Task Force (IATF) of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Thursday and Friday on May 14–15, 1981. The Subgroup will meet in Room 418, Page Building ¢1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The sessions, which will be open to the public, will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Thursday, May 14 and will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Friday, May 15. Discussions with non-Federal officials on fishery issues will be conducted at this meeting.

NACOA has initiated a study to formulate national goals and objectives for the oceans in the decade of the 1980's and beyond. To support the conduct of this study, the Secretary of Commerce has established the IATF for NACOA. The IATF will be responsible for the preparation of preliminary recommendations in the areas of energy, fisheries, marine transportation, ocean minerals, ocean operations and services, and waste management and pollution.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Subgroup on Fisheries, Jay G. Lanzillo, in advance of the meeting. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Clarence P. Idyll, the Staff Member for the Fisheries Subgroup. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building ¢1), Washington, D.C. 20235.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-13226 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-12-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-29, and Amendment No. 60 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad-Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the technical specifications to change setpoints for certain system settings which include (1) turbine condenser low vacuum scram, (2) main streamline low pressure isolation, (3) main streamline high flow isolation, (4) ECCS-ADS interlock and (5) ECCS fill system high pressure alarm.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 7, 1976 and February 21, 1978, with supplements of May 31, 1978, April 25, 1979 and February 14, 1979, (2) Amendment No. 66 to License No. DPR-29, and Amendment No. 60 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504—17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of April 1981.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-13147 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-29, and Amendment No. 62 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Appendix A Technical Specifications to eliminate the requirement for continuous monitoring of the primary containment inerting system makeup as a means of monitoring the containment for gross leakage.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated March 29, 1979, (2) Amendment No. 68 to License No. DPR-29 and Amendment No. 62 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504-17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, April 20, 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-13146 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 67 and 61 to Facility Operating License No. DPR-29 and DPR-30 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments become effective as of the date of issuance.

The amendments revise the Technical Specifications to eliminate the requirement to reduce reactor power to below 50% rated when the main steam isolation valve closure time verification is performed.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration and environmental impact appraisal

need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 27, 1977, (2) Amendments No. 67 to License No. DPR-29, and Amendment No. 61 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504—17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of April 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-13146 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co. et al.; Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear "Power Plant Components" to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company in accordance with the provisions of 10 CFR 50.55a. The relief relates to the revised inservice testing program for pumps and valves for Three Mile Island Nuclear Station, Unit 2, located in Dauphin County, Pennsylvania. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of exemption from the requirements for measuring certain parameters in the Pump Testing Program and revised schedules for conducting valve stroking tests in the Valve Testing Program. Relief was also granted from the requirement for inservice inspection of Class I, II, and III components for a period equivalent to the length of the TMI 2 shutdown.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulation in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission had determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated April 18, 1980, and (2) the Commission's letter to the licensee dated April 27, 1981.

These items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, TMI Program Office.

Dated at Bethesda, Maryland this 27th day of April, 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-13150 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-289 and 50-320]

Metropolitan Edison Co. et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 66 and 14 to Facility Operating Licenses Nos. DPR-50 and DPR-73 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensees), which revised the licenses for operation of the Three Mile Island Nuclear Station, Units Nos. 1 and 2 (the facilities), located in Dauphin County, Pennsylvania. The amendments are effective as of the date of issuance and are to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b) and 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Safeguards Contingency Plan and Guard Training and Qualification Plan as a part of the license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

The licensee's filings dated August 15, 1979, December 19, 1980, February 22, 1980 and May 15, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendments Nos. 66 and 14 to Licenses Nos. DPR-50 and DPR-73 and (2) the Commission's related letter to the licensee dated April 22, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of the amendments and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

Bernard J. Snyder,

Program Director, TMI Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-13143 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for the facility to establish a modified surveillance requirement for the reactor internal vent valves for the current prolonged shutdown interval.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1980, (2) Amendment No. 65 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555, and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-13144 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

Statement of Policy; Programmatic Environmental Impact Statement of the Cleanup of Three Mile Island Unit 2

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Statement of Policy.

SUMMARY: On November 21, 1979, the Nuclear Regulatory Commission directed the staff to prepare a Programmatic Environmental Impact Statement (PEIS) on the decontamination and disposal of radioactive wastes resulting from the March 28, 1979 accident at Three Mile Island, Unit 2. A Statement of Policy and Notice of Intent regarding that decision was published in the **Federal Register** on November 27, 1979 (page 67738). As stated at that time: "In the Commission's judgment an overall study of the decontamination and disposal process will assist the Commission in carrying out its regulatory responsibilities under the Atomic Energy Act to protect the public health and safety as decontamination progresses. It will also be in keeping with the purposes of the National Environmental Policy Act to engage the public in the Commission's decisionmaking process, and to focus on the environmental issues and alternatives before commitments to specific clean-up choices are made." As directed, the Commission's staff has now completed a final programmatic environmental impact statement on all phases of the cleanup of TMI Unit 2 to meet the foregoing objectives.

Preparation of this final statement has had the benefit of extensive comments from government agencies and the public. Comments on the draft PEIS from the Advisory Panel for the Decontamination of TMI-2 (a panel which the Commission established to provide independent advice from local officials, scientists and individuals in the area) had not been received prior to completion of the PEIS. However, the Commission has now received the Panel's comments and finds that the staff's final PEIS is responsive to those comments. The Commission concludes that this statement satisfies our obligations under the National Environmental Policy Act (NEPA).

Now that the environmental impact statement for TMI-2 has been published, the Commission believes that the licensee should accelerate the pace of the cleanup to complete expeditiously all decontamination activities consistent with ensuring protection of public health and safety and the environment.

As the licensee proposes specific decontamination alternatives for each major cleanup activity, the staff will determine whether these proposals and the associated impacts that are predicted to occur fall within the scope of those already assessed in the PEIS. If they do not, additional reviews will be undertaken in accordance with NEPA. Each proposed cleanup activity will be carefully reviewed to assure that all applicable NRC requirements to protect the health and safety of the public are met. If a specific proposal requires an amendment to the facility operating license, public notice will be provided in accordance with Commission regulations. The staff may act on each major cleanup activity if the activity and associated environmental impacts fall within the scope of those already assessed in the PEIS. The staff will keep the Commission informed of staff actions on each major activity prior to staff approval of the major activity.

If any cleanup activity and associated environmental impacts fall outside the scope of those already assessed in the PEIS, the staff shall complete necessary reviews in accordance with NEPA and NRC requirements, and submit recommendations to the Commission.

Any future proposal for disposition of processed accident-generated water shall be referred to the Commission for approval.

On September 26, 1980, this Commission issued a Statement of Policy on the Pennsylvania Public Utility Commission's order to the licensee to cease and desist from using any operating revenues for cleanup and restoration costs at TMI-2 which are not covered by insurance. We reiterate here our previous position that we will not excuse the licensee from compliance with any order, regulation or other requirement imposed by this Commission to protect public health and safety and the environment.

Furthermore, the cleanup should be carried out in accordance with the criteria in Appendix R of the PEIS as well as in conformance with the existing operating license (DPR-73) and with

previously imposed orders.[1] The appendix R criteria specify limits on the doses which may result to offsite individuals from radioactive effluents resulting from cleanup and decontamination activities. Those criteria supplement the existing restrictions on the licensee's cleanup activities.

The Commission expects to receive continuous advice from the TMI–2 Advisory Panel on major activities required to accomplish expeditious and safe cleanup of the TMI–2 facility. This advice will be important to the Commission throughout the cleanup process.

Dated at Washington, D.C., this 27th day of April 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–13145 Filed 4–30–81; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel No. 22030; 70–6573]

Georgia Power Co. and Gulf Power Co.; Proposed Sale and Acquisition of Utility Assets

April 27, 1981.

Georgia Power Company ("Georgia"), P.O. Box 4545, Atlanta, Georgia 30302 and Gulf Power Company ("Gulf"), P.O. Box 1151, Pensacola, Florida 32520, subsidiaries of The Southern Company, a registered holding company, have filed an application-declaration with this Commission pursuant to Sections 9(a), 10, 12(b), 12(d), 12(f), and 13(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 44, 45, 87, 89, 90, and 91 thereunder.

Gulf proposes to purchase from Georgia a 25% interest in Units 3 and 4 ("additional units") of the Robert W. Scherer coal fired generating plants in Monroe County, Georgia. Each of the four units is of 810 MW capacity. Georgia has sold 91.4% of Units 1 and 2 to three unaffiliated Georgia utilities, 2 municipal and 1 cooperative. It is responsible for the construction and operation of all 4 units under operating agreements with its co-owners. It owns 8.4% of Units 1 and 2, all of Units 3 and 4, and 23.5% of certain common facilities. Ownership of common facilities is to be adjusted among the co-owners, not later than three months before the first additional unit is scheduled to be synchronized to Georgia's transmission system, so that the common facilities will be owned in the same proportion as the generating units, the adjustment being based on cost. The first two units are expected to be commercially operable in 1982 and 1984, respectively and the additional units are scheduled to be commercially operable in 1987 and 1989, respectively.

Gulf's February 19, 1981 contract with Georgia, which is the subject of the application, is for a sale at cost, including carrying charges based on a weighted incremental monthly cost of Georgia's capital.

The cost, as of May 7, 1981, was estimated at about $5 million. After closing, Gulf will pay currently 25% of the costs incurred by Georgia on construction of the additional units. Gulf's total costs for the two additional units is currently budgeted to be about $270 million. Gulf is to be allocated, on the Southern Company consolidated income tax return, all investment tax credits earned on its portion of the construction of the additional units, including those which have accrued to Georgia for the construction done prior to the sale.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 21, 1961, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specifed above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–13176 Filed 4–30–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 11748; 812–4777]

The Guardian Insurance & Annuity Company, Inc. and the Guardian Value Line Separate Account; Application for an Order

April 27, 1981.

Notice is hereby given that The Guardian Insurance & Annuity Company, Inc. (the "Insurance Company") 201 Park Avenue South, New York, N.Y. 10003, a stock life insurance company organized under the laws of Delaware and The Guardian/Value Line Separate Account (the "Separate Account"), a segregated account of the Insurance Company registered as a unit investment trust under the Investment Company Act of 1940 ("Act") (collectively "Applicants"), filed an application on December 3, 1980 and amendments thereto on March 25, 1981 and April 14, 1981 for an order of the Commission pursuant to Sectioin 11 of the Act approving certain offers of exchange, and pursuant to Section6(c) of the Act granting exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d), of the Act, and Rule 22c–1 thereunder, to the extent necessary to permit Applicants to offer the variable annuity contracts as described in the application. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Background

The Separate Account was organized on October 6, 1980 pursuant to the laws of Delaware, with the Insurance Company as sponsor-depositor. The Separate Account was established for the purpose of funding Single Premium Individual Deferred Variable Annuity Contracts ("Contracts").

Each investor's payments under the Contracts will be allocated to one or more (up to four) of the seven divisions of the Separate Account. Each division invests in the shares of one of seven open-end diversified management investment companies registered under the Act ("Funds"). The seven Funds are: (1) The Guardian Park Ave. Fund, Inc.; (2) The Value Line Fund, Inc.; (3) The Value Line Income Fund, Inc.; (4) The Value Line Special Situations Fund, Inc.; (5) Value Line Leveraged Growth Investors, Inc.; (6) The Value Line Cash Fund, Inc.; and (7) The Value Line Bond Fund, Inc.

The principal distributors of the Contracts will be GLICOA Associates, Inc. ("GLICOA") and Value Line Securities, Inc. ("Value Line") both of

[1] The licensee's authorization under license DPR–73 has been modified through the order issued February 11, 1980, the modification of order issued August 11, 1980, and the amendment of order issued November 14, 1980.

New York, New York. GLICOA is the distributor and investment manager of The Guardian Park Ave. Fund, Inc. and is a wholly owned subsidiary of the Insurance Company. Value Line is the distributor of the Value Line Funds and is a wholly owned subsidiary of Arnold Bernhard & Co., Inc., the Funds' manager and investment adviser.

Applicants propose to offer two series of contracts. One such series, the "Purchase Through Fund Redemption Contract" will be offered to persons who have owned shares of any of the Funds for at least 90 days. However, a share holder in (i) The Guardian Park Ave. Fund, Inc. who acquired shares through the exchange privilege offered by the Insurance Company, (ii) a shareholder in The Value Line Cash Fund, Inc. who did not acquire shares through the exchange privilege offered by other funds managed by Arnold Bernhard & Co. or (iii) a shareholder who purchased his shares at net asset value may not make a Contract purchase through fund redemption. The second series of Contracts will be offered to the general public as "Direct Purchase Contracts".

The Contracts are substantively the same except with respect to the redemption charge provisions which are more fully discussed below. The minimum purchase payment under the Contracts will be $3,000. An annual charge of $30 will be deducted by the Insurance Company for administrative costs and an asset charge of 1% on an annual basis determined daily will be assessed for the assumption by the Insurance Company of mortality and expense risks under the Contracts. Applicants estimate that approximately .65% of the asset charge will be for the assumption of mortality risks under the Contracts and .35% will be for the guarantee by the Insurance Company that the expenses charged to policyholders under the Contracts will never be raised even though the costs to the Insurance Company of issuing and administering the Contracts may exceed the amounts charged. The aforesaid deductions will be allocated to the Insurance Company's general account and no portion of the asset charge will be specifically related to the recovery of sales expenses.

Both Contracts will be offered without the imposition of an initial sales charge on the purchase payment. Instead, Contingent Deferred Sales Charges intended to reimburse the Insurance Company for expenses incurred which are related to Contract sales will be applied upon Contract redemption or partial withdrawals during the early years of the Contracts.

Under the proposed Purchase Through Fund Redemption Contract, during the accumulation period upon the redemption of the Contract or the partial withdrawal of an amount thereunder during any of the first three years (measured from the issue date), the contractholder will be charged a Contingent Deferred Sales Charge of 1% upon the amount withdrawn during the first two Contract years following the date of issue and ½% during the third Contract year. No charges are assessed upon any amount withdrawn after the end of the third Contract year since issue.

Under the proposed Direct Purchase Contract, during the accumulation period upon the redemption of the Contract or the partial withdrawal of an amount thereunder during any of the first six years (measured from the issue date), the contractholder will be charged a Contingent Deferred Sales Charge which will be scaled downward over the first six (6) contract years by 1% per successive year, from 5% in the first two contract years to 1% in the sixth year. No such charge will be imposed after the end of the sixth contract year. The Contingent Deferred Sales Charges are subject to the limitation that the maximum amount to which the charge percentage may be applied will not exceed the original purchase payment.

Contingent Deferred Sales Charge

Section 2(a)(35)

Section 2(a)(35) defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer less any portion of such difference deducted for trustees' or custodians' fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional expenses.

Applicants submit that the proposed charge is consistent with the intent of the definition of sales load contained in the Act. The charge would be imposed by the Company to reimburse it for expenses related to the sale of the Contracts, which the Applicants submit is within the Section 2(a)(35) definition of sales load but for the timing of the imposition of the charge.

Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35) to the extent such exemption may be necessary to implement the proposed pricing of their Contracts.

Section 22(c) and Rule 22c-1

Rule 22c-1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. When the contract owner withdraws all or a part of the contract value, the proceeds paid on such surrender will be based on the current net asset value. The Contingent Deferred Sales Charge will be deducted at the time of redemption in arriving at the contract owner's proportionate share or account value.

While Applicants do not believe that the imposition of the Contingent Deferred Sales Charge is violative of Section 22(c) or Rule 22c-1, they have requested an exemption from the provisions of Section 22(c) and Rule 22c-1 thereunder, to the extent necessary, to offer the Contracts as proposed.

Sections 26(a)(2)(C) and 27(c)(2)

Section 27(c)(2) prohibits a registered investment company or depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agreement containing substantially the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act.

Section 26(a)(2)(C) of the Act provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

Applicants allege that the Contingent Deferred Sales Charge to be imposed (if any) upon the surrender of the Contracts issued with respect to the Separate Account is designed to recover distribution costs relating to the sales of the Contracts. The Contracts merely defer the time when the sales charge may be imposed.

Applicants further allege that since there is nothing in the Act to suggest that if Contingent Deferred Sales Charges were being used at the time the

Act was promulgated, that deductions for such sales charges would not have permitted, and, since it is in the contract owners' best interests that the entire amount of their purchase payments be invested at the time when made, they have requested an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the Contracts subject to the Contingent Deferred Sales Charge as described above.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act, in pertinent part, defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets or the cash equivalent thereof.

Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants assert that the Contracts offered are not periodic payment contracts but request exemption from such Sections, to the extent necessary, to offer the Contracts. Applicants submit that the imposition of a contingent Deferred Sales Charge does not violate Sections 2(a)(32) and 27(d).

Applicants assert that Sections 2(a)(32) and 27(d) contemplate the assessment of an initial sales load and that under the Contracts the net amount invested is the gross purchase payments. Thus, the owner's proportionate share or account value would be the gross purchase payments, plus or minus any increase or decrease in value less the charge. Applicants assert that deferring the imposition of the charge in no way restricts the contract owner from receiving his proportionate share or account value upon surrender. Applicants contend that the charge is contingent upon an event which might never occur, and that the purchaser's initial amount invested is maximized, thus providing a benefit to the purchaser. Applicants have requested an exemption from the provisions of sections 2(a)(32) and 27(d), to the extent necessary, to permit the imposition of the Contingent Deferred Sales Charge and to offer the Contracts.

Section 27(c)(1)

Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment certificates, or depositor or underwriter of such company, from selling any such certificate unless it is a redeemable security. Applicants assert that the Contracts issued are not periodic payment plans but nevertheless request an exemption, to the extent necessary, to offer the Contracts.

Applicants submit that the Contingent Deferred Sales Charge is not a restriction on redemption under Section 27(c)(1). Applicants assert that deferring the imposition of the sales charge in no way restricts the contract owner from receiving his proportionate share or current value on surrender and has the effect, through deferral of sales charge until contract value is withdrawn, of increasing the contract value available for redemption. However, Applicants have requested an exemption from the operation of the provisions of Section 27(c)(1), to the extent necessary, to permit the charge to be imposed only upon redemption or partial withdrawal of contract value.

Annual Administrative Charge

As previously noted, the Contracts are subject to an annual administrative charge of $30. If the value of a Contract is surrendered for its full value on other than the contract anniversary date, the administrative charge will be deducted from the owner's redemption proceeds.

Because the provisions of the Act discussed above under the heading "Contingent Deferred Sales Charge" may be said to be equally applicable in this situation, Applicants hereby request an exemption from the provisions of Sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), 27(d) and Rule 22c-1, to the extent necessary, to permit the deduction of the annual administrative charge under the circumstances described.

Performance of Custodian Functions

Sections 26(a) and 27(c)(2), as noted, prohibit a registered investment company or depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agrement containing substantially the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(1) requires the trustee or custodian to be a bank which meets certain financial standards.

Applicants request an exemption from the provisions of Section 26(a) of the Act in order that the Insurance Company may hold the property and assets of the Separate Account in custody for safekeeping rather than under a custodian or safekeeping agreement with a qualified bank. Net purchase payments under the Contracts allocated to the Separate Account will be invested in the Funds. The shares of these Funds will be issued under an open account arrangement without the use of stock certificates and ownership of the Fund shares will be shown only on the books and records of the Separate Account and each Fund; ownership will not be represented by securities which would require a custodianship for safekeeping purposes.

Section 26(a)(2)(D) of the Act requires, in part, that the custodian shall have possession of all the securities and other property in which the funds of the unit investment trust are invested. The Applicants assert that the primary purpose of such Section relating to the possession of trust assets is to provide for their safekeeping. The Applicants contend that to require that share certificates be physically issued by each of the Funds under the circumstances would not significantly add to the safety of the unit investment trust's assets and would result in unnecessary administrative expenses. As noted, the assets of the Separate Account will be invested exclusively in shares of the Funds.

In support of the requested exemptions from the foregoing provisions of the Act, the Applicants state that the Company is subject to extensive supervision and control by the Commissioner of Insurance of the State of Delaware and the comparable official of each state in which it does business. The Applicants also state that the activities of the Company are subject to review by the Commissioner of Insurance of the State of Delaware and his representatives at all times and are subject to comprehensive examinations periodically. Further, the Company, under an arrangement for recordkeeping, will maintain either itself or through an agent a record of all purchases and redemptions of Fund shares with respect to the Separate Account. Consequently, the Applicants submit that a custodianship is unnecessary under the circumstances.

In summary, the Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) of the Act in order that the Company may perform the safekeeping and other functions normally performed by a custodian with respect to the Separate Account; that the property and assets of the Separate Account do not have to be held in trust although segregated; and that the investments of the trust in shares of the

several Funds may be held in "book share" form.

Payment of Contract Fees and Charges

Sections 26(a) and 27(c)(2)

Section 26(a)(2)(C) of the Act, as here pertinent, provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

Section 26(a)(2)(D) further provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under clauses (A) (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust.

The Applicants request an exemption from the provisions of Section 26(a) and 27(c)(2) to the extent necessary to permit the deduction by the Company and the payment to the Company of an annual administrative charge, the Expense Risk Charge, the Mortality Risk Premium and any premium tax, as set forth above.

The Applicants consent that the foregoing requested exemptions from Sections 26(a) and 27(c)(2) may be made subject to the following conditions: (1) that the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Exchanges

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to the Commission. Section 11(c) provides that the provisions of subsection (a) shall be applicable irrespective of the basis of exchange to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trust for the securities of any other investment company.

Applicants propose that owners of the Contracts be permitted on any valuation date to transfer the partial or total value of their Contract from one or more Separate Account Division(s) to other Division(s) at any time both prior to the time that annuity payments commence and after annuity payments commence. Allocation is permitted up to a maximum of four Separate Account Divisions (Subdivisions) at any one time. Applicants represent that no charge will be imposed for effecting a transfer.

Applicants also seek approval under Section 11 to permit them to offer the Purchase Through Fund Redemption Contract to the eligible shareholders. They represent that such contract will be offered primarily as an accommodation to the eligible shareholders who desire to provide for their Fund accumulation in combination with the retirement features available under an annuity contract. Applicants state that they will incur greater sales expenses in the distribution of the Direct Purchase Contract than for the Purchase Through Fund Redemption Contract since an original sales effort is involved. Accordingly, commission and promotional material expenses will be greater than for the Purchase Through Fund Redemption Contract.

Applicants believe that the difference in Contingent Deferred Sales Charges between the Purchase Through Fund Redemption Contract and the Direct Purchase Contract are non-discriminatory and recognize not only the distinctions in the selling costs borne by the Insurance Company, but also the status of the two groups of potential purchasers of the products. The proposed offer of the Purchase Through Fund Redemption Contract to the eligible shareholders recognizes that the exchange will take place at the relative net asset values of the Fund shares redeemed and the Contracts purchased on the day redemption proceeds are received at its Executive Office.

The Applicants further assert that the proposed transfer rights involve onlya change in the underlying accumulation or annuity units related to a Contract, which are merely accounting units of measure to quantify contract value and, thus, do not involve the exchange of a unit investment trust security for the security of any other investment company. However, to avoid any questions that might be raised as to the applicability of Section 11(c), The Applicants request an order pursuant to Section 11 to the extent necessary to permit the proposed offer of transfer rights described above.

Section 6(c)

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act or any rule or regulation under the Act if, and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than May 20, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 20, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notice and

orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-13177 Filed 4-30-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report on Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Availability of Report on Closed Meetings of the Art Advisory Panel.

SUMMARY: The Report is now available.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976); section 8d(3) of the Office of Management and Budget (OMB) Circular No. A-63 (3-27-74), as supplemented; and section 12b of the Department of Treasury Directive 10-06.E (9-2-77): A report summarizing the closed meeting activities of the Art Advisory Panel During 1980, has been prepared. A copy of this report has been filed with the Assistant Secretary of Treasury for Administration and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

Requests for copies, at $.30 each, should be addressed to: Director, Disclosure Operations Division, Attn.: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, D.C. 20044.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the Federal Register for Wednesday, May 24, 1978 (43 FR 22321).

For further information contact: Tom Hartnett T:C:E:V, 1111 Constitution Avenue, N.W., Room 5547, Washington, D.C. 20224, telephone (202)-566-4427 (Not a toll free telephone number).

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-13214 Filed 4-30-81; 8:45 am]

BILLING CODE 4830-01-M

Form 990, Return of Organization Exempt From Income Tax Under Section 501(c) of the Internal Revenue Code or Section 4947(a)(1) Trust

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Notice of proposed revision of Form 990 for 1981 and request for comments.

SUMMARY: The Internal Revenue Service is proposing for public comments a revised Form 990 and instructions for that form. After considering all comments and suggestions, the Service will adopt the proposed form and instructions for 1981, with any appropriate changes resulting from the comments.

DATE: Written comments and suggestions should be mailed or delivered by June 30, 1981.

ADDRESS: Written comments and suggestions should be mailed or delivered to the Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Wasington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Gardiner, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone (202) 566-3137 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: Changes to Form 990 and instructions are being considered to allow the form to be used for both IRS and State reporting purposes. The changes are necessary to accommodate the specific needs of States that require charitable and certain other types of section 501(c) organizations to file separate annual financial reports with them. With these changes, Form 990 would provide the basic financial information needed by most States to administer State laws relating to nonprofit charitable organizations under their jurisdiction. The uniform reporting and recordkeeping requirements that would result from the acceptance of Form 990 by the States in full or partial satisfaction of their reporting requirements would significantly reduce the combined Federal/State reporting burden on many organizations, particularly those that now file different financial reports with various States.

As to the reporting of support, revenue and expense items, the proposed Form 990 is substantially similar to the current form, which was adopted in 1979 following a solicitation of comments form the public. Proposed changes in the balance sheet section are more significant, but the changes make the revised balance sheet more compatible with the accounts normally maintained by most Form 990 filers. Also, the draft instructions would no longer require schedules to be provided for any figures reported in the beginning of year balance sheet. The proposed form would continue to require less information from smaller organizations, and also relieve them from haveing to complete the fundraising expense column in the Statement of Functional Expenses (Part II). Copies of the form and instructions that incorporate the proposed changes follow this notice.

If the proposed form changes are adopted without major revision, a number of States have indicated they would permit affected organizations to satisfy part or all of their State filing requirement by submitting a copy of the Form 990 filed with IRS. These States and the IRS will try to get other States to accept Form 990 as their basic report form. Any additional information required by a particular State that accepts Form 990 would be reported on that State's own supplemental scheldules A group of States is drafting uniform schedules for supplemental State reporting purposes.

Public Law 96-603 (signed December 28, 1980) amended various returns filing and reporting provisions of the Internal Revenue Code. Pursuant to this law, nonexempt charitable trusts described in section 4947(a)(1) that are not treated as private foundations are subject to the same Form 990 filing requirements as section 501(c)(3) organizations for tax years beginning after December 31, 1980. The Internal Revenue Service proposes to ease the additional filing burden imposed on these trusts by the new law by allowing a nonexempt charitable trust that files Form 990 with IRS to use that form to satisfy its Form 1041 filing requirement as well if the trust would otherwise report zero taxable income on its Form 1041. As a further result of this law change, a Form 990, but not Form 1041 (if any), filed by a nonexempt charitable trust will be made available for public inspection under section 6104(b) of the Code in the same manner as a Form 990 filed by an exempt organzation described in section 501(c).

Representatives of the Charitable Trusts and Solicitations Subcommittee of the National Association of Attorneys General and the Executive Committee of the National Association of State Charity Officials participated in the development of the proposed form and related instructions and will assist in evaluating the comments received in response to this notice. In future years,

they and other State representatives will also have an important rule in deciding whether or not any changes should be made to Form 990 or the instructions. The Service's position, which is shared by the States that were involved in this proposed revision, is that minimizing future changes to the form is in the best interests of the Service, the States, the filing organizations and, ultimately, the public served by these organizations. Therefore, it is important that all filers, return preparers and other interested parties voice any concerns they may have regading the proposed form and instructions.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Roscoe L. Egger, Jr.,

Commissioner, Internal Revenue Service.

BILLING CODE 4830-01-M

1981 Department of the Treasury
Internal Revenue Service

Instructions for Form 990

Return of Organization Exempt from Income Tax

Under section 501(c) (except black lung benefit trust or private foundation) of the Internal Revenue Code or section 4947(a)(1) trust

(Section references are to the Internal Revenue Code, unless otherwise indicated)

General Instructions

A. Who Must File Form 990.—Except for those types of organizations listed in instruction B, an annual return on Form 990 is required from every organization exempt from tax under section 501(a), including foreign organizations and cooperative service organizations described in sections 501 (e) and (f).

For tax years beginning after December 31, 1980, any nonexempt charitable trust (described in section 4947(a)(1)) not treated as a private foundation is also required to file Form 990 if its gross receipts are normally more than $10,000. See instruction C.10 for information about possible relief from filing Form 1041.

If your application for exemption is pending, write "APPLICATION PENDING" at the top of page 1 of the return and complete the return in the normal manner.

If you meet the terms of item 11 in instruction B below, we ask you to file anyway if we sent you a 990 Package with a preaddressed mailing label. Attach the label to the name and address space on the return, check the first box in the area above Part I, sign the return, and send it to the service center for your area. This will help us update our records, and we will not have to contact you later asking why no return was filed.

B. Organizations Not Required to File Form 990.—For State filing purposes, see instruction D. The following types of organizations exempt from tax under section 501(a) do not have to file Form 990 with IRS:

1. A church, an interchurch organization of local units of a church, a convention or association of churches or an integrated auxiliary of a church (such as a men's or women's organization, religious school, mission society, or youth group).

2. A school below college level affiliated with a church or operated by a religious order.

3. A mission society sponsored by or affiliated with one or more churches or church denominations, if more than one-half of the society's activities are conducted in, or directed at persons in, foreign countries.

4. An exclusively religious activity of any religious order.

5. A State institution whose income is excluded from gross income under section 115.

6. An organization described in section 501(c)(1). Section 501(c)(1) organizations are corporations organized under an Act of Congress that are:

(a) instrumentalities of the United States, and

(b) exempt from Federal income taxes (under such Acts as amended and supplemented).

7. A private foundation exempt under section 501(c)(3) and described in section 509(a). (Required to file Form 990–PF, Return of Private Foundation Exempt from Income Tax.)

8. A black lung benefit trust described in section 501(c)(21). (Required to file Form 990–BL, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons.)

9. A stock bonus, pension, or profit-sharing trust which qualifies under section 401. See Form 5500, Annual Return/Report of Employee Benefit Plan.)

10. A religious or apostolic organization described in section 501(d). (Required to file Form 1065, U.S. Partnership Return of Income.)

11. An organization whose gross receipts are normally $10,000 or less; but see instruction A, paragraph 4. Gross receipts are the sum of lines 1(d), 2, 3, 4, 5, 6(a), 7, 8(a) (both columns), 9(a), 10 (a), and 11 of Part I. The organization's gross receipts are the total amount it received from all sources during its annual accounting period, without subtracting any costs or expenses.

However, if a local chapter of a section 501(c)(8) fraternal organization collects insurance premiums for its parent lodge and merely sends those premiums to the parent without asserting any right to use the funds or otherwise deriving any benefit from collecting them, the local chapter should not include the premiums in its gross receipts. The parent lodge should report them instead.

An organization's gross receipts are considered to be $10,000 or less if the organization is:

(a) up to a year old and has received, or donors have pledged to give, $15,000 or less during its first year;

(b) between 1 and 3 years old and averaged $12,000 in gross receipts during each of its first 2 tax years; or

(c) is 3 years old or more and averaged $10,000 or less in gross receipts for the immediately preceding three years (including the year for which the return would be filed). If your gross receipts are $10,000 or less, see the fourth paragraph of Instruction A, above.

C. Other Forms You May Need to File.—

1. **Schedule A (Form 990).**—Filed with Form 990 for a section 501(c)(3) organization that is not a private foundation (including an organization described in section 501(e) or 501(f)). Also filed with Form 990 for a section 4947(a)(1) trust not treated as a private foundation.

2. **Form 990–T.**—Filed separately for organizations with gross income of $1,000 or more from business unrelated to the organization's exempt purpose. For details see the instructions for Form 990–T or Publication 598, Tax on Unrelated Business Income of Exempt Organizations. Publication 598 is available free from IRS.

3. **Forms W–2 and W–3.**—Employee's Wage and Tax Statement, and Transmittal of Income and Tax Statements.

4. **Form W–2P.**—Statements for Recipients of Periodic Annuities, Pensions, Retired Pay, or IRA Payments.

5. **Form 1096.**—Annual Summary and Transmittal of U.S. Information Returns.

6. **Form 1099.**—DIV, INT, MED, MISC, OID, PATR, R, AND NEC.—Information returns for reporting Dividends, Interest, Medical and Health Care Payments, Miscellaneous Income, Original Issue Discount, Patronage Dividends, Lump-sum Distributions from Profit-Sharing and Retirement Plans, and Nonemployee Compensation.

7. **Form 940.**—Used to report unemployment tax paid by an employer.

8. **Form 941.**—Used to report social security and income taxes withheld by an employer.

9. **Form 5500, 5500–C, 5500–G, or 5500–R.**—Used to report on employee benefit plans.

Employers who maintain pension, profit-sharing, or other funded deferred compensation plans (except Simplified Employee Pension plans) are generally required to file one of the 5500 series forms specified in the following paragraph. This requirement applies regardless of whether the plan is qualified under the Internal Revenue Code and regardless of whether the deduction is claimed for the current tax year. The Employee Retirement Income Security Act of 1974 imposes a penalty for late filing of these forms.

The forms required to be filed are:

Form 5500.—For each plan with 100 or more participants.

Form 5500–C or 5500–R.—For each plan with fewer than 100 participants.

Form 5500–G.—For each church pension benefit plan not electing to be covered under section 410(d) and for each government pension benefit plan regardless of the number of participants.

Only one return is required to be filed for a plan for a controlled group of corporations or a multiemployer-collectively-bargained plan. Individual participating or contributing employers are not required to file separately.

10. **Form 1041.**—Required of section 4947(a)(1) trusts that also file Form 990. However, for years beginning after December 31, 1980, any such trust may use the filing of Form 990 to satisfy its Form 1041 filing requirement under section 6012 if the trust has zero taxable income under subtitle A of the Code. If this condition is met, check box F on page 1 of Form 990

and do not file Form 1041, but complete Form 990 in the normal manner. A section 4947(a)(1) trust that normally has gross receipts of not more than $10,000 (see instruction B(11)) and has zero taxable income under subtitle A must complete only the following items on Form 990: name, address, employer identification number, the section 4947(a)(1) block in box D, box F, the first block in the shaded area above Part I, and the signature block on page 4.

D. Use of Form 990 to Satisfy State Reporting Requirements.—Some states and local government units will accept a copy of Form 990 and Schedule A (Form 990) in place of all or part of their own financial report forms. At this time, the substitution applies primarily to section 501(c)(3) organizations, but some of the other types of section 501(c) organizations are also affected.

If you intend to use Form 990 to satisfy State or local filing requirements, such as those arising under State charitable solicitation acts, note the following:

1. You should consult the appropriate officials of all States and other jurisdictions in which you do business to determine their specific filing requirements. "Doing business" in a jurisdiction may include any of the following: (a) soliciting contributions or grants by mail or otherwise from individuals, businesses, or other charitable organizations; (b) conducting programs; (c) having employees within that jurisdiction; or (d) maintaining a checking account or owning or renting property therein.

2. Some or all of the dollar limitations applicable to Form 990 when filed with IRS may not apply when using Form 990 in place of State or local report forms. Examples of IRS dollar limitations that do not meet some State requirements are the $10,000 gross receipts minimum that gives rise to an obligation to file with IRS (see instruction B(11)), the short reporting format explained in instruction I for organizations that report total revenue of $25,000 or less on line 12, and the $30,000 minimum for listing professional fees in Part II of Schedule A (Form 990).

3. State or local filing requirements may require you to complete additional lines and columns of Form 990 and to attach to Form 990 one or more of the following: (a) additional financial statements, such as a complete analysis of functional expenses or a statement of changes in financial position; (b) notes to financial statements; (c) additional financial schedules; (d) a report on the financial statements by an independent accountant; and (e) answers to additional questions and other information. Each jurisdiction may require the additional material to be presented on forms they provide. The additional information does not have to be submitted with the Form 990 filed with IRS.

4. Even if the Form 990 you file with IRS is accepted by IRS as complete, a copy of the same return filed with a State will not fully satisfy that State's filing requirement if required information is not provided, including any of the additional information discussed above, or the State determines that the form was not completed in accordance with the applicable Form 990 instructions or supplemental State instructions. In that event, you may be asked to provide the missing information or to submit an amended return.

5. If you submit supplemental information or file an amended Form 990 with IRS, you must also furnish a copy of the information or amended return to any State with which you filed a copy of Form 990 originally to meet that State's filing requirement.

6. Most States require that all amounts be reported based on the accrual method of accounting.

7. The time for filing Form 990 with IRS differs from the time for filing reports with some States.

State Registration Number.—Insert the applicable State or local jurisdiction registration or identification number in box B (in the heading on page 1) for each jurisdiction in which you file Form 990 in place of the State or local form. When filing in several jurisdictions, prepare as many copies as needed with box B blank. Then enter the applicable registration number on the copy to be filed with each jurisdiction.

E. Other Forms as Partial Substitutes for Form 990.—For a labor organization that files Form LM–2, Labor Organization Annual Report, or the shorter Form LM–3 with the U.S. Department of Labor (DOL), you can attach a copy of the completed DOL form to provide some of the information required by Form 990.

For an employee benefit plan, you may be able to substitute Form 5500, Annual Return/Report of Employee Benefit Plan, or Form 5500–C for part of your Form 990. You can make the substitution if the organization filing Form 990 and the plan filing Form 5500 or 5500–C meet all the following tests:

(a) The Form 990 filer is organized under section 501(c)(9), (17), (18), or (20).

(b) The Form 990 filer and the Form 5500 filer are identical for financial reporting purposes and have identical receipts, disbursements, assets, liabilities, and equity accounts.

(c) The employee benefit plan does not include more than one section 501(c) organization, and the section 501(c) organization is not a part of more than one employee benefit plan.

(d) The organization's accounting year and the employee plan year are the same. If they are not, you may want to change the organization's accounting year, as explained in instruction F, so it will coincide with the plan year.

Whether you file Form 990 for a labor organization or for an employee plan, the areas of Form 990 for which other forms can be substituted are the same. These areas are:

Part I, lines 13–15, (but complete lines 16 and 17);

Part II; and

Part V.

If you substitute Form LM–2 or LM–3 for any items on Form 990, you will need to attach a statement to reconcile the disbursements shown on the DOL forms and the total expenses on line 17 of Form 990. The reconciliation is necessary because the cash disbursements section of the DOL forms includes non-expense items. If you use Form LM–2, be sure to complete its separate schedules of expenses.

F. Accounting Period Covered.—Base your return on your annual accounting period (fiscal year) if one is established. If not, base the return on the calendar year.

Your fiscal year should normally be selected to coincide with the natural operating cycle of your organization; it is not necessary that your fiscal year end on December 31 or June 30.

The 1981 Form 990 should be used to report on a calendar year 1981 accounting period or a fiscal year beginning in 1981.

For a group return, see instruction J.

To change your accounting period, file Form 1128, Application for Change in Accounting Period.

G. When and Where to File.—File Form 990, by the 15th day of the fifth month after your accounting period ends.

To request an extension of time to file, send in Form 2758, Application for Extension of Time to File.

If the organization is liquidated, dissolved, or terminated, file the return by the 15th day of the fifth month after the change.

If your principal office is located in—	Send your return to the Internal Revenue Center below—	
Connecticut, New Hampshire, Maine, Massachusetts, Rhode Island, or Vermont	Andover, MA	05501
Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, or Tennessee	Atlanta, GA	31101
Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, or Wyoming	Austin, TX	73301
Indiana, Kentucky, Michigan, Ohio, or West Virginia	Cincinnati, OH	45999
Arizona, California, Hawaii, Nevada, or Utah	Fresno, CA	93888
New Jersey or New York	Holtsville, NY	00501
Illinois, Iowa, Missouri, or Nebraska	Kansas City, MO	64999
Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, or Wisconsin	Ogden, UT	84201
Delaware, Maryland, Pennsylvania, Virginia, District of Columbia, any U.S. possession, or foreign country	Philadelphia, PA	19255

H. Penalties.—Under section 6652(d), a penalty of $10 a day, up to a total of $5,000, may be charged when a return is filed late, unless you can show that the late filing was due to reasonable cause. The penalty may also be charged if an incomplete return is filed, since filing such a return does not satisfy an organization's filing requirement. To avoid filing an incomplete return, we urge you to make an entry in each part of all required line items on Form 990. Enter "N/A" if an item does not apply or "—0—" if an amount is zero.

If a complete return is not filed, IRS may write to give you a fixed time for filing. After that period expires, the person failing to file the return will be charged a penalty of $10 a day, up to $5,000, unless he or she shows that not filing was due to reasonable cause. If more than one person is responsible, they are jointly and individually liable for the penalty (section 6652 (d)).

There also are penalties—fines and imprisonment—for willfully not filing returns and for filing fraudulent returns and statements with IRS (sections 7203, 7206, and 7207). States may impose additional penalties for failure to meet their separate filing requirements.

I. Short Format for Small Organizations.—If your total revenue on line 12, Part I is $25,000 or less and your gross receipts are normally more than $10,000, you need not complete all items on the Form 990 you file with IRS. (Gross receipts are explained in instruction B(11).) In that case, you are not required to complete lines 13, 14, and 15 of Part I and columns (B), (C), and (D) of Part II. Be sure to

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check the second box in the area above Part I to indicate that you did not have to complete all items.

Also, organizations that report total revenue of $25,000 or less on line 12 and total assets of $25,000 or less on line 59, Part V are required to complete only lines 59, 66, 73 (if they do not use fund accounting), and 74 of the beginning and end of year balance sheets in Part V.

J. Group Return.—A central, parent, or "like" organization can file a group return on Form 990 for two or more local organizations that are:

1. affiliated with the central organization at the time its annual accounting period ends;

2. subject to the central organization's general supervision or control;

3. tax exempt under a group exemption letter that is still in effect; and

4. have the same accounting period as the central organization.

If the parent organization is required to file a return itself (see instruction B for a list of organizations not required to file), it must file a separate return and may not be included in the group return.

Every year, each local organization must authorize the central organization in writing to include it in the group return and must declare, under penalty of perjury, that the authorization and the information it submits to be included in the group return are true and complete.

If you prepare a group Form 990, attach schedules showing (1) the total number of local organizations included and the name, address, and employer identification number of each one; and (2) the same information for those not included. When you prepare the return, be sure not to confuse the four-digit group exemption number (GEN) in box G, page 1, with the nine-digit employer identification number in box A. If none of the local organizations covered by the group return has more than $25,000 in total revenue (line 12, Part I), you may use the short format described in instruction I. If each local organization included in the group return also has $25,000 or less of total assets, the short format instructions for completing the balance sheets in Part V also apply to the group return.

K. Organizations in Foreign Countries and U.S. Possessions.—Report amounts in U.S. dollars and state what conversion rate you use. Combine amounts from within and outside the United States, and report the total for each item. All information must be given in the English language.

L. Completing Form 990.—

1. *Label—Name, Address, and Employer Identification Number.*—If we mailed you a 990 Package with a preaddressed mailing label, please attach it in the name and address space on your return. Your using the label helps us avoid errors in processing your return. If any information on the label is wrong, draw a line through that part and correct it. Check box C on page 1 if the preaddressed label did not reflect your current address or, if you were not mailed a 990 Package, your current address is different from the address listed on the previous Form 990 you filed.

You should have only on Federal employer identification number. If you have more than one and have not been advised which to use, notify the service center for your area (from the list in instruction G). Tell them what numbers you have, the name and address to which each number was assigned, and the address of your principal office. IRS will advise you which number to use.

2. *Accounting Method.*—In box E on page 1 indicate the method of accounting used in preparing this return. Unless the specific instructions say otherwise, use the same accounting method on the return to figure support, revenue, and expenses that you regularly use to keep the organization's books and records. To be acceptable for Form 990 reporting purposes, however, the method of accounting used must clearly reflect income. Most States that accept Form 990 in place of their own forms require that all amounts be reported based on the accrual method of accounting. See instruction D.

3. *Legible Form 990 for Public Inspection.*—All information you report on or with your Form 990, including attachments, will be available for public inspection, except the list of contributors required for line 1(d), Part I. Please make sure your forms and attachments are clear enough to photocopy legibly.

4. *Signature.*—In order to make the return complete, an officer authorized to sign it must sign in the space provided. For a corporation, this officer will be the president, vice president, treasurer, assistant treasurer, chief accounting officer, or other corporate officer, such as a tax officer. A receiver, trustee, or assignee must sign any return he or she files for a corporation. For a trust, the authorized trustee(s) must sign.

If the return was prepared by an individual, firm, or corporation paid for preparing it, the paid preparer's space must also be signed. For a paid firm or corporation, sign in the firm's or corporation's name. Leave the paid preparer's space blank if the return was prepared by a regular employee of the filing organization.

Specific Instructions

In General—You may show money items as whole-dollar amounts. Drop any amount less than 50 cents, and increase any amount from 50 through 99 cents to the next higher dollar.

You must complete all items unless you can use the short format described in instruction I. Otherwise, you may be charged a penalty as explained in instruction H. To avoid filing an incomplete return, we urge you to enter "N/A" if an item does not apply to you, or "–0–" if an amount is zero.

Unless you are permitted to use certain Department of Labor forms or Form 5500 series returns as partial substitutes for Form 990 (see instruction E), do not leave blank any applicable lines or attach any other forms or schedules instead of entering the required information on the appropriate line on Form 990.

If you need more space for any part or line item, attach separate sheets on which you follow the same format and sequence as on the printed form. Show totals on the printed form. Be sure to put the organization's name and employer identification number on the separate sheets and identify the part or line items the attachments support.

Part I.—Statement of Support, Revenue, and Expenses and Changes in Fund Balances—

All organizations filing Form 990 with IRS or any State must complete column (A) and the items to the left of it. Columns (B) and (C) are optional for reporting to IRS, although some States that accept Form 990 in place of their own forms may require these columns to be completed on the Form 990 filed with them. (See instruction D.)

Columns (B) and (C).—The following instructions apply if you use columns (B) and (C). In preparing a Form 990 to be filed with IRS, you may complete what items you choose in columns (B) and (C), rather than all applicable lines in these two columns.

Columns (B) and (C) are to let you indicate any externally imposed restrictions on how and when certain funds can be used. The amounts are a breakdown of the information you must report in Column (A) and the items to the left of it. The combined column (B) and (C) amounts for any line should equal the amount on the left.

If you use columns (B) and (C), cross out the inapplicable words in the headings to show whether you are reporting unrestricted and restricted amounts or expendable and nonexpendable funds.

Use the *Restricted* column to reflect any externally imposed restrictions on the use of contributions, gifts, grants, endownment income, and other amounts the organization received in the current year. Also use that column to summarize the use of restricted funds received in the current year or in any earlier year. The term "externally imposed restrictions" primarily refers to those imposed by donors and grantors for use of their separate contributions and grants and, in the case of endownment gifts, for use of the income earned by those funds. The term also applies to restrictions imposed by any applicable State or Federal statute or to regulations issued by an administration agency of a State or the Federal government. For example, the laws of some States permit noncharitable organizations to conduct certain types of special fundraising events only if the proceeds are used for charitable or other specified purposes. An appropriation of funds made at the discretion of the organization's governing body is not an externally imposed restriction. A donor-imposed restriction can specify either how the funds are to be used (for scholarships, for example) or when they are to be used (for example, a fixed term endownment). In the case of non-cash contributions particularly, the donor may designate that the organization may not dispose of the property and use the proceeds for a certain period of time.

When an externally imposed restriction on the use of funds lapses, use line 20, Part I to report the transfer to an unrestricted fund. Enter a decrease in the amount involved in the Restricted column and a corresponding increase in the Unrestricted column. The offsetting entries would result in a –0– entry on line 20 of column (A). Also reflect the change on lines 67–70 in the fund balance section in Part V of the return. Do not show the transfer as an item of support or revenue on lines 1–12 of Part I, since they are for reporting the initial receipt or accrual of restricted and unrestricted amounts. Any portion of the funds utilized by the unrestricted fund in the current year would be reported as a current year expense in the normal manner.

These instructions also apply to expendable and nonexpendable funds. Expendable funds include both unrestricted and donor-restricted amounts that may be spent for current activities. For example, if a donor earmarks a contribution to be used for scholarships, that contribution (al-

though restricted as to a specific use) would be expendable. If the donor indicates that the contribution should become part of the permanent endownment, that contribution would be nonexpendable. This is true whether or not the donor designated a specific program to be supported ultimately by the contribution or by the income earned on those funds. That income itself would be treated separately as expendable or nonexpendable, depending upon whether the donor specified when the organization could use the income.

Contributions, Gifts, Grants, and Similar Amounts Received.—On lines 1(a)–(c), report amounts received as voluntary contributions; that is payments, or the part of any payment for which the payer (donor) does not receive full consideration from the recipient (donee) organization. (For grants see "Grants equivalent to contributions.") Report all expenses of raising contributions in column (D), Part II.

On line 9 report income from special fundraising events and activities such as dinners, door-to-door sales of merchandise, carnivals, and bingo games. However, when the buyer pays more for such goods or services than their value, report the excess on line 1(a) as a contribution representing direct public support.

This usually occurs when organizations seek support from the public through solicitation programs that are in part special fundraising events or activities and in part a solicitation for contributions. For example, an organization announces that anyone who "contributes" at least $40 can choose a book worth $16 retail. Those who paid $40 and chose to receive the book would be both buying the book and making a contribution. Each such buyer's contribution, reported on line 1, would be $24, the amount by which the buyer's payment is more than the merchandise's fair market value. (Revenue Ruling 67–246, 1967–2 C.B. 104, explains this principle in detail.) A buyer who paid more than $40 would pay the same amount for the book, but would have made a larger contribution. The primary purpose of such solicitations is not to sell the merchandise at its fair market value (even though this might produce a profit), but to receive the contributions. Therefore, all the expenses incurred, except those attributable to the merchandise furnished the buyer, should be reported as an expense to raising contributions (fundraising expense) in column (D), Part II. The revenue ($16 per book) and the expenses relating to the sale of the merchandise would be reported on line 9 as revenue and expense of a special fundraising event.

If the organization provides merchandise of only nominal value, report the entire receipts on line 1(a) as contribution (direct public support) and report all the related expenses in column (D), Part II.

The differentiation between revenue and contributions derived from special fundraising events is particularly important for any section 501(c)(3) organization that claims to qualify as a publicly-supported organization described in section 170(b)(1)(A)(vi) or 509(a)(2). In the public support computations under these two sections, the revenue portion may be excluded entirely, treated as public support, or, if it represents unrelated trade or business income, treated as non-public support. Section 501(c)(3) organizations must compute the amounts of revenue and contributions from fundraising events in accordance with the above instructions in preparing the support schedule in Part IV of Schedule A (Form 990). The support schedule generally includes only the four preceding years, but includes the current year as well if there have been material changes in the organization's sources of support in that year.

See the line 3 instructions for information about membership dues that should be treated as contributions.

Section 501(c)(9), (17), (18), and (20) organizations provide life, sick, accident, welfare, unemployment, pension, group legal services, or similar benefits or a combination of these benefits to participants. When such an organization receives payments from participants or their employers to provide these benefits, report the payments on line 2 as program service revenue, rather than on line 1 as contributions.

In Part I, do not include the value of services donated to the organization, or items such as the free use of materials, equipment or facilities, among the contributions received. See the instructions for Part III and for Part VII, line 82 for the optional reporting of such amounts in Parts III and VII under certain circumstances.

Grants equivalent to contributions.—On line 1 report grants to the organization that are equivalent to contributions. Such grants are normally made to encourage the grantee organization to carry on programs or activities that further its exempt purposes. The grantor my set conditions to ensure that the grantee's programs conform to the grantor's own policies. The grantor may specify which of the recipient's activities the grant may be used for, such as a voter registration drive or restoring a historic building.

A grant is still equivalent to a contribution if the grantee performs a service or produces a work product that benefits the grantor only incidentally. (See examples in line 1(c) instructions, below.) However, if the terms of a grant require that a specific service, facility, or product be provided the grantor—the purpose of which is to serve the direct and immediate needs of that grantor rather than primarily to confer a direct benefit upon the general public or that segment of the public served by the organization—that grant does not represent a contribution, but a payment for services. In general, any payments made primarily to enable the payer to realize or receive some economic or physical benefit as a result of the service, facility, or product obtained should not be treated as contributions.

For example, a public interest organization described in section 501(c)(4) makes a grant to another organization to conduct a nationwide survey, using a scientific sampling method. The survey is to determine voter attitudes on issues in which the grantor has an interest. The grantor plans to use the results in planning its program for the next 3 years. Under these circumstances, the grant to the organization making the survey is not a contribution, since conducting the survey and furnishing the report primarily serve the grantor's direct needs and benefit the gantor more than incidentally. When the grantee reports the grant as income, it should be treated as either program service revenue (line 2) or other revenue (line 11), not as a contribution.

If research is done to develop products for the payer's use or benefit, treat it as serving the payer directly. Basic research or studies in the physical or social sciences generally should not be treated as serving the payer's needs.

See section 1.509(a)–3(g) of the Income Tax Regulations for information about determining whether a grant represents a contribution reportable on line 1 or a revenue item reportable elsewhere on Form 990.

Non-cash contributions.—To report contributions received in a form other than cash, use the market value as of the date of contribution. For marketable securities registered and listed on a recognized securities exchange, measure market value by the average of the highest and lowest quoted selling prices (or the average between the bona fide bid and asked prices) on the contribution date. (See section 20.2031–1 of the Estate Tax Regulations for this general rule, exceptions, and special rules that may be applied to determine the value of contributed stocks and bonds.) When market value can not be readily determined, use an appraised value.

To determine the amount of any noncash contribution that has an outstanding debt attached, subtract the debt from the property's fair market value. Record the asset at its full value; record the debt as a liability in the books of account.

Line 1(a).—Direct public support.—Enter the total contributions, gifts, grants, and bequests that the organization received directly from the public. Include amounts received from individuals, trusts, corporations, estates, and foundations. Also include contributions and grants from public charities and other exempt organizations that are neither fundraising organizations nor affiliates of the filing organization. (See instructions for line 1(b).) Report membership dues and assessments on line 1(a) to the extent they represent contributions from the public rather than payments for benefits received (see the instructions for line 3) or payments from affiliated organizations. Report government grants on line 1(c) if they represent contributions or on line 2 or 11 if they represent fees for services.

Amounts contributed by a commercial co-venturer should be reported on line 1(a) as a contribution received directly from the public. These are amounts due the donee organization for letting an outside organization or individual use its name in a sales promotion campaign in which the donor advertises that it will contribute a certain dollar amount to the named donee organization for each unit of a particular product or service sold or for each occurrence of a specified type.

Contributions received through special fundraising events should be reported on line 1(a).

Line 1(b).—Indirect public support.—Enter the total contributions received indirectly from the public through solicitation campaigns conducted by federated fundraising agencies and similar fundraising organizations (such as a United Way organization and certain sectarian federations). These organizations normally conduct fundraising campaigns within a single metropolitan area or some part of a particular State, and allocate part of the net proceeds to each participating organization on the basis of individual donors' designations and other factors.

Also include on line 1(b) amounts contributed by other organizations closely associated with the reporting organization. This would include contributions received from a parent organization, subordinate, or another organization having the same parent. National organizations that share in fundraising campaigns conducted by their local affiliates should report the amount they receive on line 1(b).

Line 1(c).—Government grants.—The instructions under the heading "Grants equivalent to contributions," apply to this item in particular. A grant or other payment from a governmental unit represents a contribution if its primary purpose is to enable the donee to provide a service to, or maintain a facility for, the direct benefit of the public rather than to serve the direct and immediate needs of the grantor (even if the public pays part of the expense of providing the service or facility).

Following are examples of governmental grants and other payments that represent contributions:

1. Payments by a governmental unit for the construction or maintenance of library or hospital facilities open to the public.

2. Payments under government programs to nursing homes or homes for the aged in order to provide health care or other services to their residents.

3. Payments to child placement or child guidance organizations under government programs serving children in the community. The general public gets the primary and direct benefit from these payments and any benefit to the governmental unit itself would be indirect and insubstantial as compared to the public benefit.

Line 1(d).—Total contributions, etc.—Enter the total of amounts reported on lines 1(a) through (c).

Schedule of contributors (not open to public inspection).—Attach a schedule listing contributors during the year who gave the organization, directly or indirectly, money, securities, or other property worth at least $5,000. Show each person's name and address, the total amount received, and the date received. "Person" means an individual, fiduciary, partnership, corporation, association, trust, or exempt organization.

In determining whether a contributor gave at least $5,000, total that person's gifts of $1,000 or more. Do not include smaller gifts. If the contribution consists of property whose fair market value can be determined readily (such as market quotations for securities), describe the property and list its fair market value. Otherwise, estimate the property's value.

If an employer withholds contributions from employees' pay and periodically gives them to the organization, report only the employer's name and address and the total amount given, unless you know that a particular employee gave enough to be listed separately.

If the organization meets the terms of either of the following exceptions, some information in your schedule will vary from that described above. If no one contributed the reportable minimum, you do not need to attach a schedule.

Exception 1: *Organization described in section 501(c)(3) that meets the 33⅓% support test of the regulations under section 170(b)(1)(A)(vi) (whether or not the organization is otherwise described in section 170(b)(1)(A)).*

In your schedule, give the information described above only for contributors whose gifts of $5,000 or over are more than 2% of the total gifts (reported on line 1(d)) the organization received during the year.

Exception 2: *Organization described in section 501(c)(7), (8), (10), or (19) that received contributions or bequests to be used only as described in sections 170(c)(4), 2055(a)(3), or 2522(a)(3).*

The schedule should list each person whose gifts total $1,000 or more during the year. Give the donor's name, the amount given, the gift's specific purpose, and the specific use to which it was put. If an amount is set aside for a purpose described in section 170(c)(4), 2055(a)(3), or 2522(a)(3), explain how the amount is held (for instance, whether it is mingled with amounts held for other purposes). If the organization transferred the gift to another organization, name and describe the recipient and explain the relationship between the two organizations. Also show the total gifts that were $1,000 or less and were for a purpose described in section 170(c)(4), 2055(a)(3), or 2522(a)(3).

NOTE: *If you file a copy of Form 990 with any State, do not attach the list of contributors discussed above unless the list is specifically required by the State with which you are filing the return. States that do not require the information might nevertheless make it available for public inspection along with the rest of the return.*

Line 2.—Program service revenue.—Enter the total program service revenue from Part IV, line (f). Program services are primarily those that form the basis of an organization's exemption from tax. (See instructions for Part II, column (B).) For example, a hospital would report on line 2 all of its charges for medical services (whether to be paid directly by the patients or through Medicare, Medicaid, or other third-party reimbursement), hospital parking lot fees, room charges, laboratory fees for hospital patients, and related charges for services. Each of those revenue-producing program service activities, and the revenue from each, would be listed in Part IV. However, sales of drugs and pharmaceutical supplies to patients not included in the basic room charge, the sale of gift shop items, and other sales of inventory items consistent with the exempt function of the hospital would be reported on line 10, along with any inventory sales that are an unrelated trade or business.

Other examples of program service revenue are tuition received by a school, revenue from admissions to a concert or other performing arts event or to a museum, royalties received as author of an educational publication distributed by a commercial publisher, interest income on loans a credit union makes to its members, payments received by a section 501(c)(9) organization from participants or employers of participants for health and welfare benefits coverage, insurance premiums received by a fraternal beneficiary society, and registration fees received in connection with a meeting or convention.

Program service revenue also includes income from program-related investments, which are investments made for the primary purpose of accomplishing an exempt purpose consistent with the investing organization's exempt status, rather than to produce income. Examples are scholarship loans and low interest loans to charitable organizations, indigents, or victims of a disaster.

Unrelated trade or business activities (not including any special fundraising events or activities) that generate fees for services may also be program service activities. A social club, for example, should report as program service revenue the fees it charges both members and nonmembers for the use of its tennis courts and golf course.

Line 3.—Membership dues and assessments.—Enter members' and affiliates' dues and assessments that are not contributions. Dues to a charitable organization are a contribution to the extent they are more than the monetary value of membership benefits to the dues payer, whether or not used. (See Revenue Rulings 54–565, 1954–2 C.B. 95, and 68–432, 1968–2 C.B. 104.)

Examples of such benefits include subscriptions to publications, newsletters (other than one about the organization's activities only), free or reduced-rate admissions to events the organization sponsors, the use of its facilities, and discounts on articles or services that both members and nonmembers can buy. In figuring the value of membership benefits, disregard other intangible benefits, such as the right to attend meetings, vote or hold office in the organization, and the distinction of being a member of the organization.

When a member pays dues primarily to support the organization's activities, rather than to derive benefits of more than nominal monetary value, that dues payment represents a contribution. The availability of benefits worth more than a nominal amount shows that the intent in paying the dues was to receive those benefits and not to make a contribution.

For membership organizations other than those described in section 501(c)(3), members generally receive benefits or consideration in return for dues; therefore, dues in that situation are not contributions and should be reported on line 3. This is particularly true of organizations described in sections 501(c)(5), 501(c)(6) or 501(c)(7), although benefits to members may be indirect.

Line 4.—Interest on savings and temporary cash investments.—Enter the amount of interest income from savings and temporary cash investments. See the instructions for line 46 for definitions.

Line 5.—Dividends and interest from securities.—Enter the amount of dividend and interest income from debt and equity securities (stocks and bonds) of the type reportable on line 54. Do not include any capital gains dividends reportable on line 8. See the instructions for line 2 for reporting income from program-related investments.

Line 6(a).—Gross rents.—Enter the gross rental income for the year from investment property reportable on line 55. Do not include amounts that represent income from an exempt function (program service) which should be reported on line 2 (and the related expenses which should be reported in column (B) of Part II). For example, an organization whose exempt purpose is to provide low rental housing to persons with low income would receive exempt function income from such rentals. Renting office space or other facilities or equipment to unaffiliated exempt organizations is not income from an exempt function (and should be reported on line 6(a)) unless the charge is well below the fair rental value of the property, and the lessor's purpose in charging less than the fair rental value was to help the lessee carry out its exempt purpose. Only for purposes of completing Form 990, treat income from renting property to affiliated exempt organizations as exempt function income (program service revenue) and report it on line 2.

Line 6(b).—Rental expenses.—Enter the expenses paid or incurred for the income reported on line 5(a). Include depreciation if it is recorded in the organization's books and records.

Line 6(c).—Net rental income (loss).—Subtract line 6(b) from 6(a). Show any loss in parentheses.

Line 7.—Other investment income.—Enter the amount of investment income not reportable on lines 4 through 6 and describe the type of income in the space

provided or in an attachment. The income should be the gross amount derived from investments reportable on line 56. Include, for example, royalty income from mineral interests owned by the organization. However, do not include income from program-related investments (see instructions for line 2). Also exclude unrealized gains and losses on investments carried at market value (see instructions for line 20).

Lines 8(a)–(c).—Capital gains.—Attach a schedule listing each asset sold or exchanged. Show for each one: (a) date acquired, how acquired, date sold, and to whom sold; (b) gross sales price; (c) cost, other basis, or if donated, value at time acquired (state which); (d) expense of sale and cost of improvements made after acquired and (e) if depreciable property, depreciation since acquired. The schedule should show security transactions separate from the sale of other assets.

Publicly traded securities.—For sales of publicly traded securities through a broker, you may total the gross sales price, the cost or other basis, and the expenses of sale on all such securities sold and report lump-sum figures in place of the detailed reporting required in the paragraph above.

For this return, publicly traded securities include common and preferred stock, bonds (including governmental obligations) and mutual fund shares that are listed and regularly traded in an over-the-counter market or on an established exchange and for which market quotations are published or otherwise readily available.

You may use average cost basis to figure the organization's gain or loss from sales of securities, to be reported on Form 990. For this purpose, when securities are sold, you may figure gain or loss by comparing the sales price with the average cost basis of the particular security. Do not use average cost basis to figure gain or loss from security sales reportable on Form 990–T.

Report all sales of securities on lines 8(a)–(c) in the column with that heading. Use the "Other" column to report sales of all other types of investments (such as real estate, royalty interests, or partnership interests) and all other capital assets (such as program-related investments and fixed assets used by the organization in its regular activities).

Enter the gross sales price on line 8(a), Part I. Total the cost or other basis (less depreciation), and selling expenses and enter the result on line 8(b). Enter the net gain or loss on line 8(c). On lines 8(a) and (c) report capital gains dividends, the organization's share of capital gains and losses from a partnership, and capital gains distributions from trusts. Indicate the source on the schedule described above.

Add the gain and/or loss figures reported in the "Securities" column and the "Other" column on line 8(c) and report that total on line 8(c) in the "Total" column. Do not include any unrealized gains or losses on securities carried at market value in the books of account. See the instructions for line 20.

Lines 9(a)–(c).—Special fundraising events and activities.—On the appropriate line enter the gross revenue expenses, and net income from all special fundraising events and activities such as dinners, dances, carnivals, raffles, bingo games, and door-to-door sales of merchandise. In themselves, these activities only incidentally accomplish an exempt purpose. Their sole or primary purpose is to raise funds (other than contributions) to finance the organization's exempt activities. This is done by offering goods or services of more than nominal value (compared to the price charged) in return for a payment higher than the direct cost of the goods or services provided.

These events sometimes generate both contributions and revenue. When a buyer pays more than the value of the goods or services furnished, report that excess on line 1 as a contribution and report the value of the goods or services on line 9 as gross revenue. See the instructions for line 1.

Attach a schedule listing the three largest special events conducted, as measured by gross receipts. Describe the type of each of these three events and indicate for each event the gross receipts, the amount of contributions included in gross receipts (see instructions above), the gross revenue (gross receipts less contributions), the direct expenses, and the net income (gross revenue less expenses). Furnish the same information in total figures for all other special events held that are not among the three largest. Indicate the type and number of the events not listed individually (for example, 3 dances and 2 raffles).

If the above schedule is prepared in columnar format, the total of the gross revenue column will be the amount reportable in the column on line 9(a); the totals of the direct expense column and the net income column will be the amounts reportable on lines 9(b) and 9(c), respectively; and the total of the contributions will be the amount that should be entered in the parentheses outside the column on line 9(a). The latter amount should also be combined with all other direct public support and reported on line 1(a).

If you include an expense on line 9(b), do not report it on line 10(b) or in Part II.

Lines 10(a)–(c).—Gross profit on sales of inventory.—Enter the gross sales (minus returns and allowances), cost of goods sold, and gross profit (or loss) from the sale of all inventory items, other than those sold in special fundraising events and activities reported on line 9. These inventory items are ones the organization either makes to sell to others or buys for resale. The latter does not include investments on which the organization expected to profit by appreciation and sale. Report sales of investments on line 8. On line 10 report sales revenue and the related cost of goods sold, whether the sale of the merchandise involved is an exempt function or an unrelated trade or business.

Line 11.—Other revenue.—Enter the amount from Part IV, line (g). This figure represents the total income from all sources not covered by lines 1 through 10. Each of these revenue-producing activities must be listed in Part IV. Income reportable on line 11 would include interest on notes receivable not held as investments, interest on loans to officers, directors, trustees, key employees and other employees, and royalties that do not constitute investment income or program service revenue.

Line 12.—Total revenue.—Enter the total of lines 1(d) through 11. If the amount is $25,000 or less, see instruction I about the short format for small organizations.

Lines 13 through 15.—Program services, management and general, and fundraising expenses.—Organizations that report more than $25,000 of total revenue on line 12 should complete Part II and then come back to lines 13 through 15. Enter the appropriate amount from the column (B), (C), and (D) totals reported on line 44, Part II.

If line 12 is $25,000 or less, you do not have to enter an amount on line 13, 14, or 15 of the Form 990 you file with IRS. However, see instruction D if you use a copy of Form 990 for State reporting purposes.

Line 16.—Payments to affiliates.—This expense classification is used to report certain types of payments to organizations "affiliated with" (closely related to) a reporting agency. Predetermined quota support and dues payments (excluding membership dues of the type described below) by local agencies to their State or national organizations for unspecified purposes, i.e., general use of funds for the national's own program and support services, are to be reported on this line. Purchases of goods or services from affiliates are not reported here but as expenses in the usual manner.

In addition to payments made directly to affiliated organizations, expenses incurred in providing goods or services to affiliates may be reported on line 16 if: (1) the goods or services provided are not related to the program services conducted by the organization furnishing them (for example, where a local organization incurs expenses in the production of a solicitation film for the State or national organization); and (2) the costs involved are not connected with the management and general or fundraising functions of the reporting organization (for example, where a local organization furnishes a copy of its mailing list to the State or national organization, the expense of preparing the copy provided may be reported on line 16, but none of the expenses of preparing and maintaining the local organization's master list).

Federated fundraising agencies (see instructions for line 1(b)) should include in their own support the full amount of contributions received in connection with a solicitation campaign they conduct even though donors designate specific agencies to receive part or all of their individual contributions. These fundraising organizations should report the allocations to participating agencies as awards and grants (line 22) and quota support payments to their State or national organization as payments to affiliates (line 16).

Voluntary awards or grants made by the reporting agency to its State or national organization for specified purposes should not be reported here but on line 22, awards and grants.

Membership dues that represent amounts paid to procure general membership benefits, such as regular services, publications and materials, from other organizations should be reported as "other expenses" on line 43. This would be the case, for example, where a charitable organization pays dues to a trade association comprised of otherwise unrelated members, all of which solicit contributions by mail or telephone. Dues payments by the local charity to its affiliated State or national (parent) organization would usually be reportable on line 16.

NOTE: *Properly distinguishing between payments to affiliates and awards and grants is especially important if you use Form 990 for State reporting purposes, as discussed in instruction D. If you use Form 990 only for reporting to IRS, payments to affiliated State or national organizations that do not represent membership dues reportable on line 43 (see instructions in the preceding paragraph) may be reported either on line 16 or on line 22 and explained in the required attachment.*

Line 17.—Total expenses.—Organizations reporting $25,000 or less on line 12, enter the total of line 16 and line 44, column (A). Other organizations, enter the total of lines 13 through 16.

Lines 18 through 21.—Fund Balances or Net Worth.—

Line 18.—Excess (deficit) for the year.—Enter the difference between lines 12 and 17. If line 17 is more than line 12, enter the difference in parentheses.

Line 19.—Fund balances or net worth, beginning of year.—Enter the amount from column (A) of line 74.

Line 20.—Other changes in fund balances or net worth.—Attach a schedule explaining any changes in fund balances or net worth between the beginning and end of the year that are not accounted for by the amount on line 18. Amounts to report here include adjustments of earlier years' activity and unrealized gains and losses on investments carried at market value. If you use the Unrestricted and Restricted columns, show transfers between unrestricted and restricted funds. The net effect of such transfers would be –0– in the Total column.

Line 21.—Fund balances or net worth, end of year.—Enter the total of lines 18, 19, and 20. The figure in the Total column should equal the amount reported in column (B) of line 74.

Part II.—Statement of Functional Expenses—

Organizations that report total revenue of $25,000 or less on line 12, Part I are required to complete only column (A) of Part II on the Form 990 they file with IRS (see instruction I). Those organizations, however, may be required to complete all of the columns in Part II for a Form 990 filed with one or more States (see instruction D).

Part II reflects the organization's expenses by object classification (salaries, legal fees, supplies, etc.) allocated into three functions: program services (column (B)); management and general (column (C)); and fundraising (column (D)). These functions are explained below in the instructions for the columns. Do not include in Part II any expense items you must report on lines 6(b), 8(b), 9(b), 10(b), or 16 in Part I.

For reporting to IRS only, use the organization's normal accounting method to report total expenses in column (A) and to segregate them into functions under columns (B), (C), and (D) (but, see instructions L.2 and D). If the accounting system does not provide for this type of segregation, a reasonable method of allocation may be used. The amounts reported should be accurate and the method of allocation documented in the organization's records.

Expenses which are directly attributable to a particular functional category must be reported in the appropriate column. Expenses which relate to more than one functional category generally should be allocated. For example, allocate employees' salaries on the basis of each employee's time. For some shared expenses such as occupancy, supplies, and depreciation of office equipment, use an appropriate basis for each kind of cost. However, you should report some other shared expenses in column (C) only. The column instructions below discuss allocating expenses.

Column (A).—Column (A) is the total of columns (B), (C), and (D) for each line item in Part II. Except for expenses you report on lines 6(b), 8(b), 9(b), 10(b), and 16 of Part I, you should use column (A) to report all expenses the organization paid or incurred.

Column (B).—Program services are mainly those activities which the reporting organization was created to conduct and which, along with any activities commenced subsequently, form the basis of the organization's current exemption from tax. They may be self-funded or funded out of contributions, accumulated income, investment income, or any other source.

Program services can also include the organization's unrelated trade or business activities. For example, publishing a magazine is a program service even though it contains both editorials and articles that further the organization's exempt purpose and advertising, the income from which is taxable as unrelated business income.

If an organization receives a grant to do research, produce an item, or perform a service, either to meet the grantee's specific needs or to benefit the public directly, the costs incurred represent program service expenses. Do not treat these costs as fundraising expenses, even if you report the grant on line 1 as a contribution.

Column (C).—Use column (C) to report the organization's expenses for overall management and functioning, rather than for its direct conduct of fundraising activities or program services. Overall management usually includes the salaries and expenses of the chief officer of the organization and that officer's staff. If part of their time is spent directly supervising program services and fundraising activities, their salaries and expenses should be allocated among those functions. Other expenses to report in column (C) include those for meetings of the board of directors or similar group; committee and staff meetings; general legal services; accounting, auditing, personnel and other centralized services; investment expenses (except those relating to rental income and program-related income—report rental expenses on line 6(b) and program-related expenses in column (B)); general liability insurance; preparation, publication, and distribution of an annual report; and office management.

However, you should report only general expenses in column (C). Do not use it to report costs of special meetings or other activities that relate to fundraising or specific program services.

Column (D).—Fundraising expenses represent the total expenses incurred in soliciting contributions, gifts, grants, etc. Report as fundraising expenses all expenses, including allocable overhead costs, incurred in: (a) publicizing and conducting fundraising campaigns; (b) soliciting bequests, grants from foundations or other organizations, or government grants reportable on line 1(c); (c) participating in federated fundraising campaigns; (d) conducting special fundraising events that generate contributions reportable on line 1(a) in addition to revenue reportable on line 9(a) (but any expenses attributable to that revenue should be reported on line 9(b); and (e) preparing and distributing fundraising manuals, instructions and other materials.

Allocating Indirect Expenses.—Colleges, universities, hospitals and other organizations that accumulate indirect expenses in various cost centers (such as the expenses of operating and maintaining the physical plant) that are reallocated to the program services and other functional areas of the organization in a single step or in multiple steps may find it easier to report these expenses in the following optional manner:

First, the expenses of these indirect cost centers may be reported on lines 25 through 43 of the management and general expense column in Part II, along with the expenses properly reportable in that column.

Second, allocate the total expenses for each cost center among program services, management and general, and fundraising as a separate item entry on line 43, Other expenses, for each cost center. Enter the name of the cost center on line 43. If any of the cost center's expenses are to be allocated to the expenses listed in Part I (such as the expenses attributable to special fundraising events and activities), enter these expenses as a negative figure in columns (A) and (C). This prevents reporting the same expense on both Parts I and II. If part of the total cost center expenses are to be allocated to columns (B), Program services, and (D), Fundraising, enter these expenses as positive amounts in these columns and as single negative amounts in column (C). Do not make any entries in column (A), Total, for these offsetting entries.

The above instructions can be illustrated by the following example. An organization reports $50,000 of actual management and general expenses and $100,000 of expenses of an indirect cost center that are to be allocated in part to other functions. The total of lines 25 through 43 of column (C) would be $150,000 before the allocations were made. Assume that $10,000 (of the $100,000 total expenses of the cost center) was allocable to fundraising, $70,000 to various program services, $15,000 to management and general functions and $5,000 to special fundraising events and activities. To report this in Part II under this alternate method:

(1) Indicate the cost center, the expenses of which are being allocated, on line 43 "Allocation of (specify) expenses");

(2) Enter a decrease of $5,000 on the same line in the Total column, representing the special fundraising event expenses already reported on line 9(b) in Part I;

(3) Enter $70,000 on the same line in the Program services column;

(4) Enter $10,000 on the same line in the Fundraising column;

(5) Enter a decrease of $85,000 on the same line in the Management and general column, representing the allocations to functional areas other than management and general.

After these allocations were made, the column (C) total (line 44(C)) would be $65,000, consisting of the $50,000 aggregate amount and the $15,000 allocation of the aggregate cost center expenses to management and general.

The above is an example of a simple one-step allocation that was used to show how to report the allocation in Part II. This reporting method would actually be needed more in the case of multiple step allocations in which two or more cost centers are involved. The total expenses of the first would be allocated to the other functions, including an allocation of part of these expenses to the second cost center. The expenses of the second cost center would then be allocated to other functions and any remaining cost centers to be allocated, and so on. The greater the number of these cost centers which are allocated out, the more difficult it would be to preserve the identity of the object classification (salaries, interest, supplies, etc.) of the expenses of each cost center. The reporting method described above avoids this problem.

NOTE: *The above instructions are intended only to facilitate the reporting of indirect expenses by both object classification and function. They do not in any way sanction the allocation to other functions of expenses properly reportable as management and general expenses.*

Line 22.—Grants and allocations.—Enter the amount of awards and grants to individuals and organizations selected by the filing organization. United Way and similar fundraising organizations should include allocations to member agencies. Voluntary awards and grants to affiliated organizations for specific (restricted) purposes or projects also should be reported on line 22, but not required payments to affiliates reportable on line 16.

Scholarship, fellowship and research grants to individuals should be reported on line 22. Certain other payments to or for the benefit of individuals may be reportable on line 23 instead. See the instructions for line 23 for specific information.

Only the amount of actual grants and awards should be reported on line 22. Expenses incurred in selecting recipients or monitoring compliance with the terms of a grant or award should be reported on lines 25 through 43.

Attach a schedule of amounts reported on line 22. Show: (a) each class of activity; (b) separate total for each activity; (c) donee's name and address and the amount given; and (d) relationship of donee if related by blood, marriage, adoption, or employment (including employees' children) to any person or corporation with an interest in the organization, such as a creator, donor, director, trustee, officer, etc.

On the schedule, classify activities in more detail than in such broad terms as charitable, educational, religious, or scientific. For example, identify payments for nursing services, laboratory construction, or fellowships.

If the property's fair market value when the organization gave it is the measure of the award or grant, also show on the schedule: description of the property; its book value; how the book value was determined; and the date of the gift. Any difference between fair market value and book value should be recorded in the organization's books of account.

Line 23.—Specific assistance to individuals.—Enter the amount of payments to or for the benefit of particular clients or patients, including assistance rendered by others at the expense of the filing organization. Do not include grants to other organizations that select the person or persons to receive the assistance available through the use of the grant funds. For example, a payment to a hospital to cover the medical expenses of a particular individual should be reported on line 23, but not a contribution to a hospital to provide some service to the general public or to unspecified charity patients. Also, do not include scholarship, fellowship or research grants to individuals even though selected by the grantor organization. Report these grants on line 22 instead.

Attach a schedule showing the total payments for each particular class of activity, such as food, shelter and clothing for indigents or disaster victims; medical, dental and hospital fees and charges; and direct cash assistance to indigents.

Line 24.—Benefits paid to or for members.—For an organization giving benefits to members or dependents (such as organizations exempt under section 501(c)(8), (9), or (17)), attach a schedule. Show amounts of: (a) death, sickness, hospitalization or disability benefits; (b) unemployment compensation benefits; and (c) other benefits (state their nature). Do not report on this line the cost of employment-related benefits the organization gives its officers and employees. Report those expenses on lines 27 and 28.

Line 25.—Compensation of officers, directors, and trustees.—Enter the total compensation paid officers, directors, and trustees for the year. In Part VI list each one's name and compensation (if any), along with the other information requested.

Each person you list should report this compensation on his or her income tax return, unless the Code specifically excludes any of the payments from income tax. Publication 525, Taxable and Nontaxable Income, may be helpful and is available free from IRS.

You must file Form 941 to report income tax witholding and social security taxes, and must also file Form 940 to report Federal unemployment taxes, unless the organization's exemption letter states that it is not subject to these taxes.

Line 26.—Other salaries and wages.—Enter the total of employees' salaries not reported on line 25.

Line 27.—Pension plan contributions.—Enter the employer's share of contributions that the organization paid to qualified and nonqualified pension plans for the year. Except for Simplified Employee Pension (SEP) plans, complete Form 5500, 5500–C, 5500–R, or 5500–G, as appropriate, for your plan and file as a separate return. If you have more than one plan, complete the appropriate form for each plan. File the form by the last day of the 7th month after the plan year ends.

Line 28.—Other employee benefits.—Enter the amount of your contributions to employee benefit programs (such as insurance, health and welfare programs) that are not an incidental part of a pension plan included on line 27. Also see instructions for Form 5500.

Line 29.—Payroll taxes.—Enter the amount of Federal, State, and local payroll taxes for the year, but only those taxes that are imposed on the organization as an employer. This would include the employer's share of FICA taxes, the FUTA tax, State unemployment compensation taxes, and other State and local payroll taxes. Do not include taxes withheld from employees' salaries and paid over to the various governmental units (such as Federal and State income taxes and the employees' shares of FICA tax).

Line 30.—Fees for fundraising.—Enter the organization's fees to outside fundraisers for solicitation campaigns they conducted, or for providing consulting services in connection with a solicitation of contributions by the organization itself.

Line 31.—Accounting fees.—Enter the total accounting and auditing fees charged by outside firms and individuals who are not employees of the reporting organization.

Line 32.—Legal fees.—Enter the total legal fees charged by outside firms and individuals who are not employees of the reporting organization. Do not include any penalties, fines or judgments imposed against the organization as a result of any legal proceedings. Report those expenses on line 43, other expenses.

Line 33.—Supplies.—Enter the total for office, classroom, medical, and other supplies used during the year, as determined by the organization's normal method of accounting for supplies.

Line 34.—Telephone.—Enter the total telephone, telegram and similar expenses for the year.

Line 35.—Postage and shipping.—Enter the total amount of postage, parcel delivery, trucking and other delivery expenses, including the cost of shipping materials.

Line 36.—Occupancy.—Enter the total amount paid or incurred for the use of office space or other facilities, heat, light, power, and other utilities (other than those reported on line 34), outside janitorial services, mortgage interest, real estate taxes, and similar expenses. Do not include depreciation (reportable on line 42) or any salaries of your own employees (reportable on line 26).

Line 37.—Equipment rental and maintenance.—Enter the cost of renting and maintaining office equipment, except for automobile and truck expenses reportable on lines 35 and 39.

Line 38.—Printing and publications.—Enter the printing and related costs of producing the reporting organization's own newsletters, leaflets, films and other informational materials. (However, do not include any expenses, such as salaries or postage, for which a separate line is provided in Part II.) Also include the cost of any purchased publications.

Line 39.—Travel.—Enter the total travel expenses, including transportation costs (fares, mileage allowances and automobile expenses), meals and lodging, and per diem payments.

Line 40.—Conferences, conventions and meetings.—Enter the total expenses incurred by the organization in conducting meetings relating to its activities. Include such expenses as the rental of facilities, speakers' fees and expenses and printed materials, but not the salaries and travel expenses of the reporting organization's own officers, directors, trustees and employees who participate. Also include the registration fees (but not travel expenses) paid for sending any of the organization's staff to conferences, meetings or conventions conducted by other organizations.

Line 41.—Interest.—Enter the total interest expense for the year, excluding any interest attributable to rental property (reported on line 6(b)) or any mortgage interest treated as occupancy expense on line 36.

Line 42.—Depreciation, depletion, etc.—If your organization records depreciation, depletion, and similar expenses, enter the total for the year. Include any depreciation (amortization) of leasehold improvements. If you record depreciation, attach Form 4562, Depreciation, or a schedule showing: (a) description of property; (b) date acquired; (c) cost or other basis (exclude land); (d) depreciation allowed or allowable in earlier years; (e) method of computation; (f) rate (percentage) or life (years); and (g) depreciation this year.

If you claim a deduction for depletion, attach a schedule explaining the deduction.

Line 43.—Other expenses.—Indicate the type amount of each significant expense for which a separate line is not provided. Report all other miscellaneous expenses as a single total. Expenses that might be reported here include investment counselling and other professional fees not reportable on lines 30 through 32; penalties, fines and judgments; unrelated business income taxes; and real estate taxes not attributable to rental property or

reported as occupancy expenses. Attach a schedule if more space is needed.

Some States that accept Form 990 in satisfaction of their filing requirements may require that certain types of miscellaneous expenses be itemized regardless of amount. See instruction D.

Line 44.—Total functional expenses.—Add lines 22 through 43 and enter the totals in columns (A), (B), (C), and (D). Report the column (B) total on line 13 of Part I, the column (C) total on line 14, and the column (D) total on line 15.

Part III.—Statement of Program Services Rendered—

Provide the information specified in the instructions above line (a) of Part III for each of the four largest program service activities (as measured by total expenses incurred) that were conducted by the filing organization. If part of the total expenses of any program service consists of grants and allocations reported on line 22, indicate the amount of the grants and allocations in the narrative description of that program.

Attach a schedule that lists the organization's other program service activities and the total expenses incurred in connection with each. The detailed information required in Part III for the four largest activities is not required for the activities listed on the attached schedule.

If the organization reports on line 82 the value of any donated services or use of materials, equipment or facilities it received, it can also indicate in Part III the amount received and utilized in connection with specific program service activities. However, the applicable amounts should be disclosed only on the lines for the narrative description of the appropriate program services and must not be included in the expense column in Part III.

Part IV.—Program Service Revenue and Other Revenue—

List each revenue-producing program service activity and each "other" activity as described in the instructions for lines 2 and 11. Enter the gross revenue (that is, without subtracting any related expenses) from each such activity in the proper column. Line (a) is to be used only for reporting fees from government agencies that do not constitute grants reportable on line 1(c) of Part I. Report the total of each column on lines (f) and (g) of Part IV and on lines 2 and 11 of Part I.

Part V.—Balance Sheets—

All organizations must complete columns (A) and (B) to the extent applicable. Smaller organizations filing Form 990 with IRS are not required to complete all line items in those two columns, as explained by instruction I and the information in the Part V heading on page 3 of the return.

Columns (C) and (D) are optional for reporting to IRS, although some States that accept Form 990 in place of their own forms may require that those columns be completed on the Form 990 filed with them. Some States may also require smaller organizations to complete the entire balance sheet instead of only those lines specified in instruction I. See instruction D for more information about completing a Form 990 to be filed with any State or local government agency.

When any line item in Part V calls for a schedule to be attached, a schedule is required only for the end of year balance sheet figure reported in column (B). Similarly, when space is provided to the left of column (A) for reporting any receivables or depreciable assets and the related allowance for doubtful accounts or accumulated depreciation, enter the end of year figures.

Line 45.—Cash non-interest bearing.—Enter the amount of cash on deposit in checking accounts, deposits in transit, change funds, petty cash funds, or any other non-interest bearing account. Do not include advances to employees or officers or refundable deposits paid to suppliers or others.

Line 46.—Savings and temporary cash investments.—Enter the total of cash in savings or other interest bearing accounts and temporary cash investments, such as money market funds, commercial paper, certificates of deposit, and U.S. Treasury bills or other governmental obligations that mature in less than one year.

Line 47.—Accounts receivable.—Enter the total accounts receivable (reduced by the corresponding allowance for doubtful accounts) that arose from the sale of goods and/or the performance of services. Claims against vendors or refundable deposits with suppliers or others may be reported here if not significant in amount. (Otherwise, report them on line 58, other assets.) Any receivables due from officers, directors, trustees, or key employees must be reported on line 50. Receivables (including loans and advances) due from other employees should be reported on line 58.

Line 48.—Pledges receivable.—Enter the total pledges receivable recorded as of the beginning and end of year, reduced by the amount of pledges estimated to be uncollectible.

Line 49.—Grants receivable.—Enter the total grants receivable from governmental agencies, foundations, and other organizations as of the beginning and end of the year.

Line 50.—Receivables due from officers, directors, trustees, and key employees.—All receivables due from officers, directors, trustees, and key employees and all secured and unsecured loans to such persons must be reported on line 50 and in an attached schedule described below. The term "key employees" refers to the chief administrative officers of an organization (such as an executive director or chancellor), but does not include the heads of separate departments or smaller units within an organization.

In the required schedule, report each loan separately, even if more than one loan was made to the same person or the same terms apply to all loans made.

Receivables that are subject to the same terms and conditions (including credit limits and rate of interest) as receivables due from the general public and that arose during the normal course of the organization's operations may be reported as a single total for all the officers, directors, trustees, and key employees. Travel advances made in connection with official business of the organization may also be reported as a single total.

However, salary advances and other advances for the personal use and benefit of the recipient and receivables subject to special terms or arising from non-typical transactions must be reported as separate loans for each officer, director, etc.

Attach a schedule that shows the following information (preferably in columnar form) for each loan or other receivable outstanding at the end of the year that must be reported separately in accordance with the above instructions:

(a) Borrower's name and title;
(b) Original amount;
(c) Balance due;
(d) Maturity date;
(e) Repayment terms;
(f) Interest rate;
(g) Security provided by the borrower;
(h) Purpose of the loan; and
(i) Description and fair market value of the consideration furnished by the lender (for example, cash—$1,000; or 100 shares of XYZ, Inc. common stock—$9,000).

The above detail is not required for receivables or travel advances that may be combined and reported in total (see above instructions), but report and identify those totals separately in the attachment.

Line 51.—Other notes and loans receivable.—Enter the combined total of notes receivable and net loans receivable.

Notes receivable.—Enter the amount of all notes receivable not listed on line 50 and not acquired as investments. Attach a schedule similar to that called for in the instructions for line 50. The schedule should also identify the relationship of the borrower to any officer, director, trustee, or key employee of the organization.

For a note receivable from another organization exempt under the same paragraph of section 501(c) as the filing organization, list only the name of the borrower and the balance due. For example, a section 501(c)(3) organization would have to provide the full details of a loan to a section 501(c)(4) organization, but would have to provide only the name of the borrower and the balance due on a note arising from a loan to another section 501(c)(3) organization.

Loans receivable.—Enter the gross amount of loans receivable, less the allowance for doubtful accounts, arising from the normal activities of the filing organization (such as loans by a credit union to its members or scholarship loans by a section 501(c)(3) organization). A schedule of these loans is not required.

Loans to officers, directors, trustees, and key employees must be reported on line 50. Loans to other employees should be reported on line 58.

Line 52.—Inventories for sale or use.—Enter the amount of materials, goods and supplies purchased or manufactured by the organization and held to be sold or used in some future period.

Line 53.—Prepaid expenses and deferred charges.—Enter the amount of short-term and long-term prepayments of expenses attributable to one or more future accounting periods. Examples include prepayments of rent, insurance, and pension costs, and expenses incurred in connection with a solicitation campaign to be conducted in a future accounting period.

Line 54.—Investments—securities.—Enter the book value (which may be market value) of securities held as investments and attach a schedule that lists each security held at the end of the year and indicates whether the security is listed at cost (including the value recorded at the time of receipt in the case of donated securities) or end of year market value. Debt securities of the U.S. government may be reported as a sing'e total rather than itemized. Obligations of State and municipal governments may also be reported as a lump-sum total; do not combine these with U.S. government obligations, however.

Line 55.—Investments—land, buildings and equipment.—Enter the book value (cost or other basis less accumulated depreciation) of all land, buildings and equipment held for investment purposes, such as rental properties. Attach a schedule listing these investment fixed assets held at the end of the year.

Line 56.—Investments—other.—Enter the amount of all other investment holdings not reported on line 54 or 55 and attach a schedule of these holdings as of the end of the year. Do not include program-related investments (see instructions for line 58).

Line 57.—Land, buildings and equipment.—Enter the book value (cost or other basis less accumulated depreciation) of all land, buildings and equipment owned by the organization and not held for investment. This would include any property, plant and equipment owned and used by the organization in conducting its exempt activities. Attach a schedule listing these fixed assets held at the end of the year.

Line 58.—Other assets.—List each category of assets not reportable on lines 45 through 57. Attach a separate schedule if more space is needed.

One type of asset reportable on line 58 would be program-related investments, which are investments made primarily to accomplish some exempt purpose of the filing organization rather than to produce income.

Line 59.—Total assets.—Enter the total of lines 45 through 58.

Line 60.—Accounts payable and accrued expenses.—Enter the total of accounts payable to suppliers and others and accrued expenses, such as salaries payable, accrued payroll taxes, and interest payable.

Line 61.—Grants payable.—Enter the unpaid portion of grants and awards that the organization has made a commitment to pay other organizations or individuals, whether or not the commitments have been communicated to the grantees.

Line 62.—Support and revenue designated for future periods.—Enter the amount of contributions, governmental fees or grants, grants from foundations or other organizations, and other fees and support that contributors or grantors have designated as payable for or applicable to one or more future years, either by the terms of the gift or by the terms of the contract or other arrangement. Do not include any amounts restricted for future use by the filing organization's own governing body. Attach a schedule listing the total amount of each contribution or grant designated for one or more future periods and showing the amount applicable to each future period.

Line 63.—Loans from officers, directors, trustees and key employees.—Enter the unpaid balance of loans received from officers, directors, trustees and key employees (see the instructions for line 50 for definition). For loans outstanding at the end of the year, attach a schedule that provides (for each loan) the name and title of the lender and the information listed in items (b) through (i) of the instructions for line 50.

Line 64.—Mortgages and other notes payable.—Enter the amount of mortgages and other notes payable at the beginning and end of year. Attach a schedule showing, as of the end of the year, the total amount of all mortgages payable and, for each non-mortgage note payable, the name of the lender and the other information specified in items (b) through (i) of instruction 50.

Line 65.—Other liabilities.—List and show the amount of each liability not reportable on lines 60 through 64. Attach a separate schedule if more space is needed.

Line 66—Total liabilities.—Enter the total of lines 60 through 65.

Lines 67 through 74.—Fund Balances and Net Worth—

Organizations using fund accounting.—If the organization uses fund accounting, check the box above line 67 and complete lines 67 through 70 to report the various fund balances. Also complete line 74 to report the sum of the fund balances and line 75 to report the sum of the total liabilities and fund balances.

Organizations not using fund accounting, see the instructions under that heading (below) for completing the net worth section. Under fund accounting, an organization segregates its assets, liabilities, and net worth into separate funds according to externally imposed restrictions on the use of certain assets, similar designations by the organization's governing board, and other amounts that are unrestricted as to use. Each fund is like a separate entity in that it has a self-balancing set of accounts showing assets, liabilities, equity (fund balance) "income," and expenses. Since these funds are actually part of a single entity, they are all included in that organization's own financial statements. Similar accounts in the various funds may or may not be consolidated in those statements according to the organization's preference and practice. Parts I, II, and V of this form, however, require such consolidation. Recognition of the separate funds and the net changes within the various funds during the year is accomplished by the fund balances section (lines 67 through 70) of the balance sheet.

Some States that accept Form 990 as their basic report form may require a separate statement of changes in fund balances. See instruction D.

Line 67.—Current funds.—Enter the sum of the fund balances per books of the current unrestricted fund and the current restricted fund.

Line 68.—Land, building and equipment fund.—Enter the fund balance per books for the land, building and equipment fund (plant fund).

Line 69.—Endowment fund.—Enter the total of the fund balances for the permanent endowment fund and any term endowment funds. Annuity and life income fund balances may be reported here if not significant in amount or on line 70. Do not include the fund balances of any quasi-endowment funds (funds functioning as endowment) or other internally designated funds.

Line 70.—Other funds.—Enter the total of the fund balances for all funds not reported on lines 67 through 69. Indicate the type of fund in the space provided or on an attachment if more than one fund is involved. On the atttachment, show the beginning and end of year fund balance for each fund listed.

Organizations not using fund accounting.—If the organization does not use fund accounting, check the box above line 71 and report net worth account balances on lines 71 through 74. Also complete line 75 to report the sum of the total liabilities and net worth.

Line 71.—Capital stock or trust principal.—For corporations, enter the balance per books for capital stock accounts. Show par or stated value (or for stock with no par or stated value, total amount received upon issuance) of all classes of stock issued and, as yet, uncancelled. For trusts, enter the amount in the trust principal or corpus account.

Line 72.—Paid-in or capital surplus.—Enter the balance per books for all paid-in capital in excess of par or stated value for all stock issued and, as yet, uncancelled. If stockholders or others gave donations that the organization records as paid-in capital, include them here. Any current year donations you include on line 72 must also be reported in Part I, line 1.

Line 73.—Retained earnings or accumulated income.—For a corporation, enter the balance in the retained earnings or similar account, minus the cost of any corporate treasury stock. For trusts enter the balance per books in the accumulated income or similar account.

Line 74.—Total fund balances or net worth.—For organizations that use fund accounting, enter the total of lines 67 through 70. For all other organizations, enter the total of lines 71 through 73. The beginning of the year figure in column (A) should be carried over to the Total column in Part I, line 19. The end of year figure in column (B) should agree with the figure on line 21 of the Total column in Part I.

Line 75.—Total liabilities and fund balances/net worth.—Enter the total of lines 66 and 74. That figure must equal the figure for total assets reported on line 59 for both the beginning and end of year.

Part VI.—List of Officers, Directors, and Trustees—

List each of the organization's officers, directors, trustees, and other officials with similar responsibilities. Show the compensation, if any, the organization paid each one during the period covered by the return.

Column (E).—Enter amounts that the recipients must report as income on their separate income tax returns. Examples include amounts for which the recipient did not account to the organization, or allowances that were more than the payee spent on serving the organization.

Part VII.—Other Information—

Line 76.—Change in activities.—Attach a statement explaining any significant changes in the kind of activities the organization conducts to further its exempt purpose. These new or modified activities would be those not listed as current or planned in your application for recognition of exemption; or those not already made known to IRS by a letter to your key district director or by an attachment to your return for any earlier year. Besides describing new activities or changes to current ones, also describe any major program activities that are being discontinued.

Line 77.—Changes in organizing or governing documents.—Attach a conformed copy of any changes to the articles of incorporation, constitution, trust instrument, or other organizing document, or to the bylaws or other governing document.

A "conformed" copy is one that agrees with the original document, and all amendments to it. If the copies are not signed, they must be accompanied by a written declaration signed by an officer authorized to sign for the organization, certifying that they are complete and accurate copies of the original documents.

Photocopies of articles of incorporation showing the certification of an appropriate State official need not be accompanied by such a declaration. See Rev. Proc. 68–14, 1968–1 C.B. 768, for more information.

343–047–1

When a number of changes are made, send a copy of the entire revised organizing instrument or governing document.

Line 78.—Unrelated business income.—See general instruction C.2 for a description of unrelated business income and the Form 990–T filing requirements for section 501(c) organizations having such income. Items of income and expense reported on Form 990–T must also be reported on Form 990 when the organization is required to file both forms.

Line 79.—Liquidation, dissolution, termination, or substantial contraction.—If there was a liquidation, dissolution, termination, or substantial contraction, attach a statement explaining which took place.

For a complete liquidation of a corporation or termination of a trust, write "Final Return" at the top of the organization's Form 990. On the statement you attach, show whether the assets have been distributed and the date. Also attach a certified copy of any resolution, or plan of liquidation or termination, etc., with all amendments or supplements not already filed. In addition, attach a schedule listing: the names and addresses of all persons who received the assets distributed in liquidation or termination, the kinds of assets distributed to each one, and each asset's fair market value.

A substantial contraction is a partial liquidation or other major disposition of assets, except transfers for full consideration or distributions from current income.

A major distribution of assets means any disposition for the tax year that is:

(a) at least 25% of the fair market value of the organization's net assets when the tax year began; or

(b) one of a series of related dispositions begun in earlier years that together add up to at least 25% of the net assets the organization had at the beginning of the tax year when the first disposition in the series was made. Whether a major disposition of assets took place through a series of related dispositions is determined by the facts in each case.

Line 80.—Relation to other organizations.—Answer "Yes" if most of the organization's governing body, officers, trustees, or membership are also officers, directors, trustees, or members of any other organization.

Disregard a coincidental overlap of membership with another organization (that is when membership in one organization is not a condition of membership with another organization). For example, assume that a majority of the members of a section 501(c)(4) civic organization also belong to a local chamber of commerce described in section 501(c)(6). The civic organization should answer "No" on line 80 if it does not require its members to belong to the chamber of commerce.

Also disregard affiliation with any statewide or nationwide organization. Thus, the civic organization in the above example would still answer "No" on line 80 even if it belonged to a State or national federation of similar organizations.

Line 81.—Expenditures for political purposes.—A political expenditure is one intended to influence the selection, nomination, election, or appointment of anyone to a Federal, State, or local public office, or office in a political organization, or the election of Presidential or Vice Presidential electors. Whether the attempt succeeds does not matter.

An expenditure includes a payment, distribution, loan, advance, deposit, or gift of money, or anything of value. It also includes a contract, promise, or, agreement to make an expenditure, whether or not legally enforceable.

Section 501(c) organizations must file Form 1120–POL if their political expenses and their net investment income both exceed $100 for the year.

Section 501(c) organizations that maintained separate segregated funds described in section 527(f)(3) should refer to the instructions for Form 1120–POL for filing requirements.

Line 82—Donated services or facilities.—Since Form 990 is open to public inspection, you may want the return to show contributions the organization received in the form of donated services or the use of materials, equipment or facilities at less than fair rental value. If so, and if the organization's records either show the amount and value of such items or give a clearly objective basis for an estimate, you may enter the information on line 82. IRS does not require any organization to keep such records. Do NOT include the value of such items in Part I or II or in the expense column in Part III. However, you may indicate the value of donated services or use of materials, equipment or facilities in Part III in the narrative description of program services rendered. See the instructions for Part III.

Line 83.—Section 501(c) (5) or (6) organizations.—Attempts to influence the opinion of the general public, or any segment of the general public, on legislative matters or referendums constitute grassroots lobbying. Such lobbying may be explicit as in an advertisement that urges the public to contact legislators for the purpose of proposing, supporting, or opposing legislation. Grassroots lobbying may also be implicit in any advertisement or other communication directed at the public if the communication is an attempt to mold public opinion on a legislative matter or referendum. Any lobbying directed at the members of the organization is not grassroots lobbying. Lobbying directed at "potential" members, employees of members, or stockholders of members would be grassroots lobbying. See section 1.162–20(c) of the Income Tax Regulations for a discussion of grassroots lobbying.

Line 84.—Section 501(c)(7) organizations.—A section 501(c)(7) organization may receive up to 35% of its gross receipts, including investment income, from sources outside its membsership and remain tax exempt. Part of the 35% (up to 15% of gross receipts) may be derived from public use of a social club's facilities.

For this purpose, "gross receipts" are the club's income from its usual activities. The term includes charges, admissions, membership fees, dues, assessments, investment income (such as dividends, rents, and similar receipts), and normal recurring capital gains on investments. Gross receipts do not include initiation fees and capital contributions, or income such as from the club's selling its clubhouse. Although gross receipts usually do not include initiation fees, these should be included for college fraternities or sororities or other organizations that charge membership initiation fees, but no annual dues.

If the 35% and 15% limits do not affect the club's exempt status, include the income from line 84(b) on the club's Form 990–T.

Section 501(i) provides that, for tax years beginning after October 20, 1976, a section 501(c)(7) organization cannot be exempt from income tax if any written policy statement, including the governing instrument and bylaws, provides for discrimination on the basis of race, color, or religion. Public Law 96–601 (enacted December 24, 1980) amended section 501(i) to allow social clubs to retain their exemption under section 501(c)(7) even though their membership is limited (in writing) to members of a particular religion if: (1) the social club is an auxiliary of a fraternal beneficiary society which is exempt under section 501(c)(8); or (2) the social club's membership limitation is a good faith attempt to further the teachings or principles of that religion, and the limitation is not intended to exclude individuals of a particular race or color.

Line 85.—Section 501(c)(12) organizations.—For purposes of section 501(c)(12), the term "gross income" means gross receipts minus cost of goods sold.

For a mutual or cooperative telephone company, "gross income" does not include amounts received or accrued from another telephone company for completing long distance calls to or from or between the telephone company's members.

Line 86.—Public interest law firms.—For a public interest law firm exempt under section 501(c)(3) or 501(c)(4), attach a statement that lists the cases in litigation, or that have been litigated during the year. For each case, describe the matter in dispute and explain how the litigation will benefit the public generally. See Rev. Proc. 71–39, 1971–2 C.B. 575. Also attach a report of all fees sought and recovered. See Rev. Proc. 75–13, 1975–1 C.B. 662, about acceptance of attorney's fees.

Line 87.—List of States.—List each State with which you are filing a copy of this return in full or partial satisfaction of State filing requirements.

U.S. GOVERNMENT PRINTING OFFICE : 1981—O-343-047

Form **990**
Department of the Treasury
Internal Revenue Service

Return of Organization Exempt from Income Tax

Under section 501(c) (except black lung benefit trust or private foundation), of the Internal Revenue Code or section 4947(a)(1) trust

OMB Clearance No. _____
Expires _____

1981

For the calendar year 1981, or fiscal year beginning , 1981, and ending , 19

Use IRS label. Otherwise, please print or type.	Name of organization	A Employer identification number (see instruction L)
	Address (number and street)	B State registration number (see instruction D)
	City or town, State, and ZIP code	C If address changed check here . . ▶ ☐

D Check applicable box—Exempt under section ▶ ☐ 501(c) ( ) (insert number), OR ▶ ☐ section 4947(a)(1) trust

E Accounting method: ☐ Cash ☐ Accrual ☐ Other (specify) ▶

F Section 4947(a)(1) trusts filing this form in lieu of Form 1041, check here ▶ ☐ (see instruction C. 10).

G Is this a group return (see instruction J) filed for affiliates? . . ☐ Yes ☐ No
Is this a separate return filed by a group affiliate? . . . . . ☐ Yes ☐ No
If "Yes" to either, give four-digit group exemption number (GEN) ▶

Note: *If you use a copy of this return to satisfy State reporting requirements, see instruction D.*

☐ Check here if gross receipts are normally not more than $10,000 and do not compete the rest of this return (see instruction B(11)).

☐ Check here if gross receipts are normally more than $10,000 and line 12 is $25,000 or less. Complete Parts I, III, IV, VI, and VII and only the indicated items in Parts II and V (see instruction I). If line 12 is more than $25,000, complete the entire return.

All section 501(c)(3) organizations and 4947(a)(1) trusts must also complete and attach Schedule A (Form 990)

Part I Statement of Support, Revenue, and Expenses and Changes in Fund Balances

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		(A) Total	These columns are optional—see instructions (B) Unrestricted/ Expendable	(C) Restricted/ Nonexpendable
Support and Revenue	1 Contributions, gifts, grants, and similar amounts received:			
	(a) Direct public support			
	(b) Indirect public support			
	(c) Government grants			
	(d) Total (add lines 1(a) through 1(c)) (attach schedule—see instructions)			
	2 Program service revenue (from Part IV, line (f))			
	3 Membership dues and assessments			
	4 Interest on savings and temporary cash investments			
	5 Dividends and interest from securities			
	6 (a) Gross rents			
	(b) Minus: Rental expenses			
	(c) Net rental income (loss)			
	7 Other investment income (Describe ▶)			
	8 (a) Gross amount from sale of assets other than inventory (Securities / Other)			
	(b) Minus: Basis and sales expenses			
	(c) Gain (loss) (attach schedule)			
	9 Special fundraising events and activities (attach schedule—see instructions):			
	(a) Gross revenue (not including $ of contributions reported on line 1(a))			
	(b) Minus: Direct expenses			
	(c) Net income (line 9(a) minus line 9(b))			
	10 (a) Gross sales minus returns and allowances			
	(b) Minus: Cost of goods sold (attach schedule)			
	(c) Gross profit (loss)			
	11 Other revenue (from Part IV, line (g))			
	12 Total revenue (add lines 1(d), 2, 3, 4, 5, 6(c), 7, 8(c), 9(c), 10(c), and 11)			
Expenses	13 Program services (from line 44(B))			
	14 Management and general (from line 44(C))			
	15 Fundraising (from line 44(D))			
	16 Payments to affiliates (attach schedule—see instructions)			
	17 Total expenses (add lines 13, 14, 15, and 16)			
Fund Balances	18 Excess (deficit) for the year (subtract line 17 from line 12)			
	19 Fund balances or net worth at beginning of year			
	20 Other changes in fund balances or net worth (attach explanation)			
	21 Fund balances or net worth at end of year (add lines 18, 19, and 20)			

Part II Statement of Functional Expenses

If line 12, Part I is $25,000 or less, you should complete only column (A). If line 12 is more than $25,000, complete columns (A), (B), (C), and (D).

Do not include amounts reported on line 6(b), 8(b), 9(b), 10(b), or 16 of Part I.	(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
Expenses				
22 Grants and allocations (attach schedule)				
23 Specific assistance to individuals				
24 Benefits paid to or for members				
25 Compensation of officers, directors, etc.				
26 Other salaries and wages				
27 Pension plan contributions				
28 Other employee benefits				
29 Payroll taxes				
30 Professional fundraising fees				
31 Accounting fees				
32 Legal fees				
33 Supplies				
34 Telephone				
35 Postage and shipping				
36 Occupancy				
37 Equipment rental and maintenance				
38 Printing and publications				
39 Travel				
40 Conferences, conventions and meetings				
41 Interest				
42 Depreciation, depletion, etc. (attach schedule)				
43 Other expenses (itemize):				
44 Total functional expenses (add lines 22 through 43)				

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Part III Statement of Program Services Rendered

Describe each significant program service activity and indicate the total expenses attributable to each. Include relevant statistical information, such as the number of clients, patients, students, or members served. Also indicate the amount of grants and allocations that are included in the total expenses reported for that program.	Expenses
(a)	
(b)	
(c)	
(d)	
(e) Other program service activities (attach schedule)	
(f) Total (add lines (a) through (e)) (should equal line 44(B))	

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Part IV Program Service Revenue and Other Revenue (State Nature)

	Program service revenue	Other revenue
(a) Fees from government agencies		
(b)		
(c)		
(d)		
(e)		
(f) Total program service revenue (Enter here and on line 2)		
(g) Total other revenue (Enter here and on line 11)		

Part V Balance Sheets If line 12, Part I and line 59 are $25,000 or less you should complete only lines 59, 66, and 74 and, if you do not use fund accounting, line 73. If line 12 or line 59 is more than $25,000, complete the entire balance sheet.

Note: *Columns (C) and (D) are optional. Columns (A) and (B) must be completed to the extent applicable.*	(A) Beginning of year	End of year (B) Total	(C) Unrestricted/ Expendable	(D) Restricted/ Nonexpendable
Assets				
45 Cash—Non-interest bearing				
46 Savings and temporary cash investments				
47 Accounts receivable ▶ _____ minus allowance for doubtful accounts ▶ _____				
48 Pledges receivable ▶ _____ minus allowance for doubtful accounts ▶ _____				
49 Grants receivable				
50 Receivables due from officers, directors, trustees and key employees (attach schedule)				
51 Other notes and loans receivable ▶ _____ minus allowance for doubtful accounts ▶ _____				
52 Inventories for sale or use				
53 Prepaid expenses and deferred charges				
54 Investments—Securities (attach schedule)				
55 Investments—land, buildings and equipment: basis ▶ _____ minus accumulated depreciation ▶ _____ (attach schedule				
56 Investments—other (attach schedule)				
57 Land, buildings and equipment: basis ▶ _____ minus accumulated depreciation ▶ _____ (attach schedule				
58 Other assets: _____				
59 Total assets (add lines 45 through 58)				
Liabilities				
60 Accounts payable and accrued expenses				
61 Grants payable				
62 Support and revenue designated for future periods (attach sched.)				
63 Loans from officers, directors, trustees and key employees (attach schedule)				
64 Mortgages and other notes payable (attach schedule)				
65 Other liabilities: _____				
66 Total liabilities (add lines 60 through 65)				
Fund Balances and Net Worth				
Organizations that use fund accounting, check here ▶ ☐ and complete lines 67 through 70 and lines 74 and 75.				
67 Current funds				
68 Land, buildings and equipment fund				
69 Endowment fund				
70 Other funds (Describe ▶ _____)				
Organizations that do not use fund accounting, check here ▶ ☐ and complete lines 71 through 75.				
71 Capital stock or trust principal				
72 Paid-in or capital surplus				
73 Retained earnings or accumulated income				
74 Total fund balances or net worth (see instructions)				
75 Total liabilities and fund balances/net worth (see instructions)				

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Part VI List of Officers, Directors, and Trustees (See Instructions)

(A) Name and address	(B) Title and time spent on position	(C) Compensation (if any)	(D) Contributions to employee benefit plans	(E) Expense account and other allowances

Part VII Other Information

	Yes	No
76 Has the organization engaged in any activities not previously reported to the Internal Revenue Service? If "Yes," attach a detailed description of the activities.		
77 Have any changes been made in the organizing or governing documents, but not reported to IRS? If "Yes," attach a conformed copy of the changes.		
78 (a) Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return?		
(b) If "Yes," have you filed a tax return on Form 990–T, Exempt Organization Business Income Tax Return, for this year?		
(c) If the organization has gross sales or receipts from business activities not reported on Form 990–T, attach a statement explaining your reason for not reporting them on Form 990–T.		
79 Was there a liquidation, dissolution, termination, or substantial contraction during the year (see instructions)? If "Yes," attach a statement as described in the instructions.		
80 Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization (see instructions)? If "Yes," enter the name of organization ▶ ..... and check whether it is ☐ exempt OR ☐ nonexempt.		
81 (a) Enter amount of political expenditures, direct or indirect, as described in the instructions ▶		
(b) Did you file Form 1120–POL, U.S. Income Tax Return of Certain Political Organizations, for this year?		
82 Did your organization receive donated services or the use of materials, equipment or facilities at no charge or at substantially less than fair rental value? If "Yes," you may indicate the value of these items here. Do not include this amount as support in Part I or as an expense in Part II. See instructions for reporting in Part III ▶		
83 *Section 501(c)(5) or (6) organizations.*—Did the organization spend any amounts in an attempt to influence public opinion about legislative matters or referendums (see instructions and Regulations section 1.162–20(c))? If "Yes," enter the total amount spent for this purpose ▶		
84 *Section 501(c)(7) organizations.*—Enter amount of:		
(a) Initiation fees and capital contributions included on line 12 ▶		
(b) Gross receipts, included in line 12, for public use of club facilities (see instructions) ▶		
(c) Does the club's governing instrument or any written policy statement provide for discrimination against any person because of race, color, or religion (see instructions)?		
85 *Section 501(c)(12) organizations.*—Enter amount of:		
(a) Gross income received from members or shareholders ▶		
(b) Gross income received from other sources (do not net amounts due or paid to other sources against amounts due or received from them) ▶		
86 *Public interest law firms.*—Attach information described in instructions.		
87 List the States with which a copy of this return is filed ▶		
88 The books are in care of ▶ ..... Telephone No. ▶ ..... Located at ▶		

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Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

▶ Signature of officer Date ▶ Title

Paid Preparer's Use Only

Preparer's signature and date ▶

Firm's name (or yours, if self-employed) and address ▶ Check if self-employed ▶ ☐

ZIP code ▶

☆ U.S. GOVERNMENT PRINTING OFFICE : 1981—O-343-046

343-046-1

[FR Doc. 81-13195 Filed 4-30-81; 8:45 am]

BILLING CODE 4830-01-C

VETERANS ADMINISTRATION

New Department of Veterans Benefits Office Building, VAM&ROC, Togus, Maine; Finding of No Significant Environmental Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the New Department of Veterans Benefits (DVB) Office Building at the Veterans Administration Medical and Regional Office Center (VAM&ROC), Togus, Maine.

The proposed project involves the construction of a two story (plus full basement) DVB Office Building of approximately 35,000 gross square feet (11,600 gsf per level).

The preferred location for this DVB Office Building is the open lawn area directly between building nos. 203 and 205. In this location, the project will include in its design the integration of a replacement corridor currently connecting building nos. 203 and 204.

Three alternative sites were examined prior to final selection:

(1) Site One is the open lawn area between building nos. 203 and 205 (preferred).

(2) Site Two is an area of the existing employee parking lot, southeast of building no. 205.

(3) Site Three is an open lawn area southeast of building no. 207, currently used for patient recreation.

Impacts associated with this project occur primarily as a result of the intrusion of new architecture into the historically significant environment of Quarters No. One, a National Historic Landmark.

The construction of the new DVB Office Building will, however, screen an existing section of connecting corridor which currently constitutes a serious visual impact to the VAMC's historic integrity.

Other impacts are of a temporary nature associated with the construction phase of the project. These involve minor effects to air quality, noise, geology/soils, solid waste and required utility relocations.

Means to mitigate the project's impacts on the environment involve mainly the sensitive design of the DVB Office Building. By employing sympathetic forms, massing, scale and balance, etc., in the design, long term impacts will be minimized. Final design must be reviewed by the State Historic Preservation Officer and the Advisory Council for Historic Preservation.

Mitigation of construction related impacts include air quality controls, (dust palliatives, construction enclosure, etc.), noise abatement through the use of mufflers and exhaust silencers on equipment, silencing hoods, temporary sediment traps, and soil stabilization. Temporary utility service disruption impacts can be minimized with temporary by-passes and with service shut-downs timed to non-peak-load demand hours during evenings and weekends.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: April 23, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-13209 Filed 4-30-81; 8:45 am]

BILLING CODE 8320-01-M

Geriatrics and Gerontology Advisory Committee; Meeting

The Veterans Administration gives notice under Pub. L. 96–330 that a meeting of the Geriatrics and Gerontology Advisory Committee will be held in Room 817 at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, D.C. on May 21 and 22, 1981. The purpose of the Geriatrics and Gerontology Advisory Committee is to advise the Administrator and the Chief Medical Director relative to the care and treatment of the aging veterans, and to evaluate the Geriatric Research Education and Clinical Centers established by the Department of Medicine and Surgery of the Veterans Administration.

The sessions will convene at 8:30 a.m. both days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Pryor, Executive Secretary, Geriatric and Gerontology Advisory Committee, Veterans Administration Central Office (phone 202–389–2298) prior to May 11, 1981.

Dated: April 27, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-13210 Filed 4-30-81; 8:45 a.m.]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on June 17, 1981, at 9:00 a.m., the Little Rock Regional Office Station Committee on Educational Allowances shall at Room 201, Veterans Administration Regional Office, 1200 West Third Street, Little Rock, Arkansas 72201, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Shorter College, 604 Locust, North Little Rock, Arkansas 72114, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 24, 1981.

Bobby L. Moore,

Acting Director, VA Regional Office, 1200 West Third Street, Little Rock, AR 72201.

[FR Doc. 81-13211 Filed 4-30-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 84
Friday, May 1, 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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	Items
Civil Aeronautics Board	1, 2
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Federal Reserve System (Board of Governors)	5

1

[M-314, Amdt. 1]

CIVIL AERONAUTICS BOARD.

Addition of Item

April 27, 1981.

TIME AND DATE: 9:30 a.m., April 30, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 3a. Dockets 36767, 39187, *Miami/New Orleans-San Jose, Costa Rica Case,* Application of Eastern Air Lines, Inc. for an extension of exemption to postpone inauguration of service. (OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-683-81 Filed 4-28-81; 4:29 pm]

BILLING CODE 6320-01-M

2

[M-314, Amdt. 2]

CIVIL AERONAUTICS BOARD.

Deletion of Item

April 28, 1981.

TIME AND DATE: 9:30 a.m., April 30, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 5. Docket EAS–349, Essential Air Transportation Determination of Crescent City, California (Memo 133–A, BDA, OCCR, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-684-81 Filed 4-28-81; 4:29 pm]

BILLING CODE 6320-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, May 5, 1981.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, DC 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1. Freedom of Information Act Appeal No. 81–2–FOIA–9–PX, concerning a request for internal deliberative memoranda and the name of charging party.
2. Freedom of Information Act Appeal No. 81–1–FOIA–10–HQ, concerning a request for sections 3 and 4 of the Systemic Training Manual and other internal records.
3. Freedom of Information Act Appeal No. 81–2–FOIA–6–BI, concerning a request for materials pertaining to a fact finding conference held in a charge filed with the Birmingham District Office.
4. A report on Commission operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization; General Counsel Recommendations.
2. Freedom of Information Act Appeal No. 81–2–FOIA–53.
3. A Proposed Consent decree.
4. Request for Authorization to seek bids for a contract in a litigation case.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued April 29, 1981.

[S-687-81 Filed 4-29-81; 3:52 pm]

BILLING CODE 6750-06-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 23649, April 28, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 29, 1981.

CHANGE IN THE MEETING: The following item is being added:

Item No., Docket No., and Company

CP–6. CP78–391, Great Plains Gasification Associates, successor to ANR Gasification Properties Company and PGC Coal Gasification Company Docket Nos. CP75–278 and CP77–556, Columbia Gas Transmission Corporation, Michigan Wisconsin Pipe Line Company, Natural Gas Pipeline Company of America, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Transcontinental Gas Pipe Line Corporation.

Lois D. Cashell,
Acting Secretary.

[S-685-81 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

5

FEDERAL RESERVE SYSTEM.

Board of Governors.

TIME AND DATE: 10 a.m., Wednesday, May 6, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Regulatory review of the margin credit regulations.
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: April 28, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-686-81 Filed 4-29-81; 2:30 pm]

BILLING CODE 6210-01-M

federal register

Friday
May 1, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Iowa: IA81-4021	Apr. 19, 1981.
Louisiana: LA81-4002	Jan. 6, 1981.
New York:	
NY80-3023	Apr. 11, 1980.
NY81-3024	Apr. 3, 1980.
North Dakota: ND80-5132	Oct. 10, 1980.
Oregon: OR80-5145	Nov. 21, 1980.
Rhode Island: RI80-2054	July 18, 1980.
Texas:	
TX80-4018	Mar. 14, 1980.
TX80-4077	Oct. 10, 1980.
TX80-4088	Nov. 7, 1980.
TX80-4098	Dec. 5, 1980.
TX80-4099	Do.
TX81-4005	Jan. 6, 1981.
TX81-4006	Do.
TX81-4015	Apr. 3, 1981.
TX81-4016	Do.
Utah: UT80-5148	Dec. 12, 1980.
Washington: WA81-5107	Apr. 3, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decision being superseded.

California: CA80-5135 (CA81-5113)	Oct. 3, 1980.
Florida:	
FL81-1167 (FL81-1213)	Jan. 6, 1981
FL81-1166 (FL81-1215)	Do.
FL81-1168 (FL81-1217)	Do.
FL81-1166 (FL81-1218)	Do.
FL81-1169 (FL81-1219)	Do.
FL80-1034 (FL81-1220)	Jan. 16, 1980.
FL78-1051 (FL81-1221)	May 26, 1978.
Georgia: GA80-1055 (GA81-1222)	Feb. 8, 1980.
Louisiana:	
LA80-4084 (LA81-4024)	Nov. 7, 1980.
LA80-4089 (LA81-4027)	Do.
Nevada: NV80-5100 (NV81-5111)	Feb. 1, 1980.
New York: NY80-3009 (NY81-3030)	Feb. 29, 1980.
Ohio: OH80-2044 (OH81-2020)	July 7, 1980.
Tennessee:	
TN80-1067 (TN81-1202)	Apr. 25, 1980.
TN80-1078 (TN81-1203)	June 13, 1980.

Texas: TX80-4066 (TX81-4029) ..... Nov. 7, 1980.
Utah: UT79-5138 (UT81-5112) ..... Dec. 14, 1979.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. This 24th day of April 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION #IA81-4021 MOD. 41

46 FR 21560 - April 19, 1981
STATEWIDE (Except Scott, County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Black Hawk, Linn, and Polk Counties; and the cities of Ames, Dubuque, and Iowa City:					
LABORERS:					
Group 1	$ 9.76	.50	.50		.05
Group 2	9.46	.50	.50		.05
Group 3	9.26	.50	.50		.05

DECISION NO. LA81-4002 - MOD. #4
(46 FR 1520 - January 6, 1981)
Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles Pars., Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers & stonemasons:					
Zone 1	$14.55	.68	1.00		.05
Zone 2	13.45	.75	.535		.10
Plumbers & pipefitters:					
Zone 2	12.69	.80	1.10	1.00	.09

DECISION NO. ND80-5132 - Mod #6
(45 FR 67525 - Oct. 10, 1980)
Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Traill, Walsh, and Ward Counties, North Dakota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers; Stonemasons:					
Area 4	$12.20		.30		
Sprinkler Fitters	14.81	.95	1.40		.06

DECISION NO. NY80-3023 - Mod.#5
(45 FR 25010 - April 11, 1980)
Westchester County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
PAINTERS					
Brush	11.65	.70	1.33	.50	
Spray	12.65	.70	1.33	.50	
Tapers	12.45	.70	1.33	.50	
Steel, Swing Stage & Boatswain Chair	13.31 3/7	.70	1.33	.50	
POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION					
GROUP I-A	16.8525	6%+1.20	10%	a	2%
GROUP I-B	15.535	6%+1.20	10%	a	2%
GROUP II	15.94	6%+1.20	10%	a	2%
GROUP III-A	15.7975	6%+1.20	10%	a	2%
GROUP III-B	14.4775	6%+1.20	10%	a	2%
GROUP IV-A	15.515	6%+1.20	10%	a	2%
GROUP IV-B	14.335	6%+1.20	10%	a	2%
GROUP V-A	14.5125	6%+1.20	10%	a	2%
GROUP V-B	13.1925	6%+1.20	10%	a	2%
GROUP VI-A-1	18.22	6%+1.20	10%	a	2%
GROUP VI-A-2	17.3675	6%+1.20	10%	a	2%
GROUP VI-A-3	16.3675	6%+1.20	10%	a	2%
GROUP VI-A-4	17.0825	6%+1.20	10%	a	2%
GROUP VI-A-5	21.0825	6%+1.20	10%	a	2%
GROUP VI-A-6	14.5125	6%+1.20	10%	a	2%
GROUP VI-A-7	20.7975	6%+1.20	10%	a	2%
GROUP VI-B-1	12.2125	6%+1.20	10%	a	2%
GROUP VI-B-2	13.1925	6%+1.20	10%	a	2%
GROUP VI-B-3	12.2275	6%+1.20	10%	a	2%
GROUP VI-B-4	15.41	6%+1.20	10%	a	2%
GROUP VII	16.855	6%+1.20	10%	a	2%
POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY					
GROUP I-A	14.25	6%+a	9½%	b	2%
GROUP I-B	13.275	6%+a	9½%	b	2%
GROUP II-A	13.45	6%+a	9½%	b	2%
GROUP III-A	13.325	6%+a	9½%	b	2%
GROUP III-B	12.35	6%+a	9½%	b	2%
GROUP IV-A	13.20	6%+a	9½%	b	2%
GROUP IV-B	12.225	6%+a	9½%	b	2%
GROUP V-A	12.20	6%+a	9½%	b	2%
GROUP V-B	11.225	6%+a	9½%	b	2%

DECISION NO. NYS0-3023 - Mod. #5 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY (Cont'd)					
GROUP VI-A					
CLASS I	15.45	6%+a	9½%	b	2%
CLASS II	14.70	6%+a	9½%	b	2%
CLASS III	17.70	6%+a	9½%	b	2%
CLASS IV	14.45	6%+a	9½%	b	2%
CLASS V	17.95	6%+a	9½%	b	2%
CLASS VI	12.20	6%+a	9½%	b	2%
CLASS VII	13.2875	6%+a	9½%	b	2%
GROUP VI -B					
Miscellaneous					
CLASS I	11.225	6%+a	9½%	b	2%
CLASS II	10.40	6%+a	9½%	b	2%

DECISION NO. NY81-3024 - Mod. #1
(46 FR 20442 - April 3, 1981)
Bronx, Kings, Queens, New York, & Richmond Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
LABORERS					
Mason Tenders	11.35	.987	1.595		

DECISION NO. OR80-5145 - Mod #7
(45 FR 77321 - Nov 21, 1980)
Statewide Oregon

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Sprinkler Fitters	$16.44	.95	1.40		.08

DECISION NO. RI80-2054 - Mod. #4
(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:					
MARBLE SETTERS, Terrazzo Workers, & Tile Setters	11.50	1.10	1.15		.02
BRICKLAYERS, Stonemasons Cities, towns or townships of Charlestown, Hopkinton, Peace Dale, Richmond, South Kingstown, Wakefield & Westerly	12.30	1.25	1.35		.02
HEAVY & HIGHWAY CONSTRUCTION:					
BRICKLAYERS, Stonemanson, Catch basins, Manhole Builders	12.25	1.25	1.35		.02
CEMENT MASONS	9.85	.50	.35		
POWER EQUIPMENT OPERATORS:					
WATER & SEWER LINE PROJECTS, HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION PROJECTS					
CLASS 1	13.845	.95	1.30		.15
CLASS 2	12.995	.95	1.30		.15
CLASS 3	12.375	.95	1.30		.15
CLASS 4	9.625	.95	1.30		.15
CLASS 5	12.325	.95	1.30		.15
CLASS 6	12.825	.95	1.30		.15
CLASS 7	12.445	.95	1.30		.15
CLASS 8	12.425	.95	1.30		.15
CLASS 9	11.075	.95	1.30		.15
CLASS 10	10.445	.95	1.30		.15
CLASS 11	11.425	.95	1.30		.15
CLASS 12	11.225	.95	1.30		.15
CLASS 13	11.895	.95	1.30		.15
CLASS 14	11.625	.95	1.30		.15
CLASS 15	12.725	.95	1.30		.15

DECISION NO. RI80-2054 - Mod. #4 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY & HIGHWAY CONSTRUCTION:					
TRUCK DRIVERS					
CLASS I	9.97	1.0925	1.20	a+b	
CLASS II	10.12	1.0925	1.20	a+b	
CLASS III	10.17	1.0925	1.20	a+b	
CLASS IV	10.27	1.0925	1.20	a+b	
CLASS V	10.37	1.0925	1.20	a+b	
CLASS VI	10.62	1.0925	1.20	a+b	
CLASS VII	10.87	1.0925	1.20	a+b	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4018 - MOD. #8 (45 FR 16828 - March 14, 1980) Cameron, Hidalgo, Starr & Willacy Cos., Texas					
CHANGE: Sprinkler fitters	$14.68	.95	1.40		.08
DECISION NO. TX80-4077 - MOD. #7 (45 FR 67538 - October 10, 1980) Galveston & Harris Cos., Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX80-4088 - MOD. #4 (45 FR 74364 - November 7, 1980) Harrison County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX80-4098 - MOD. #2 (45 FR 80643 - December 5, 1980) Bowie County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4099 - MOD. #6 (45 FR 80640 - December 5, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE: Building Construction: Sprinkler fitters	$14.68	.95	1.40		.08
DECISION NO. TX81-4005 - MOD. #6 (46 FR 1545 - January 6, 1981) Bexar County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX81-4008 - MOD. #2 (46 FR 1550 - January 6, 1981) Smith County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX81-4015 - MOD. #1 (46 FR 20448 - April 3, 1981) Jefferson & Orange Cos., Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX81-4016 - MOD. #1 (46 FR 20450 - April 3, 1981) Travis County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08

DECISION NO. UT80-5148 - Mod. #5
(45 FR 81991-December 12, 1980)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers	$12.50	.70	.62		.10
Line Construction Workers:					
Groundman	10.83	.45	3%+.50		1/4%
Line Equipment Serviceman	12.98	.45	3%+.50		1/4%
Line Equipment Mechanic:					
Base Shop	12.98	.45	3%+.50		1/4%
Right of way	13.88	.45	3%+.50		1/4%
Line Equipment Operators	13.20	.45	3%+.50		1/4%
Lineman	14.67	.45	3%+.50		1/4%
Cable Splicers	16.17	.45	3%+.50		1/4%
Sprinkler Fitters	14.09	.95	1.40		.08
Power Equipment Operators: Steel Erection					
Group 1	$12.70	$1.28	$1.90	$1.00	.14
Group 2	13.15	1.28	1.90	1.00	.14
Group 3	14.38	1.28	1.90	1.00	.14
Group 4	14.55	1.28	1.90	1.00	.14
Group 4-A	14.92	1.28	1.90	1.00	.14
Group 5	15.52	1.28	1.90	1.00	.14
Group 6	16.04	1.28	1.90	1.00	.14
Group 6-A	16.75	1.28	1.90	1.00	.14
Group 7	18.01	1.28	1.90	1.00	.14
Piledriving					
Group 1	12.15	1.28	1.90	1.00	.14
Group 1-A	12.54	1.28	1.90	1.00	.14
Group 1-B	12.79	1.28	1.90	1.00	.14
Group 2-A	12.79	1.28	1.90	1.00	.14
Group 2-B	13.69	1.28	1.90	1.00	.14
Group 3	14.05	1.28	1.90	1.00	.14
Group 3-A	14.57	1.28	1.90	1.00	.14
Group 4	15.23	1.28	1.90	1.00	.14
Group 5	15.44	1.28	1.90	1.00	.14
Group 6	16.81	1.28	1.90	1.00	.14

DECISION NO. WA81-3107 - Mod #3
(46 FR 20452 - April 3, 1981)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change Mod #1 dated April 24, 1981, to read "Mod #2"					
CHANGE:					
Bricklayers; Marble Setters: Area 1	$16.68	1.05	2.00		.05
Sprinkler Fitters: Area 2	16.44	.95	1.40		.08

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura

DECISION NUMBER: CA81-5113

DATE: Date of Publication

Supersedes Decision No. CA80-5135 dated October 3, 1980, in 45 FR 65887

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$18.74	$1.30	$1.45		.07
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Area 1	16.09	1.13	1.34		.12
Area 2	15.74	1.15	2.21		.10
Area 3	15.45	1.15	1.65		.07
Area 4	15.25	1.15	2.20		.05
Area 5	15.89	1.50	2.35		.10
Area 6	15.47	1.45	2.00		.06
BRICK TENDERS	11.23	1.25	2.90	1.00	.12
CARPENTERS:*					
Area 1:					
Carpenters	15.81	1.63	2.21	1.00	.10
Saw Filers	15.89	1.63	2.21	1.00	.10
Table Power Saw Operators	15.91	1.63	2.21	1.00	.10
Shinglers, Piledrivermen, Bridge or Dock Carpenters	15.94	1.63	2.21	1.00	.10
Hardwood Floorlayers	16.01	1.63	2.21	1.00	.10
Penumatic Nailers	16.06	1.63	2.21	1.00	.10
Millwrights	16.31	1.63	2.21	1.00	.10
Area 2:					
Carpenters	13.81	1.63	2.21	1.00	.10
Saw Filers	13.89	1.63	2.21	1.00	.10
Table Power Saw Operators	13.91	1.63	2.21	1.00	.10
Shinglers; Piledrivermen, Bridge or Dock Carpenters	13.94	1.63	2.21	1.00	.10
Hardwood Floorlayers	14.01	1.63	2.21	1.00	.10
Pneumatic Nailers	14.06	1.63	2.21	1.00	.10
Millwrights	14.31	1.63	2.21	1.00	.10
CEMENT MASONS:*					
Area 1:					
Cement Masons	15.54	1.30	1.85	1.25	.10
Cement Floating and Troweling Machine Operators	15.79	1.30	1.85	1.25	.10

*See AREA DESCRIPTIONS - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Area 2:					
Cement Masons	$13.89	$1.30	$1.85	$1.25	.10
Cement Floating and Troweling Machine Operators	14.14	1.30	1.85	1.25	.10
DRYWALL INSTALLERS:*					
Area 1	16.63	1.63	2.21	1.40	.18
Area 2	14.63	1.63	2.21	1.40	.18
DIVERS:*					
Diver, wet	32.88	1.63	2.21	1.00	.10
Diver, stand-by	16.44	1.63	2.21	1.00	.10
Diver, tender	15.44	1.63	2.21	1.00	.10
ELECTRICIANS:*					
Area 1:					
Electricians	15.98	.75	3%+1.71		.09
Cable Splicers	16.28	.75	3%+1.71		.09
Area 2:					
Electricians; Technicians	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15
Area 3:					
Electricians; Technicians	15.67	1.15	3%+2.70		.12
Cable Splicers	15.97	1.15	3%+2.70		.12
Area 4:					
Electricians	18.09	.81	3%+1.45		.02
Cable Splicers	18.92	.81	3%+1.45		.02
Area 5:					
Electricians	16.41	.85	3%+2.60		.04
Cable Splicers	16.91	.85	3%+2.60		.04
Area 6:					
Electricians	14.90	1.21	3%+2.90		.04
Cable Splicers	15.40	1.21	3%+2.90		.04
Area 7:					
Electricians	18.18	1.23	3%+1.50		
Cable Splicers	20.00	1.23	3%+1.50		
Area 8:					
Electricians	18.05	1.30	3%+1.50		.03
Cable Splicers	19.55	1.30	3%+1.50		.03
Area 9:					
Electricians	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02

*See AREA Descriptions - Page 3

AREA DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Los Angeles and Orange Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Santa Barbara and San Luis Obispo Counties
Area 6: Ventura County

CARPENTERS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenbrug Air Force Base
Area 2: Remaining Counties

CEMENT MASONS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

DRYWALL INSTALLERS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

DIVERS:*
Shall receive a minimum of 8 hours pay for any day or part thereof.

ELECTRICIANS:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Los Angeles County
Area 4: Orange County
Area 5: Riverside County
Area 6: Inyo, Mono, and San Bernardino Counties
Area 7: San Luis Obispo County
Area 8: Santa Barbara (Remainder of County)
Area 9: Ventura County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 10:					
Electricians	$20.80	$1.30	3%+1.50		.03
Cable Splicers	22.30	1.30	3%+1.50		.03
Area 11:					
Electricians	22.05	1.10	3%+2.15		.15
Cable Splicers	24.26	1.10	3%+2.15		.15
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator Constructors	15.41	1.045	.82	a	.035
Helpers	70%JR	1.045	.82	a	.035
Probationary Helpers	50%JR				
Area 2:					
Elevator Constructors	16.37	.895	.82	a	.035
Helpers	70%JR	.895	.82	a	.035
Probationary Helpers	50%JR				
GLAZIERS:*					
Area 1	14.18	1.10	3.00		.07
IRONWORKERS:*					
Fence Erectors	13.46	1.39	3.11	2.15	.07
Structural, Ornamental, Reinforcing	14.35	1.39	3.11	2.15	.07
IRRIGATION and LAWN SPRINKLERS	11.12	10%	16%	13%	1½%
LATHERS:*					
Area 1	12.58	1.15	1.85	.90	.05
Area 2	14.00	1.26	1.99		.03
Area 3	15.63	1.63	2.21	1.00	.10
Area 4	13.60	.95	1.70	1.00	.03
Area 5	14.11	.90	1.41	1.03	.01
LINE CONSTRUCTION:*					
Area 1:					
Groundman	12.40	.75	3%+1.60		
Lineman	16.13	.75	3%+1.60		
Cable Splicers	16.41	.75	3%+1.60		
Area 2:					
Groundman	13.73	1.10	3%+2.15		.15
Lineman	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15

*See AREA Descriptins - Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:* (Cont'd)					
Area 3:					
Groundman	$14.73	.81	3%+1.45		.02
Lineman; Equipment Operators	18.09	.81	3%+1.45		.02
Cable Splicers	18.92	.81	3%+1.45		.02
Area 4:					
Groundman	9.86	1.25	3%+1.95		
Lineman	13.14	1.25	3%+1.95		
Cable Splicers	13.44	1.25	3%+1.95		
Area 5:					
Groundman	9.41	1.11	3%+2.00		.04
Lineman	12.71	1.11	3%+2.00		.04
Cable Splicers	13.44	1.11	3%+2.00		.04
Area 6:					
Groundman	12.32	.85	3%+2.60		.04
Lineman; Equipment Operator	16.43	.85	3%+2.60		.04
Cable Splicers	16.93	.85	3%+2.60		.04
Area 7:					
Groundman	13.64	1.23	3%+1.50		.03
Lineman; Equipment Operators	18.18	1.23	3%+1.50		.03
Cable Splicers	20.00	1.23	3%+1.50		.03
Area 8:					
Groundman	17.69	1.20	3%+2.25		.02
Lineman; Equipment Operators	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02
Area 9:					
Groundman	16.44	1.30	3%+1.50		.03
Lineman; Equipment Operators	21.00	1.30	3%+1.50		.03
Cable Splicers	22.80	1.30	3%+1.50		.03
Area 10:					
Groundman	16.54	1.10	3%+2.15		.15
Lineman	22.05	1.10	3%+2.15		.15
Cable Splicer	24.26	1.10	3%+2.15		.15
Area 11:					
Groundman	13.69	1.30	3%+1.50		.03
Lineman; Equipment Operators	18.25	1.30	3%+1.50		.03
Cable Splicers	19.75	1.30	3%+1.50		.03

*See AREA Descriptions - Page 6

AREA DESCRIPTIONS: (Cont'd)

ELECTRICIANS: (Cont'd)
Area 10: Point Arguello and Vandenberg Air Force Base
Area 11: China Lake Naval Ordnance Test Station and Edwards Air Force Base

ELEVATOR CONSTRUCTORS:
Area 1: Imperial and Inyo Counties; Kern County (south of Tehachapi Range); Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Kern County (north of Tehachapi Range)

GLAZIERS:

Area 1: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties

IRONWORKERS:
Where the project is located 35 miles or more from the City Halls indicated below, the following amount shall be added to the base rate:

35 miles to 50 miles - $9.00 per day
50 miles to 60 miles - $14.00 per day
60 miles to 100 miles - $17.00 per day
100 miles and over - $23.00 per day

City Hall of San Francisco, Oakland, San Jose, Sacramento, Stockton, Fresno, Bakersfield, Eureka, Redding, Napa, Los Angeles, San Diego, San Bernardino, Ventura, and El Centro

LATHERS:
Area 1: Inyo, Kern, and Mono Counties
Area 2: Los Angeles County (except City of Lancaster)
Area 3: Ventura County
Area 4: Orange County
Area 5: Riverside County

LINE CONSTRUCTION:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Orange County
Area 4: Los Angeles County
Area 5: Inyo, Mono, and San Bernardino Counties
Area 6: Riverside County
Area 7: San Luis Obispo County
Area 8: Ventura County
Area 9: Point Arguello and Vandenberg Air Force Base
Area 10: China Lake Naval Ordnance Test Station and Edwards Air Force Base
Area 11: Santa Barbara (Remainder of County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:*					
Area 1	$12.42	$1.50	$1.62	$1.18	
Area 2	13.54	.81	1.17		.08
MARBLE FINISHERS:*					
Area 1	9.44	.81	1.17		.08
PAINTERS:*					
Area 1:					
Brush; Painter Burners	15.06	1.23	1.53	.75	.07
Paperhangers	15.56	1.23	1.53	.75	.07
Sandblaster; Iron, steel and Bridge (Swing Stage)	16.06	1.23	1.53	.75	.07
Sheet Rock Tapers	16.06	1.23	1.53	.75	.07
Brush (Swing Stage); Spray	15.30	1.23	1.53	.74	.07
Steeplejack	16.71	1.23	1.53	.75	.07
Area 2:					
Brush	14.31	1.29	1.33	.75	.10
Brush Painter, Structural Steel, Paint Burner	14.43	1.29	1.33	.75	.10
Swing Stage, under 13 stories; Sandblaster; Pressure Roller Operator; Paperhanger	14.56	1.29	1.33	.75	.10
Swing Stage, over 13 stories	14.68	1.29	1.33	.75	.10
Paste Machine Operator	14.81	1.29	1.33	.75	.10
Spray Painter; Steeplejack	15.56	1.29	1.33	.75	.10
Area 3:					
Brush	11.53	.80	1.00		.03
Brush or Roller (swing stage); Paperhangers; Tapers (sheet rock)	11.78	.80	1.00	1.10	.03
Spray; Sandblaster	12.28	.80	1.00	1.10	.03
Steeplejack	13.03	.80	1.00	1.10	.03
Area 4:					
Brush, Pot Tender Paperhangers, Paste Machine Operators; Iron and Steel	14.98	1.25	1.83		.03
Spray, Taper; Sandblaster	15.23	1.25	1.83		.03
Steeplejack	15.48	1.25	1.83		.03
	15.98	1.25	1.83		.03

*See AREA Descriptions - Page 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Parking Lot Striping Work and/or Highway Markers:					
Striper	$10.83	.85	.55	b	
Traffic Delineating Device Applicator	11.22	.85	.55	b	
Wheel Stop Installer, Traffic Surface Sandblaster	10.83	.85	.55	b	
Slurry Seal Operation:					
Mixer Operator	10.83	.85	.55	b	
Squeegee Man	9.64	.85	.55	b	
Applicator Operator	9.64	.85	.55	b	
Shuttleman	9.64	.85	.55	b	
Top Man	8.10	.85	.55	b	
PLASTERERS:*					
Area 1	16.495	1.08	1.85		.12
Area 2	19.70				
Area 3	18.28				
Area 4	16.15	1.25	2.00		
Area 5	16.73	1.30	3.00		
Area 6	16.955	1.00	1.30		.02
Area 7	12.77	1.15	1.65	1.00	.06
PLASTERERS' TENDERS:*					
Area 1	13.77	1.25	2.90	1.40	
Area 2	11.25	1.25	2.90	1.20	
Area 3	13.625	1.25	2.90	1.20	
Area 4	12.48	1.25	2.90	1.20	
Area 5	13.83	1.25	2.90	1.20	
Area 6	15.73	1.25	2.90	1.20	
Area 7	14.25	1.25	2.90	1.20	
PLUMBERS; Steamfitters:*					
Area 1	15.25	10%	16%	13%	3/4%
Area 2	15.88	1.05	2.25	1.45	.17
Area 3	20.88	1.05	2.25	1.45	.17
Area 4	16.75	10%	16%	13%	3/4%
REFRIGERATION and AIR CONDITIONING:*					
Area 1	10.70	.96	.85	1.00	.05
Area 2	13.82	2.00	2.00	1.52	.30

*See AREA Descriptions - Page 9

AREA DESCRIPTIONS: (Cont'd)

MARBLE SETTERS:
Area 1: Inyo and Mono Counties
Area 2: Imperial County

MARBLE FINISHERS:
Area 1: Imperial County
Area 2: Kern, Inyo, and Mono Counties

PAINTERS:
Area 1: Imperial, Orange, and Riverside Counties; Los Angeles County (Pomona Area); San Bernardino County (excluding western portion)
Area 2: Inyo County; Los Angeles County (except Pomona Area); Mono County; San Bernardino County (west of a line north of Trono including China Lake Area, Johannesburg, Boron, south including the Wrightwood Area); Kern County east of the Los Angeles Aqueduct)
Area 3: Kern County (except the portion lying east of the Los Angeles Aqueduct)
Area 4: San Luis Obispo, Santa Barbara and Ventura Counties

PLASTERERS:
Area 1: Los Angeles and Orange Counties
Area 2: Imperial, Riverside, and San Bernardino Counties
Area 3: San Luis Obispo County
Area 4: Santa Barbara County
Area 5: Ventura County
Area 6: Point Arguello and Vandenberg Air Force Base
Area 7: Kern, Inyo, and Mono Counties

PLASTERERS' TENDERS:
Area 1: Imperial, Inyo, Mono, Riverside, and San Bernardino Counties
Area 2: Kern County
Area 3: Los Angeles and Orange Counties
Area 4: San Luis Obispo County
Area 5: Santa Barbara County
Area 6: Ventura County
Area 7: China Lake Naval Ordnance Test Station and Edwards Air Force Base

PLUMBERS; Steamfitters:
Area 1: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Inyo, Kern, and Mono Counties
Area 3: Edwards Air Force Base, Naval Weapons Center and China Lake Naval Ordnance Test Center
Area 4: Point Arguello and Vandenberg Air Force Base

REFRIGERATION and AIR CONDITIONING:
Area 1: Riverside and San Bernardino Counties
Area 2: Los Angeles and Orange Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:*					
Area 1	$12.79	.80	$1.05	$1.00	
Area 2	12.55	.90	.60		.05
Area 3	14.65	.80	1.25	1.50	
Area 4	13.68	1.17	1.20	1.50	.065
Area 5	13.68	1.17	1.20	1.50	.065
Area 6	16.12	.645	1.49		
SHEET METAL WORKERS:*					
Area 1	16.34	1.20	2.64		.04
Area 2	16.73	1.20	2.13		.04
Area 3	16.70	1.20	2.62		.10
Area 4	14.16	1.14	2.64		.09
Area 5	15.30	1.14	1.91		.16
Area 6	16.37	1.20	2.52		.06
Area 7	16.975	1.00	1.30		.03
SOFT FLOOR LAYERS:*					
Area 1	11.52	.81	1.45		.10
Area 2	14.72	.86	1.30	.88	.08
Area 3	13.40	.90	.90	1.25	.09
SPRINKLER FITTERS:*					
Area 1	20.03	.95	1.40		.08
Area 2	16.83	.83	1.05		.09
TERRAZZO WORKERS:*					
Area 1	12.69	.81	1.17		.08
Area 2	14.87	1.10	1.80		.10
TILE SETTERS:*					
Area 1	12.69	.81	1.17		.08
Area 2	13.81	1.06	1.40		.10
Area 3	15.89	1.50	2.35		.10
Area 4	14.60	1.15	2.20		
Area 5	14.15	.65	.65		
TILE FINISHERS:*					
Area 1	9.96	1.39	1.30		.13

*See AREA Descriptions - Page 11

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F.

b. Employer contributes $.23 per hour to Holiday Fund plus $.14 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.34 per hour to Vacation Fund, 5 years but less than 10 years $.44 per hour to Vacation Fund, over 10 years $.54 per hour to Vacation Fund.

PAID HOLIDAYS:*
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS (Cont'd)

ROOFERS:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Riverside and San Bernardino Counties
Area 4: Los Angeles, Orange, and Ventura Counties
Area 5: San Luis Obispo and Santa Barbara Counties
Area 6: Point Arguello and Vandenberg Air Force Base

SHEET METAL WORKERS:
Area 1: Imperial County
Area 2: Kern County and all of Inyo and Mono Counties; Los Angeles County (that portion north of a straight line drawn between Gorman and Big Pines)
Area 3: Los Angeles County (Remaining portion)
Area 4: Orange County
Area 5: Riverside and San Bernardino Counties
Area 6: San Luis Obispo, Santa Barbara, and Ventura Counties
Area 7: Point Arguello and Vandenberg Air Force Base

SOFT FLOOR LAYERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino, and Ventura Counties
Area 3: Kern County (including that portion lying east of the Los Angeles Aqueduct and that portion of Inyo County included within the Inyo-Kern Naval Reservation

SPRINKLER FITTERS:
Area 1: Imperial, Inyo, Kern, and Mono Counties; Orange County (except Santa Ana); Riverside County; San Bernarino County (except Ontario); San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Los Angeles City and area within 25 miles and Pomona Area); Orange County (Santa Ana); San Bernardino County (Ontario); and Ventura County (Santa Paula, Point Mugu and Port Hueneme)
Area 3: Point Arguello and Vandenberg Air Force Base

TERRAZZO WORKERS:
Area 1: Imperial County
Area 2: Remaining Counties

TILE SETTERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, and Ventura Counties
Area 3: San Luis Obispo, and Santa Barbara Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Inyo, Kern, and Mono Counties

TILE FINISHERS:
Area 1: Los Angeles, Orange, and Ventura Counties

LABORERS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appc. Tr.
	AREA 1	AREA 2				
Group 1	$10.63	$12.63	$1.25	$2.90	.95	.12
Group 2	10.78	12.78	1.25	2.90	.95	.12
Group 3	10.98	12.98	1.25	2.90	.95	.12
Group 4	11.28	13.28	1.25	2.90	.95	.12
Group 5	11.48	13.48	1.25	2.90	.95	.12
GUNNITE:						
Group 1	12.62	14.62	1.25	2.90	.95	
Group 2	11.97	13.97	1.25	2.90	.95	
Group 3	10.91	12.91	1.25	2.90	.95	
TUNNEL:						
Group 1	12.54	14.54	1.25	2.90	1.20	
Group 2	12.66	14.66	1.25	2.90	1.20	
Group 3	12.82	14.82	1.25	2.90	1.20	
Group 4	13.10	15.10	1.25	2.90	1.20	

AREA DESCRIPTIONS:

Area 1: Remainder of Counties

Area 2: Point Arguello, Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Center, Vandenberg Air Force Base

LABORERS

Group 1: Cleaning and handling of Panels Forms; Concrete Screeding for rough strike-off; Concrete, water curing; Demolition Laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of Shee-bolt Holes; Fire Watcher, Limber, Brush Loaders, Pilers and Debris Handlers; Flagman; Gas, oil and/or water Pipeline Laborer; Laborer, general or construction; Laborer, general cleanup; Laborer, landscaping; Laborer, jetting, temporary water and air lines; Material Roseman (walls, slabs, floors and decks); Rigging and Signaling; Scaler; Slip Form Raisers; Slurry Seal Crews (Mixer Operator, Applicator Operator, Squeegee Man, Shuttle Man, Top Man); Striper, concrete or other paved surfaces; Tarman and Mortar Man; Tool Crib or Tool House Laborer; Traffic Delineating Device Applicator; Window Cleaner; Wire Mesh, pulling all concrete pouring operations

Group 2: Asphalt Shoveler; Cement Dumper (on 1 yard or larger Mixer and handling bulk cement); Cesspool Digger and Installer, Chucktender; Chute Man, pouring concrete, the handling of the Chute from Ready Mix Trucks, such as walls, slabs, decks, floors, foundations, footings, curb, gutters, and sidewalks; Concrete Curer, Impervious Membrane and Form Oiler; Cutting Torch Operator (demolition); Fine Grader, highways and street paving, airport, runways, and similar type heavy construction; Gas, oil and/or water Pipeline Wrapper; Pot Tender and Form Man; Guinea Chaser; Headerboard Man, asphalt; Laborer, packing rod steel and pans; Power Broom Sweepers (small); Riprap Stonepaver, placing stone or wet sacked concrete; Roto Scraper and Tiller; Sandblaster (Pot Tender); Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders; Underground Laborer, including Caisson Bellower

Group 3: Asphalt Raker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete Core Cutter, Grinder or Sander; Concrete Cutting Torch; Concrete Saw Man, cutting, scouring old or new concrete; Driller, Jackhammer, 2½ feet drill steel or longer; Dri Pak-it Machine; Gas, oil and/or Water Pipeline Wrapper, 6" pipe and over, by any method, inside and out; Hydro Seeder and similar type; Impact Wrench Multi-plate; Kettlemen, Potmen and Men applying asphalt, Lay-kold, creosote, lime caustic and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators of pneumatic, gas, electric tools; Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not separately classified herein; Pipelayer's Backup Man, coating, grouting, making of joints, sealing, caulking, diapering and including Rubber Gasket Joints, pointing and any and all other services; Rock Slinger; Rotary Scarifier or Multiple Head Concrete Chipping Scarifier; Steel Headerboard Man and Guideline Setter; Tampers, Barko, Wacker, and similar type; Trenching Machine, hand propelled

LABORERS (Cont'd)

Group 4: Cribber, Shorer, Lagging, Sheeting and Trench Bracing, Hand-guided Lagging Hammer; Head Rock Slinger; Laser Beam; Oversize Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (Nozzleman), water blasting; Welding in connection with Laborers' work

Group 5: Blaster Powderman, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Driller; All power drills, excluding Jackhammer, whether Core, Diamond, Wagon, Track, Multiple Unit, and any and all types of mechanical drills

GUNNITE

Group 1: Nozzlemen and Rodmen

Group 2: Gunmen

Group 3: Reboundmen

TUNNEL

Group 1: Batch Plant Laborers; Bull Gang Mucker, Trackman; Concrete Crew, including Rodders and Spreaders; Changehouseman; Dumpman; Dumpman (outside); Swamper (Brakeman and Switchman on tunnel work); Tunnel materials handling Man; Tool Man

Group 2: Cable Tender; Chuck Tender; Nipper; Steel Form Raiser and Setter's Helper; Vibratorman, Jackhammer, pneumatic tools (except Driller); Loading and unloading Agitator Cars; Pot Tender, using mastic or other materials

Group 3: Blaster, Driller, Powderman; Chemical Grout Jetman; Cherry Pickerman; Grout Gunman; Grout Mixerman; Grout Pumpman; Jackleg Miner; Jumbo Man; Kemper and other pneumatic concrete Placer Operator; Miner, tunnel (hand or machine); Powderman (Primer House); Primer Man; Shotcrete Man; Steel Form Raiser and Setter; Timberman; Retimber (wood or steel); Tunnel Concrete Finisher; Nozzleman; Operating Troweling and/or Grouting Machine; Sandblaster

Group 4: Shaft, Raise Miner; Diamond Driller

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: DREDGING (Hydraulic Suction Dredges)					
Leverman	$15.45	$1.10	$2.80	.92	.04
Watch Engineer; Welder	14.87	1.10	2.80	.92	.04
Deckmate	14.87	1.10	2.80	.92	.04
Winchman (Stern Winch or Dredge)	14.32	1.10	2.80	.92	.04
Bargeman; Deckhand; Fireman; Oiler; Leveeband	13.78	1.10	2.80	.92	.04
(Clamshell Dredges)					
Leverman	15.45	1.10	2.80	.92	.04
Watch Engineer	14.87	1.10	2.80	.92	.04
Deckmate	14.87	1.10	2.80	.92	.04
Barge Mate	14.39	1.10	2.80	.92	.04
Bargeman; Deckhand; Fireman; Oiler	13.87	1.10	2.80	.92	.04
POWER EQUIPMENT OPERATORS:					
Group 1	13.60*	1.10	2.65	.90	.14
Group 2	13.88*	1.10	2.65	.90	.14
Group 3	14.17*	1.10	2.65	.90	.14
Group 4	14.31*	1.10	2.65	.90	.14
Group 5	14.53*	1.10	2.65	.90	.14
Group 6	14.64*	1.10	2.65	.90	.14
Group 7	14.76*	1.10	2.65	.90	.14
Group 8	14.93*	1.10	2.65	.90	.14
Group 9	15.06*	1.10	2.65	.90	.14

*When the home of any employee is over thirty(30) road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $20.00 per scheduled work day shall be added to the base pay.

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.F.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or compressor; Rotary Drill Helper (Oilfield); Skiploader, wheel type up to 3/4 yard without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (apshalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Greaser Truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yard); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrick Man (Oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (asphalt or concrete); Mechanical Finisher (concrete-Clary, Johnson, Bidwell, or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Skiploader (Crawler and wheel type, over 3/4 yard and up to and including 1½ yards); Stinger Crane (Austin-Western or similar type); Tractor, Bulldozer, Tamper Scraper (single engine, up to 100 HP, flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist, 1 drum; Tunnel Locomotive (over 10 tons up to and including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (Gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity) (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yard rubber tired, rail or track or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment (single engine, Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments, over 25 yards struck); Rubber-tired Scraper (self-loading paddle wheel type, John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type, over 1½ yards, up to and including 6½ yards); Surface Heaters and Planer; Trenching Machine (over 6 feet depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel HP and over, or similar); Bulldozer, Tamper, Scraper and Push Tractor (single engine); Tractor (boot attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cu. yds. M.R.C.) (Long-boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons M.R.C. (Long boom pay applicable); Derrick Barge (Long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman, Welder combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (Long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 5 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. M.R.C.) (Long boom pay applicable); Tower Crane Repairman; Tractor Loader (Crawler and wheel type, over 6½ yards); Welder, certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (Long-boom pay applicable); Hoist, Stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (Long boom pay applicable); Mass Excavator, less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine; Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired Self-loading Scraper (paddle wheel, auger type self-loading, 2 or more units); Rubber-tired Scraper, pushing one another without Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; High-line Cableway; Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate); Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.91*	$1.25	$1.33	$1.35	.15
Group 2	12.99*	1.25	1.33	1.35	.15
Group 3	13.05*	1.25	1.33	1.35	.15
Group 4	13.14*	1.25	1.33	1.35	.15
Group 5	13.17*	1.25	1.33	1.35	.15
Group 6	13.19*	1.25	1.33	1.35	.15
Group 7	13.23*	1.25	1.33	1.35	.15
Group 8	13.24*	1.25	1.33	1.35	.15
Group 9	13.29*	1.25	1.33	1.35	.15
Group 10	13.32*	1.25	1.33	1.35	.15
Group 11	13.37*	1.25	1.33	1.35	.15
Group 12	13.39*	1.25	1.33	1.35	.15
Group 13	13.44*	1.25	1.33	1.35	.15
Group 14	13.69*	1.25	1.33	1.35	.15
Group 15	13.94*	1.25	1.33	1.35	.15
Group 16	14.04*	1.25	1.33	1.35	.15
Group 17	14.14*	1.25	1.33	1.35	.15
Group 18	14.44*	1.25	1.33	1.35	.15
Group 19	14.94*	1.25	1.33	1.35	.15

*When the home of an employee is over thirty(30) road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $20.00 per scheduled work day shall be added to the Base Pay.

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, or less than 16 yards

TRUCK DRIVERS (Cont'd)

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 11: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver or vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yds. or more; Truck Repairman

Group 16: Truck Repairman Welder

Group 17: Low Bed Driver, 9 axle or over

Group 18: Water Pull, single engine with attachments

Group 19: Water Pull, twin engine with attachments

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)).

STATES: Georgia, North Carolina, South Carolina, Virginia, and Washington, D. C. and in Florida, all counties on the Atlantic Coast and the Gulf Coast West to the Aucilla River and all tributary Waterways.
DECISION Number: GA81-1222 DATE: Date of Publication
Supersedes Decision No.: GA80-1055 dated February 8, 1980 in 45 FR 8855
DESCRIPTION OF WORK: Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HYDRAULIC DREDGES 20" AND OVER:					
Leverman	$ 9.71	.73	.70	a	
Engineer	9.61	.73	.70	a	
Mate	8.72	.73	.70	a	
Welder	8.98	.73	.70	a	
Derrick Operator	9.28	.73	.70	a	
Spill Barge Operator	9.10	.73	.70	a	
Spider Barge Operator	9.10	.73	.70	a	
Tug Master	8.65	.73	.70	a	
Carpenter	9.23	.73	.70	a	
Tug Mate	8.29	.73	.70	a	
Electrician	9.43	.73	.70	a	
Machinist	9.16	.73	.70	a	
Steward	7.64	.73	.70	a	
Oiler & Fireman	7.42	.73	.70	a	
Deckhand & Tug Deckhand	6.99	.73	.70	a	
Shoreman	6.87	.73	.70	a	
Second Cook	6.99	.73	.70	a	
Messman	6.87	.73	.70	a	
HYDRAULIC DREDGES UNDER 20":					
Leverman	8.93	.73	.70	a	
Engineer	8.52	.73	.70	a	
Welder	8.65	.73	.70	a	
Mate	7.78	.73	.70	a	
Oiler & Fireman	7.35	.73	.70	a	
Deckhand	6.99	.73	.70	a	
Launchman	7.42	.73	.70	a	
Shoreman	6.87	.73	.70	a	
Spill Barge Operator	7.96	.73	.70	a	
Spider Barge Operator	7.96	.73	.70	a	
CLAMSHELL DREDGES:					
Operator	9.64	.73	.70	a	
Engineer	9.13	.73	.70	a	
Welder	8.87	.73	.70	a	
Mate	8.56	.73	.70	a	
Fireman & Oiler	7.42	.73	.70	a	
Deckhand	6.99	.73	.70	a	
Launchman	7.42	.73	.70	a	
Scowman	7.09	.73	.70	a	

DECISION NO. GA81-1222

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DIPPER DREDGES:					
Operator	9.74	.73	.70	a	
Craneman	9.32	.73	.70	a	
Engineer	9.51	.73	.70	a	
Welder	8.98	.73	.70	a	
Mate	8.72	.73	.70	a	
Fireman & Oiler	7.42	.73	.70	a	
Deckhand	6.99	.73	.70	a	
Tug Master	8.80	.73	.70	a	
Tug mate	8.37	.73	.70	a	
Scowman	7.09	.73	.70	a	
TUGS (TENDING DIPPER & CLAMSHELL DREDGES):					
Tug Master	8.80	.73	.70	a	
Tug Mate	8.37	.73	.70	a	
Engineer	8.80	.73	.70	a	
Assistant Engineer	8.21	.73	.70	a	
Deckhand	6.90	.73	.70	a	
Cook	7.09	.73	.70	a	
STEWARD DEPARTMENT ON DIPPER AND CLAMSHELL DREDGES AND ON HYDRAULIC DREDGES 20" AND UNDER:					
Cook	7.35	.73	.70	a	
Mess Cook	6.94	.73	.70	a	
Messmen & Janitor	6.84	.73	.70	a	
DRILLBOATS:					
Driller	9.61	.73	.70	a	
Blaster	9.61	.73	.70	a	
Operator Engineer	9.61	.73	.70	a	
Helper	7.42	.73	.70	a	

FOONOTES:

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

a. Six paid holidays, A through F, plus vacation contribution of 7% of straight time pay.

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: Florida COUNTIES: See Below
DECISION NUMBER: FL81-1213 DATE: Date of Publication
Supercedes Decision No. FL81-1167 dated January 6, 1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Bay, Escambia, Gulf, Okaloosa, Santa Rosa & Walton Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	4.85				
Concrete Finishers	4.68				
Form Setters	3.83				
Ironworkers	5.00				
Laborers					
Common	3.35				
Asphalt Raker	3.50				
Pipelayers	4.60				
Truck Drivers					
Multi-Axle	3.73				
Single- Axle	3.70				
Lowboy	3.90				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	3.93				
Asphalt Paving Machine	4.64				
Asphalt Screed	4.75				
Backhoe	5.50				
Bulldozer	4.18				
Crane, Derrick & Dragline	6.00				
Front End Loader	4.15				
Mechanics	6.09				
Motor Graders	5.35				
Roller Operator	3.87				
Roller, Finish	4.07				
Scraper	3.90				
Tractor	3.75				
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: Florida COUNTIES: See Below
DECISION NUMBER: FL81-1214 DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Calhoun, Franklin, Holmes, Jackson, Liberty, and Washington Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	4.94				
Concrete Finishers	4.60				
Electricians	5.95				
Form Setters	4.50				
Ironworkers	5.00				
Laborers					
Common	3.71				
Asphalt Raker	3.75				
Truck Drivers	3.71				
Welders - Rate for craft					
P.E.O.					
Asphalt Paving Machine Operator	4.75				
Backhoe	4.50				
Bulldozer	4.50				
Crane, Derrick & Dragline	6.00				
Earthmover Operator	4.11				
Front End Loader	4.50				
Mechanics	4.47				
Motor Grader	4.50				
Scraper	4.50				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: See Below
DECISION NUMBER: FL81-1215 DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Gadsden, Jefferson, Leon & Wakulla Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	5.56				
Concrete Finishers	4.95				
Electricians	7.45				
Ironworkers	6.00				
Laborers					
Common	3.82				
Pipelayers	5.00				
Truck Drivers	3.82				
Welders - Rate for craft					
P.E.O.					
Asphalt Mixer	4.33				
Asphalt Paving Machine Op.	4.28				
Asphalt Screed Operator	4.61				
Backhoe	4.67				
Bulldozer	4.28				
Crane, Derrick, & Dragline	6.25				
Earthmover	4.38				
Front End Loader	4.24				
Motor Grader	4.50				
Roller, Operator & Finish	4.50				
Tractor	4.15				
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: Florida COUNTIES: See Below
DECISION NUMBER: FL81-1216 DATE: Date of Publication
Supercedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Alachua, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, & Taylor Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	5.13				
Concrete Finishers	4.68				
Electricians	7.00				
Form Setters	4.50				
Ironworkers	4.35				
Laborers					
Asphalt Raker	3.75				
Common	3.59				
Pipelayers	3.71				
Truck Drivers	3.69				
Welders - Rate for craft					
P.E.O.					
Asphalt Paving Machine Op.	4.33				
Asphalt Plant Operator	4.50				
Asphalt Screed Operator	4.25				
Backhoe	3.98				
Bulldozer	4.75				
Crane, Derrick & Dragline	6.00				
Mechanics	4.40				
Oilers	3.83				
Roller, Finish	3.99				
Roller Operator	3.74				
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: Florida COUNTIES: See Below
DECISION NUMBER: FL81-1217 DATE: Date of Publication
Supersedes Decision No. FL81-1168 dated January 6,1981 in 46FR 1519 and Decision No. FL81-1166 dated January 6,1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges

Baker, Bradford, Clay, Columbia, Duval, Flagler, Nassau, Putnam & St. Johns counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	6.00				
Concrete Finisher	5.26				
Electricians	8.58				
Traffic Signal Mechanic	5.50				
Form Setters	4.48				
Irbnworkers	5.44				
Laborers					
Common	3.80				
Pipelayers	4.51				
Asphalt Raker	4.20				
Truck Drivers					
Multi-Axle	4.09				
Single-Axle	4.00				
Lowboy	4.14				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.52				
Asphalt Screed	4.36				
Backhoe	6.01				
Bulldozer	4.91				
Crane, Derrick & Dragline	6.95				
Earthmover Operator	4.61				
Front End Loader	5.71				
Gradall	6.50				
Guardrail Er ctor	5.27				
Mechanic	5.20				
Motor Grader	5.49				
Oiler	5.21				
Piledriver Operator	6.47				

FL81-1217 cont.

Unlisted classifications needed for work not included within the scope of tbe classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: See Below
DECISION NUMBER: FL81-1218 DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518
& Decision No. FL81-1169 dated January 6, 1981 in 46FR 1519
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges,; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges

Citrus, Hernando, Lake, Marion, Pasco, Sumter, & Volusia (excluding Cape Kennedy Space Flight Center & Cape Canaveral Air Force Station), Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	5.60				
Concrete Finishers	5.03				
Electricians	6.75				
Traffic Signal Mechanic	5.50				
Form Setters	4.50				
Iron Workers	5.32				
Laborers					
Common	3.81				
Asphalt Raker	4.17				
Pipelayers	4.22				
Truck Drivers					
Multi & Single Axle	3.83				
Lowboy	4.54				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	4.32				
Asphalt Paving Machine Op.	4.83				
Asphalt Plant Operator	4.50				
Backhoe	5.17				
Bulldozer	4.49				
Concrete Curb Machine	5.65				
Crane, Derrick & Dragline	5.76				
Earthmover Operator	4.22				
Front End Loader	4.37				
Mechanic	4.91				
Motor Grader	5.60				
Oiler	4.36				
Pavement Striping Machine	6.25				
Piledriver Operator	6.25				
Roller, Finish	4.42				
Roller, Operator	4.13				

FL81-1218 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Scraper	4.95				
Self-Aggregate Spreader	4.39				
Widening Spreader Machine	4.69				

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: Florida
DECISION NUMBER: FL81-1219
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1169 dated January 6, 1981 in 46FR 1519
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving involving marine construction; and other major bridges

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brevard (excludes Cape Canaveral Air Force Station Patrick Air Force Base, Kennedy Space Flight Center & Melabar Radar Site), Hillsborough, Indian River, Manatee, Martin, Orange, Osceola, Pinellas, Polk, St. Lucie, Sarasota & Seminole Counties, Fl.					
Carpenters	5.88				
Concrete Finishers	5.25				
Electricians	8.50				
Traffic Signal Mechanic	7.00				
Form Setters	4.93				
Ironworkers	6.53				
Laborers					
Common	4.02				
Asphalt Raker	4.58				
Pipelayers	4.78				
Painters	6.75				
Truck Drivers					
Multi & Single Axle	4.12				
Lowboy	4.24				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	4.57				
Asphalt Mixer	4.58				
Asphalt Screed	4.66				
Asphalt Paving Machine Op.	4.86				
Backhoe	5.76				
Bulldozer	5.37				
Concrete Curb Machine Op.	5.95				
Concrete Mixer Operator	5.53				
Concrete Paving Subgrader Operator	4.56				

FL81-1219 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Crane, Derrick & Dragline	6.52				
Drilling Machine Operator	4.75				
Earthmover Operator	5.02				
Front End Loader	5.02				
Guardrail Erector	5.00				
Gradall Operator	5.76				
Mechanic	5.82				
Oiler	4.76				
Motor Grader	5.75				
Pavement Striping	6.75				
Piledriver Operator	6.42				
Roller, Finish	4.70				
Roller Operator	4.32				
Tractor	4.72				
Boom-Auger Operator	5.03				
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: Florida COUNTIES: See Below
DECISION NUMBER: FL81-1220 DATE: Date of Publication
Supersedes Decision No. FL80-1034 dated January 18, 1980 in 45FR 3861
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges)

Charlotte, Collier, Desoto, Glades, Hardee, Hendry, Highland, Lee, Monroe, & Okeechobee Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	6.50				
Concrete Finishers	5.79				
Electricians	8.00				
Form Setters	5.49				
Ironworkers					
Reinforcing	6.79				
Structural	7.07				
Laborers					
Common	4.34				
Pipelayers	4.84				
Asphalt Raker	5.04				
Truck Drivers					
Multi-Axle	4.78				
Lowboy	4.51				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	5.16				
Asphalt Paving Machine Op.	5.55				
Backhoe	6.15				
Bulldozer	5.43				
Crane, Derrick & Dragline	6.68				
Earthmover Operator	5.05				
Front End Loader	5.31				
Gradall Operator	6.00				
Mechanic	5,96				
Oiler	5.01				
Piledriver Operator	6.69				
Roller, Finish	4.85				
Roller Operator	4.94				
Scraper Operator	5.10				
Tractor	4.76				

FL81-1220 cont.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: Broward & Palm Beach
DECISION NUMBER: FL81-1221 DATE: Date of Publication
Supersedes Decision No. FL78-1051 dated May 26, 1978 in 43FR 22911
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	6.00				
Concrete Finisher	6.00				
Form Setters	6.00				
Ironworkers	8.80				
Laborers					
Common	4.63				
Pipelayers	5.99				
Asphalt Raker	4.91				
Painter	6.00				
Truck Drivers					
Multi-Rear Axle	4.89				
Lowbot	4.97				
Welders - Rate for craft					
P.E.O.					
Asphalt Paving Machine Op.	5.32				
Backhoe	6.75				
Bulldozer	6.33				
Concrete Paving Machine	5.66				
Crane, Derrick & Dragline	8.05				
Earth Drilling Machine	6.33				
Front End Loader	5.89				
Gradalls	7.03				
Mechanics	6.50				
Motor Graders	6.72				
Oiler/Greaser	5.58				
Pavement Striping Machine	5.00				
Piledriver Operator	7.15				
Roller, Finish	5.21				
Roller Operator	5.17				
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: Louisiana PARISH: Statewide
DECISION NO.: LA81-4024 DATE: Date of Publication
Supersedes Decision NO. LA80-4084, dated November 7, 1980, in 45 FR 74347
DESCRIPTION OF WORK: Building projects (does not include single family homes & apartments up to and Including 4 stories.

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	ZONE 1	$13.32	.775	1.18		.04
	ZONE 2	12.99	.70	1.00		.03
	ZONE 3	12.50	.65	1.30		.07
	ZONE 4	12.69	.45	.50		

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3- Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Pars.

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS		$12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS						
	ZONE 1	13.75	.80	1.15		.31
	ZONE 2	11.76	.53	.67		
	ZONE 3	14.55	.68	1.00		.05
	ZONE 4	13.45	.75	.535		.10
	ZONE 5	12.25				
	ZONE 6	11.30	.55	.65		
	ZONE 7	11.50		.30		
	ZONE 8	12.70		.50		
	ZONE 9	13.00				

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge, & West Feliciana Parishes
ZONE 2 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Pointe Coupee, Rapides & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. on the west along U. S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Hwy. 190) & Washington Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Iberia, Lafayette, St. Martin, St. Mary, & Vermilion Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ZONE 1 - Carpenters	$11.55	.50			.05
Millwrights	12.27	.50			.05
Piledrivermen	12.45	.50			.05
ZONE 2 - Carpenters, piledrivermen & soft floor layers	13.66	.85	.38		.07
Millwrights	15.66				.07
ZONE 3 - Carpenters	10.90	.70	.55		
Millwrights	11.75	.70	.55		
Piledrivermen	11.20	.70	.55		
ZONE 4 - Carpenters & Piledrivermen	13.55	.65	.70		.11
Millwrights	14.275				7/10¢
ZONE 5 - Carpenters & Soft floor layers	12.90	.80	.80		.06
Millwrights	13.29	.80	.80		.06
Piledrivermen	13.00	.80	.80		.06
ZONE 6 - Carpenters & soft floor layers	12.735	.80	.80		.06
Millwrights	13.29	.80	.80		.06
Piledrivermen	13.00	.80	.80		.06
ZONE 7 - Carpenters & Soft floor layers	11.60				
Millwrights	12.35				
Piledrivermen	12.10				
ZONE 8 - Carpenters & soft floor layers	11.00	.65	.50		.04
Millwrights	11.75	.65	.50		.04
Piledrivermen	11.25	.65	.50		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 9 -Carpenters & Soft floor layers	$11.60				
Millwrights	12.35				
Piledrivermen	12.10				
ZONE 10 - Carpenters & Soft floor layers	11.35	.70	.70		.10
Millwrights	12.25	.70	.70		.10
Piledrivermen	11.85	.70	.70		.10

ZONE 1 - All of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars.; Parts of Iberia, St. Martin & St. Mary Pars. (west of the Atchafalaya River)
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from The Mississippi State Line to the western boundary of Tangipahoa Par.) & Washington Parishes
ZONE 4 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Miss. River), West Baton Rouge & West Feliciana Pars.
ZONE 5 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles & St. John the Baptist Pars.; Parts of St. Tammany & Tangipahoa (south of I-12 from the Miss. State Line to the western boundary of Tangipahoa Par.) Parishes
ZONE 6 - Assumption, Iberia (east of the Atchafalaya River), Lafourche, St. James (south of the Miss. River), St. Martin (eastern segment of the Atchafalaya River), St. Mary (east of the Atchafalaya River) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 -Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
ZONE 1	$12.51				.05
ZONE 2	13.53				
ZONE 3	11.30	.50	.75		.05
ZONE 4	12.805	.79	.60		.09
ZONE 5	11.35				
ZONE 6	9.00				
ZONE 7	10.50	.45			
ZONE 8	11.17		.50		
ZONE 9	10.00		.30		

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Pars.
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (north to Interstate Hwy. 12) & Terrebonne Parishes
ZONE 5 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
ZONE 1 - Electricians	$15.17	5%	8%		3/10%
Cable splicers	15.42	5%	8%		3/10%
ZONE 2 - Electricians	13.30	.45	3%		.02
Cable splicers	13.80	.45	3%		.02
ZONE 3 - Electricians	14.75	.55	3%+.40		1/10%
Cable splicers	15.00	.55	3%+.40		1/10%
ZONE 4 - Electricians	14.60	.70	3%		2/10%
Cable splicers	14.85	.70	3%		2/10%
ZONE 5 - Electricians	13.65	.45	3%+.40		.05
Cable splicers	13.65	.45	3%+.40		.05
ZONE 6 - Electricians	13.25	.95	3%		1/2%
Cable splicers	13.75	.95	3%		1/2%
ZONE 7 - Electricians	13.25	1.75	3%		1%
Cable splicers	13.75	1.75	3%		1%
ZONE 8 - Electricians	13.56	.70	3%		1/2%
Cable splicers	13.81	.70	3%		1/2%

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Pars.
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Pars.
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1 - Mechanics	$12.14	1.195	.95	a+b	.035
Helpers	70%JR	1.195	.95	a+b	.035
Helpers (Prob.)	50%JR				
ZONE 2 - Mechanics	11.66	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob.)	50%JR				

FOOTNOTES FOR ELEVATOR CONSTRUCTORS

a. -1st 6 mos. - none; 6 mos. to 5 yrs. -6% over 5 yrs. - 8% of basic hourly rate

b. Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the Friday after Thanksgiving Day; Christmas Day

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Pars.

ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

GLAZIERS -	ZONE 1	12.85			c+d	.02
	ZONE 2	10.25				.01
	ZONE 3	12.30	.32	.35		.01
	ZONE 4	9.88		.30		.04
	ZONE 5	6.80				
	ZONE 6	10.99				

FOOTNOTES FOR GLAZIERS:

c - 5 days paid vacation

d - 6 Paid Holidays: New Year's Day; Good Friday; Fourth of July; Labor Day; Thanksgiving Day; Christmas Day

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Acadia, Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Hwy. 51), Vermilion, West Baton Rouge & West Feliciana Pars.

ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Jefferson, Lafourche, Livingston (south of Hwy. 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster Parishes

ZONE 5 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (northern half, everything north of a line running east & west through Winfield, excluding Winfield) Parishes

ZONE 6 - St. Tammany (northern 2/3, everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS					
ZONE 1	$13.27	.93	.65		.08
ZONE 2	13.89	.60	.75		.04
ZONE 3	12.45	.45	.90		.06
ZONE 4	13.35	.60	1.25		.06
ZONE 5	10.70	.45	.85		.04
ZONE 6	14.41	.60	.65		.05

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Pars.; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, east of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Pars.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars. (east of a line drawn from the meeting point of the boundaries of the Pars. of Rapides, Avoyelles & Evangeline, southeast along the western city limits of Abbeville to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, west of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico); Parts of Catahoula, Concordia & LaSalle Pars. (south of a line drawn from Natchez through the city of Cottonport to the Rapides Pars. Line, then west along the southern border of Rapides Par.)

ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (west of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Sabine Par. (north of a line drawn from the Natchitoches Par. boundary west through the city of Peason to the Tex.-La. border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Rapides, Richland, Tensas, Union & West Carroll Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (east of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Madison Par. (except the cities of Mound, Delta & Adjacent Areas); Parts of Catahoula, Concordia & LaSalle Pars. (north of a line drawn from Natchez through the city of Cottonport to the Rapides Par. Line)

ZONE 5 - That part of Madison par. (including the cities of Mound, Delta & adjacent areas)

ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars. (southwest of Rapides Par. & west of a line south of the western most border between Rapides & Evangeline Pars.

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS						
ZONE 1 -	Group 1	$ 7.20	.30			
	Group 2	7.40	.30			
	Group 3	7.45	.30			
ZONE 2 -	Group 1	7.35	.25	.27		.05
	Group 2	7.55	.25	.27		.05
ZONE 3 -	Group 1	8.88	.25	.27		.05
	Group 2	8.98	.25	.27		.05
	Group 3	9.03	.25	.27		.05
	Group 4	9.84	.25	.27		.05
	Group 5	9.40	.25	.27		.05
	Group 6	9.24	.25	.27		.05
	Group 7	8.93	.25	.27		.05
	Group 8	9.13	.25	.27		.05
ZONE 4-	Group 1	8.20	.30	.27		.05
	Group 2	8.30	.30	.27		.05
	Group 3	8.35	.30	.27		.05
ZONE 5-	Group 1	7.80	.30	.27		.05
	Group 2	7.90	.30	.27		.05
	Group 3	7.95	.30	.27		.05
ZONE 6-	Group 1	10.00	.30	.27		.05
	Group 2	10.10	.30	.27		.05
	Group 3	10.25	.30	.27		.05
ZONE 7-	Group 1	8.075	.25	.27		.05
	Group 2	8.225	.25	.27		.05
	Group 3	8.275	.25	.27		.05
ZONE 8 -	Group 1	6.89	.25	.27		.05
	Group 2	7.09	.25	.27		.05
	Group 3	7.14	.25	.27		.05
	Group 4	7.19	.25	.27		.05
	Group 5	7.54	.25	.27		.05
ZONE 9-	Group 1	7.53	.25	.27		.05
	Group 2	7.63	.25	.27		.05
	Group 3	7.68	.25	.27		.05
	Group 4	7.73	.25	.27		.05
ZONE 10-	Group 1	7.28	.25	.27		.05
	Group 2	7.38	.25	.27		.05
	Group 3	7.53	.25	.27		.05

LABORERS - ZONE 1 (CLASSIFICATION DEFINITIONS)
GROUP 1 - Building and labor construction
GROUP 2 - Stone mason tenders, mechanical tool operators; sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. or over); tender of all crafts; sandblaster (nozzlemen); sandblaster (pot tender); laying non-metallic pipe over 4 ft. deep, including sewer, drain & underground tile; septic tank diggers & installers, over 4 ft. deep; gas & oil pipeline laborers & wrappers
GROUP 3 - Gunite tool operators
LABORERS - ZONE 2
GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewman
GROUP 2 - Mason mixer; plaster mixer; mechanical tool op;, sandblaster; laying concrete, clay, plastic, asbestos cement, casing & corrugated metal pipe, as sewer, drain & underground tile (caulkers, joint wrappers hot pot & pipe layers); gas & oil pipeline laborers wrappers & dopers
LABORERS - ZONE 3
GROUP 1 - Building & general laborer; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners
GROUP 2 - Air tool op. (except jackhammer); interior of closed tanks & vessels power equipped
GROUP 3 - Mortar mixers
GROUP 4 - Blasterers
GROUP 5 - Blaster tenders; concrete cutters behind paving machine & puddlers; form setters & liner asphalt worker
GROUP 6 - Wiping joints, laying pipe & tile from pumpcrete
GROUP 7 - Interior of closed tanks & vessels manually
GROUP 8 - Jackhammer operators
LABORERS ZONES 4 & 5
GROUP 1 - Building and general laborers, carpenters tenders
GROUP 2 - Power tool ops. (hammer men, tamper, vibrators, power buggies, concrete chippers & cutters, chain saw ops., etc); pipelayers (non-metallic)
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)
LABORERS - ZONE 6
GROUP 1 - Laborers
GROUP 2 - Laborers handling steel pans, stone mason tenders, mechanical tool ops., sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. & over), sandblaster (nozzlemen & pot tender); laying non-metallic pipe over 4 ft. deep, septic diggers & installers over 4 ft. deep, gas & oil pipeline laborers & wrappers
GROUP 3 - Gunite tool operators
LABORERS-ZONE 7
GROUP 1 - Common laborers
GROUP 2 - Jackhammermen, sewermen, mason tenders, plasterer tenders, stone mason tenders, vibratormen
GROUP 3 - Mortar mixers
LABORERS ZONE 8
GROUP 1 - Common laborers; carpenter tenders; mason tenders (other than cement); plasterers tenders; stone mason tenders; concrete workers; scaffold builders

GROUP 2 - Air tool ops. (jackhammer, vibrator & tamper); sewer pipe joiners & setter; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); Mortar mixer (wet or dry); motorized buggy op.; water proofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother & shovelers; sewer pipelayers; blaster tenders
GROUP 5 - Powderman
LABORERS - ZONE 9
GROUP 1 - Laborers
GROUP 2 - Mason tenders, plaster tenders, asphalt rakers, asphalt smoothers
GROUP 3 Mortar mixers
GROUP 4 Air jack op.; vibrator ops.; sewer pipelayers, sewer pipe wrappers
LABORERS - ZONE 10
GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement masons, carpenters, plasterers), stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artificial stone; building scaffolds; shoring
GROUP 2 - Mechanical tool op. (air, electric, motor, engine, etc); sewer pipelayers; mortar mixers (hand or machine); gunite opr., tile, terrazzo & marble setters finisher
GROUP 3 - Pipe dopers & burners

ZONE 1 - St. Tammany (as far south as Bayou Lacombe & east to the Miss. State Line at Pearlington), Tangipahoa (all but southwestern corner) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (excluding that part of Parish to the Calumet Locks west) & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Pars; Parts of Assumption, St. James, St. John the Baptist Pars. (north of a line drawn from the southern limits of the town of St. James in St. James Par. to the northern limits of the town of Napoleonville in Assumption Par. & then directly west to the Par. Line, all of St. James Par. except that part which is east of a line drawn from Lutcher to U. S. Hwy 61 (Airline Hwy) then west on U. S. 61 to Blind River & on a direct line to Manchac)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western Par. Line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 -Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Miss. River & the portion of St. John the Baptist on the east bank of the Miss. River as far as the Sycamore Inn at Lutcher & north to Blind River & Manchac) & St. Tammany (north of as far as Bayou Lacombe, east to the Miss. State Line at Pearlington) Par.
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank & including the town of Vacherie), St. Mary (that part of Parish to the Calumet Locks west) & Terrebonne Parishes

ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Pars.
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	$11.55	.55	.40		.05
ZONE 2	11.70	.55	.40		.05
ZONE 3	11.95	.55	.40		.05
ZONE 4	12.30	.55	.40		.05
ZONE 5	13.35	.65	.70		.10
ZONE 6	11.40				.01
ZONE 7	13.485	.55			.01
ZONE 8	12.85				
ZONE 9	9.40				.01

ZONE 1 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are 12.5 miles from center of New Orleans
ZONE 2 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are within a 22.5 mile radius of New Orleans center.
ZONE 3 - That part of Jefferson, Lafourche (except that area southeast of Raceland to Bayou Lafourche), Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Tangipahoa Pars. which are within a 32.5 mile radius of New Orleans center
ZONE 4 - That part of Jefferson, Lafourche (including that area southeast of Raceland to Bayou Lafourche), Livingston (westward to Rt. 22 including towns of Maurepas, Killian & Springfield), Plaquemines, St. Bernard, St. James (including towns of Gramercy, Lutcher & Paulina), St. Tammany, Tangipahoa (northward to Rt. 16 including towns of Amite & Holton), Terrebonne (westward to Rts. 24 & 315 including city of Houma) & Washington (only northward to Rt. 10 to southern limits of towns of Bogalusa, Sheridan & Franklinton) Pars. outside 32.5 mile radius of New Orleans Center

ZONE 5 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville (except lower Grand River), Livingston (western part), Pointe Coupee, St. Helena, St. James (only towns of Union, Hymel, Convent & Lutcher), St. Martin (only lower separated section), St. Mary (only Morgan City), Tangipahoa (north of Rt. 16 & west of Rt. 51 including Amite, Hammond & Pontchatoula), Washington (only north of Rt. 16 & west of Rt. 25), West Baton Rouge & West Feliciana Parishes
ZONE 6 - Acadia, Evangeline (northward to Rt. 10 including Ville Platte and Mamou,), Iberia, Iberville (eastward to lower Grand River), Lafayette, St. Landry, St. Martin (excluding lower separated section), St. Mary (east to Berwick) & Vermilion Pars.
ZONE 7 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (excluding Ville Platte & Mamou), Jefferson Davis & Vernon (west to Rt. 117 & north of Rt. 8) Pars.
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Pars.
ZONE 9 - Avoyelles, Caldwell, Catahoula, Concordia, Franklin, Grant, LaSalle, Morehouse, Ouachita, Rapides, Richland, Vernon (except west of Rt. 117 & north of Rt. 8) & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
ZONE 1 - GROUP 1	$13.65	.45	3%+.40		.05
GROUP 2	75%JR	.45	3%+.40		.05
GROUP 3	65%JR	.45	3%+.40		.05
GROUP 4	45%JR	.45	3%+.40		.05
GROUP 5	50%JR	.45	3%+.40		.05

GROUP 1 - Linemen
GROUP 2 - Op. hole digging equip.; op. tractor with winch & derrick; op. line truck with winch & derrick working hot lines
GROUP 3 - Op. using hole truck & trailer or pole hauling & setting truck (not in energized lines)
GROUP 4 - Op. using truck without winch
GROUP 5 - Groundmen

ZONE 2					
Linemen	$15.17	5%	8%		3/10%
Cable splicers	15.42	5%	8%		3/10%
Equipment operators	11.38	5%	8%		3/10%
Truck drivers & groundmen	6.83	5%	8%		3/10%
ZONE 3					
Linemen, equipment op.	14.75	.55	3%+.40		1/10%
Cable splicers	15.00	.55	3%+.40		1/10%
Groundmen	12.75	.55	3%+.40		1/10%
ZONE 4					
Linemen, equipment ops.	14.60	.70	3%		
Cable splicers	14.85	.70	3%		
Groundmen	50%JR	.70	3%		
ZONE 5					
Linemen, equipment ops.	13.21		3%		1/2%
Cable splicers	13.46		3%		1/2%
Groundemen	60%JR		3%		1/2%
ZONE 6					
Linemen, equipment ops.	13.25	.95	3%		1/2%
Cable splicers	13.75	.95	3%		1/2%
Groundman	3.93	.95	3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7 - Linemen, Operators	$13.25	1.75	3%		1%
Cable splicers	13.75	1.75	3%		1%
Groundmen	11.25	1.75	3%		1%

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Pars.
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Pars.
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Pars.
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Pars.

MARBLE, TILE & TERRAZZO WORKERS & FINISHERS					
ZONE 1 - Marble setters	$13.45	.75	.535		.10
Tile & terrazzo workers	12.85	.40			.10
Marble, tile & terrazzo finishers	9.20	.40		.30	
ZONE 2 - Marble & terrazzo workers	14.55	.68	1.00		.05
Tile setters	9.60	.48	.67		.02
ZONE 3 - Marble setters	13.00				
Terrazzo workers	10.85				
ZONE 4 - Marble, tile & terrazzo workers	11.42		.50		
ZONE 5 - Marble, tile & terrazzo workers	10.10	.55			
ZONE 6 - Marble, tile & terrazzo workers	14.25				
Marble, tile & terrazzo finisher	9.20	.40		.30	
ZONE 7 - Tile setters	12.25				
Tile finishers	9.20	.40		.30	

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. Line on the west along U. S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Pars.
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Pars.
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Pars.
ZONE 7 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
ZONE 1 - GROUP 1	$13.245		.30		
GROUP 2	13.445		.30		
GROUP 3	13.59		.30		
GROUP 4	15.035		.30		
ZONE 2 - GROUP 1	10.95		.75		.08
GROUP 2	12.32		.75		.08
ZONE 3 - GROUP 1	9.845	.625	.60		.08
GROUP 2	10.22	.625	.60		.08
GROUP 3	11.095	.625	.60		.08
ZONE 4 - GROUP 1	10.99				
GROUP 2	11.43				
GROUP 3	11.12				
GROUP 4	12.25				
GROUP 5	12.59				
GROUP 6	11.09				
GROUP 7	11.33				
ZONE 5 - GROUP 1	10.35				
GROUP 2	10.85				
GROUP 3	11.35				
ZONE 6 - Painters, tape & float, vinyl & paperhangers	10.95	.40	.30		.05
ZONE 7 - GROUP 1	8.05				
GROUP 2	8.55				
GROUP 3	9.05				
ZONE 8 - Painters	10.25		.75		.08
Industrial	12.32		.75		.08

ZONE 1 - GROUP 1 - Painters brush, roller & buffer
GROUP 2 - Paperhanging, taping & floating
GROUP 3 - Spray, sandblasting, hydroblasting, spider op., rubberizing & pyroflexing, steam jennies, taping & floating machine
GROUP 4 - Water towers, radio & TV towers
ZONE 2 - GROUP 1 - Brush; taping; floating & texture
GROUP 2 - Sandblasting, industrial & steel
ZONE 3 - GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters
GROUP 2 - Structural steel painters of new building under construction; the following overall of 30 ft.: tanks, air conditioning, towers, smoke stacks sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter
GROUP 3 - Industrial
ZONE 4 - GROUP 1- Brush
GROUP 2 - Brush swing stage
GROUP 3 - Brush industrial
GROUP 4 - Spray; spray steel, sandblasting
GROUP 5 - Spray swing stage
GROUP 6 - Paperhanger
GROUP 7 - Sheetrock finishers
ZONE 5 - GROUP 1-Painters, paperhangers, tapers, floaters, commercial steel, such as churches or any commercial building with closed roof deck or walls
GROUP 2 - Other commercial work brush spray, stage, window jacks flagpoles & steeple work
GROUP 3 - All industrial work including sandblasting or power tools of any kind
ZONE 7 - GROUP 1 - Painters, paperhangers, tapers, floaters
GROUP 2 - Stage, window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack sign, tank painting, steeple jack
GROUP 3 - Structural steel brush
ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberville, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, Tangipahoa (west of Hwy. 51), West Baton Rouge & West Feliciana Pars.
ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Lafourche, Livingston (south of Hwy. 22) Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - St. Tammany (northern 2/3, everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Parishes

ZONE 5 - Allen (northeastern most corner, north of Rt. 10), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (southern half, everything south of Rt. 6 including City of Natchitoches), Rapides, St. Landry (northern portion) & Winn (southern half from a line running east & west through the intersection of Rts. 84 & 71., including the town of Winnfield at that intersection) Parishes
ZONE 6 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to City of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 7 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union West Carroll & Winn (northern half, everything north of a line running east & west through Winfield excluding Winfield) Parishes
ZONE 8 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	ZONE 1	$11.70				
	ZONE 2	11.00				.01
	ZONE 3	14.15				
	ZONE 4	13.30				.01
	ZONE 5	11.48	.60	.55		.03
	ZONE 6	8.00				.01
	ZONE 7	12.10			1.00	
	ZONE 8	12,70		.50		
	ZONE 9	11.50		.30		

ZONE 1 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Pars.
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars.
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Pars.
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (par. line on the west along U. S. Hwy. 190 through the lower limits of Covington & Abita Springs along State Hwy. 435 to Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Pars.
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Pars.
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, & Webster Pars.
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Pars.
ZONE 9 - Natchitoches & Sabine Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	$13.70	.75	1.00		.10
ZONE 2	12.75	.88	.955		.09
ZONE 3	12.50	.90	.80		.10
ZONE 4	12.69	.80	1.10	1.00	.09
ZONE 5	14.01	.67	.72		.08

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Par.), St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Pars.
ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern ½ of Par), Iberville, Livingston, Pointe Coupee, St. Helena, St. James (western 1/3 of Par.), St. Martin (southern part of Eastern ½ of Par.), St. Mary, West Baton Rouge & West Feliciana Pars.
ZONE 3 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Evangeline, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches (south of Hwys. 84 & 86 from Winnfield To Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Ouachita, Rapides, Richland, Tensas, Union, Vernon (northest of Hwy. 10), West Carroll & Winn Parishes
ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Pars.; Parts of Natchitoches & Vernon Pars. (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Hwy. 111 between Anacoco & Haddens)
ZONE 5 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, (western ½ of Par.) Jefferson Davis, Lafayette, St. Landry, St. Martin (west of Hwy. 31) & Vermilion Pars.

POWER EQUIPMENT OPERATORS						
ZONE 1 -	GROUP 1	$ 8.62	.65	1.00		.05
	GROUP 2	9.31	.65	1.00		.05
	GROUP 3	9.40	.65	1.00		.05
	GROUP 4	9.72	.65	1.00		.05
	GROUP 5	11.20	.65	1.00		.05
ZONES 2, 3 & 4 -	GROUP 1	8.55	.65	1.00		.05
	GROUP 2	9.43	.65	1.00		.05
	GROUP 3	9.51	.65	1.00		.05
	GROUP 4	9.92	.65	1.00		.05
	GROUP 5	11.77	.65	1.00		.05
ZONE 5 -	GROUP 1	10.52	.65	1.10		.10
	GROUP 2	10.20	.65	1.10		.10
	GROUP 3	9.73	.65	1.10		.10
	GROUP 4	10.80	.65	1.10		.10
	GROUP 5	13.86	.65	1.10		.10
	GROUP 6	11.40	.65	1.10		.10
	GROUP 7	12.27	.65	1.10		.10
	GROUP 8	12.13	.65	1.10		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OP.(CONT'D)					
ZONE 6 -GROUP 1	$13.66	.65	1.10		.10
GROUP 2	13.91	.65	1.10		.10
GROUP 3	14.16	.65	1.10		.10
GROUP 4	14.41	.65	1.10		.10
GROUP 5	14.91	.65	1.10		.10
GROUP 6	14.66	.65	1.10		.10
GROUP 7	13.41	.65	1.10		.10
GROUP 8	11.95	.65	1.10		.10
GROUP 9	10.45	.65	1.10		.10
GROUP 10	9.51	.65	1.10		.10
GROUP 11	8.86	.65	1.10		.10
GROUP 12	9.89	.65	1.10		.10
ZONE 7 -GROUP 1	12.73	.65	1.10		.10
GROUP 2	11.00	.65	1.10		.10
GROUP 3	11.83	.65	1.10		.10
GROUP 4	11.68	.65	1.10		.10
GROUP 5	9.94	.65	1.10		.10
GROUP 6	8.71	.65	1.10		.10
GROUP 7	12.98	.65	1.10		.10
GROUP 8	13.23	.65	1.10		.10
GROUP 9	13.48	.65	1.10		.10
GROUP 10	13.73	.65	1.10		.10
GROUP 11	14.23	.65	1.10		.10
GROUP 12	14.73	.65	1.10		.10

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4 CLASSIFICATIONS DEFINITIONS

GROUP 1 - Oiler
GROUP 2 - Oiler-Driver
GROUP 3 - Scaleman
GROUP 4 - Air compressor, Asphalt plant; bulldozers, D-4 & equivalent & under; bullfloats; concrete spreader; finishing machines; concrete mixer (16-s or less); concrete saw; distributors (bitum surface); dowell bar machine; farm-type tractor (with all attachments except backhoe); fireman; fork lifts (other than setting steel, machinery or pipe); hoist, 1 drum less than 4 stories; kolum buff machine; pull cats; pump (3" & over); pump, concrete (under 6"); rollers, except on ashpalt or brick; straddle buggies; sweepers on streets & roads (motorized); winch truck, A-frame (other than handling steel or pipe)
GROUP 5 - Asphalt spreader; backhoe; bulldozer, over D-4 & equivalent; cableways; concrete mixer, over 16-s; cranes; derrick; ditching or trenching machines; draglines; fork lifts (setting steel, machinery or pipe); front end loaders (except farm-type tractors); grease serviceman; hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); hoist, 2 drums & over; hydrolifts; heavy duty mechanic; motor patrols; piledrivers; pump, concrete (6" & over); road pavers; rollers on asphalt or brick; scoopmobiles; scrapers; sideboom cats; shovels; tractorvators; welder, journeyman; well point system; winch cats (hoisting); winch truck, A-frame (handling steel or pipe)

POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Scale op.; oiler-driver on motor crane; batch plant

GROUP 2 - Pumps under 3 inch suction

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination oiler-compressor; combination oiler-fireman; asphalt spreaders; backhoe (all types); bulldozers; cableways; cherry pickers (all types); concrete mixers (over 1 sack); cranes; deck winch (2 drums or over); derricks; ditching or trenching machines (riding types); draglines; dredges; fork lifts (other than farm type); outside warehouses; foundation drill; front end loaders (except farm type); grease serviceman; hoist-1 drum (4 stories or more on buildings); hoist-1 drum (over 40 ft. on structures other than buildings); hoist.(2 drums or over); Locomotives (all types); mechanic; mixer plant-central mix; motor patrols; piledrivers; pull cat; pump crete-6" & over discharge; push cat; road pavers; rollers (plant mix asphalt); scrapers; shovels; sidebooms; welder, journeymen; well point system; whirleys; winch cats (Cat D-4 & over); winch truck with A-frame (5 ton & over); work boats-requiring licensed op.

GROUP 6 - Bush hog; compressor; concrete pump-under 6" discharge; concrete saw; deck winch (1 drum); distributors; ditching or trenching machines (non-riding type); dovel bar machine; farm-type tractors (when used to pull discs, grasscutters, etc.); hoist-1 drum (under 4 stories on buildings); hoist-1 drum (40 ft. or under on structures other than buildings); Kolum buff machines; mixers (1 sack & under); motorized street sweepers self-propelled; pump 3" & over ; test pump-internal combustion engine powered; water blast pumps

GROUP 7 - Asphalt plant; boom trucks; bullfloats; concrete spreader; farm-type front end loaders; finishing machines (roadway, riding type); roller (other than plant mix asphalt); straddle buggies; winch truck with A-frame (under 5 tons); workboats-not requiring licensed operator

GROUP 8 - Unit Operator

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Crane op. 60 tons & over; Crane op. boom 100 ft. & over but less than 150 ft.; Piledriver op. leads 100 ft. & over but less than 150 ft.

GROUP 2 - Crane op. 100 tons up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Piledriver op. leads 150 ft. & over but less than 225 ft.

GROUP 3 - Crane op. 125 tons up to 200 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Piledriver op. leads 225 ft. & over but less than 300 ft.

GROUP 4 - Crane op. 200 tons up to 300 tons

GROUP 5 - Crane op. 300 tons

GROUP 6 - Crane op. 300 ft. & over

GROUP 7 - Crane; Backhoe; Cableway; Concrete mixer, 16S & up Derrick; Dragline; Dredge; Hoist-2 drum; Locomotive crane; Paving mixer; Piledriver; Road paver; Roller on asphalt or brick (5 tons or over); shovel; Sideboom cat; Bulldozer; Motor patrol; Scraper; Hydrolift crane; Hydrolift truck, yard crane, cherry picker, etc.; Foundation, boring & reaming machine; Cement stabilizer; Trenching machine; Asphalt spreader; Traxcavator & similar front end loading equipment with scoop or bucket of 1 cu. yd. or more capacity; Tug boat op.; Turnapull, euclid, DW-10 & other similar self-loading earth moving equipment; Concrete pump (not pumpcrete)

POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D)

GROUP 8 - A-frame truck; Crew boat op; Fireman; Fork lift Straddle buggy; Traxcavator, Scoopmobile & similar front end loading equipment with scoop or bucket under 1 cu. yd. capacity; Locomotive; well point system; Unit operator; hoist-1 drum, 4 stories & over

GROUP 9 - Air compressor; Asphalt plant engineer; Blade grader; Distributor (bitum surface); Finishing machine (concrete, paving); Hoist-1 drum, less than 4 stories; Concrete mixer under 16-S; Oiler driver; Pump crete; Street & road sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-hole digger; Tractor operated bush hog & similar grass or bush cutting equipment

GROUP 10 - Batch plant operator

GROUP 11 - Oiler

GROUP 12 - Pumps, over 3 inch suction; Snatch cat

POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - A-frame truck when working with ironworkers, pipefitters, boilermakers & electricians; Bulldozers & tractors; Cableways; Concrete mixer (over 16S) paving machines, cranes, derricks, draglines & clamshells; Concrete pump/boom combinations; Deck winches (2); Economobile model #620B or equivalent or heavier equipment; Gradealls; Hi-Ho & similar type equipment; Hoist, 1 drum, 4 stories & over; Hoist, 2 drums or more; Hydro cranes; Mechanics; Motor patrols; Piledrivers; Rollers on brick & asphalt; rubber tired front end loader, with or without blade attachment, 1 cu. yd. capacity or more; Scraper; Shovels, Backhoes (all types); Side boom cats; Stabilizers, 3 drums or more; Traxcavators; Trenching machines; Welder, Journeyman; Work boats requiring licensed ops.

GROUP 2 - A-frame truck except when working with ironworkers or pipefitters; Air compressor; Asphalt plant engineers; Asphalt finisher, screed men; Blade graders; Small boat op;, Bull floats; Concrete joining machines; Concrete mixer , 16S & under; Concrete spreader; crusher op.; Deck winch (1); Distributors, asphalt; "Ditch Witch" & similar equipment; Electric elevator (inside); Finishing machine; Firemen; Form graders; Fork lifts; Hoist, 1 drum, under 4 stories; Power subgraders; Pug mill; Pull tractors; Pump; Pump crete; rollers, except on brick & asphalt; Rubber tired front end loader (with or without attachment) less than 1 cu. yd. capacity; Scale op.; Scoopmobile; Snatch cats; Spray machines; stabilizers, less than 3 drums; Straddle buggy; Trench machines & equivalent machines

GROUP 3 - Unit and wellpoint operator

GROUP 4 - Outside electric elevator operator

GROUP 5 - Batch plant operator, Oilers (Driver)

GROUP 6 - Oiler

GROUP 7 - Crane op. 60 tons & above; Crane op. boom 100 ft. & over but less than 150 ft.; Tower crane op. boom height 100 ft. & over but less than 150 ft.

GROUP 8 - Crane op. 100 tons & up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Tower crane op. boom height 150 ft. & over but less than 225 ft.

GROUP 9 - Crane op. 125 tons & up to 200 tons

GROUP 10 - Crane op. 200 tons & up to 300 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Tower crane op. boom height 225 ft. & over up to 30 floors

POWER EQUIPMENT OPERATORS - ZONE 7 (CONT'D)

GROUP 11 - Crane op. 300 tons & up to 400 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Tower cranes over 30 floors

GROUP 12 - Crane op. over 400 tons; Crane op. boom 400 ft. & over

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes

ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the Junction Of Iberville-St. Landry Parishes border)

ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northwest of a straight line drawn from the city of Berwick to the city of Lutcher); Parts of Iberia & southern & northern St. Martin Parishes (east & west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the Louisiana-Mississippi border)

ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Parishes (that portion of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi & the Mississippi Sound, on the south by the Gulf of Mexico & on the west by a line drawn as follows; beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, due north of the town of Hackley, thence southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to the Atchafalaya Bay & in a line due south to the Gulf of Mexico.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1 - Roofers	$11.13		.20		
ZONE 2:					
Roofers	9.99	.80	.85	.50	.70
Preparers remove old roofing, place, stock or move materials, tools or equipment for the journeymen	4.75	.50			
ZONE 3:					
Roofers	10.13	.60	.75		.04
Roofer helpers does not use the tools of the trade in removing & disposing of old roofing, stocking & unloading material, hauling materials to the journeymen & sweeping	6.34	.60	.75		.04
ZONE 4 - Roofers	10.00		.30		
Kettlemen	8.60		.30		
ZONE 5 - Roofers	11.89		.20		.04
Kettlemen	8.23		.20		.04

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes

ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes

ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS					
ZONE 1	$13.50	.58	.60		.18
ZONE 2	12.75	3%+.75	1.11		.16
ZONE 3	14.12	.55	.80		.16
ZONE 4	12.09	3%+.69	.50		.19

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	13.69	.95	1.40		.08
TRUCK DRIVERS					
ZONE 1 - GROUP 1	11.11	.70			
GROUP 2	11.59	.70			
GROUP 3	11.82	.70			
GROUP 4	11.61	.70			
GROUP 5	11.71	.70			
GROUP 6	11.63	.70			
GROUP 7	12.05	.70			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D)					
ZONE 2 - GROUP 1	$ 8.05	.50			
GROUP 2	8.30	.50			
GROUP 3	8.85	.50			
GROUP 4	8.70	.50			
GROUP 5	9.15	.50			
GROUP 6	9.25	.50			
GROUP 7	9.55	.50			
GROUP 8	9.70	.50			
ZONE 3 - GROUP 1	8.22				
GROUP 2	8.30				
GROUP 3	8.55				
GROUP 4	8.70				
GROUP 5	8.85				
GROUP 6	9.05				
GROUP 7	9.40				
ZONE 4 - GROUP 1	9.18				
GROUP 2	9.48				
GROUP 3	9.63				
GROUP 4	9.83				
GROUP 5	9.98				
GROUP 6	9.78				
ZONE 5 - GROUP 1	10.04	.70			
GROUP 2	10.65	.70			
GROUP 3	10.70	.70			
GROUP 4	10.96	.70			

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

ZONE 1 - GROUP 1 - Teamsters, Pick-up drivers
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds.; mixers on trucks over 3 yds; Miss. wagons & Koehring dumpsters & similar dirt moving equipment (up to & incl. 8 yds.)
GROUP 4 - Mixers on trucks up to including 3 yds.
GROUP 5 - Winch trucks
GROUP 6 - Trucks, dump
GROUP 7 - Miss. wagons & Koehring dumpsters & similar dirt moving equip. over 8 yds.

ZONE 2 - GROUP 1 - Teamsters, pick-up drivers
GROUP 2 - Stake bodies (all sizes); platform dump
GROUP 3 - Truck & trailer; dump
GROUP 4 - Mixers on trucks, up to and including 3 yds.
GROUP 5 - Mixers over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Miss wagons & Koehring dumpster, tandem dumps & similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Miss. wagons, Koehring dumpsters, tandem dumps & similar dirt moving equipment, over 8 yds.

ZONE 3 - GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch & water trucks over 3 tons, pickups with trailer
GROUP 5 - Miss. wagons, floats, tractor trailers; rubber tired tractors & wobble wheels
GROUP 6 - Euclids, lowboys, dempsey dumpster, Koehring dumps, 5 axle trucks, transit mix over 3 yds.
GROUP 7 - Fork lift

ZONE 4 - GROUP 1 - Pick-ups
GROUP 2 - Over 1 tons, up to but not including 3 tons
GROUP 3 - 3 tons up to but not including 5 tons
GROUP 4 - 5 tons & over including but not limited to; winch, dempsey dumpster, lowboy, semi-trailer, euclid, tournapull & similar equipment when used for transporting material
GROUP 5 - Larger trucks, carrying capacity rear axles 50,000 lbs. & over
GROUP 6 - Winch truck with A-frame when used for transporting material

ZONE 5 - GROUP 1 - Truck drives, up to but not including 1½ tons
GROUP 2 - Truck drivers, 1½ tons up to but not including 3 tons
GROUP 3 - Truck drivers, 3 tons up to but not including 5 tons
GROUP 4 - Truck drivers, 5 tons & over

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars.
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

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: Louisiana PARISHES: Bossier, Caddo & Calcasieu

DECISION NO. LA81-4027 DATE: Date of Publication

Supersedes Decision No. LA80-4089, dated November 7, 1980 in 45 FR 74361

DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Bossier & Caddo Parishes	$12.99	.70	1.00		.03
Calcasieu Parish	13.32	.775	1.18		.04
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS:					
Bossier & Caddo Parishes	11.30	.55	.65		
CalCasieu Parish	14.55	.68	1.00		.05
CARPENTERS:					
Bossier & Caddo Parishes:					
Carpenters	11.00	.65	.50		.04
Millwrights	11.75	.65	.50		.04
Piledrivermen	11.25	.65	.50		.04
Calcasieu Parish:					
Carpenters and Pile-drivermen	13.66	.85	.38		.07
Millwrights	15.66				.07
CEMENT MASONS:					
Bossier & Caddo Parishes	10.50	.45			
Calcasieu Parish	13.53				
ELECTRICIANS:					
Bossier & Caddo Parishes:					
Electricians	13.25	1.75	3%		1%
Cable Splicers	13.75	1.75	3%		1%
Calcasieu Parish:					
Electricians	14.75	.55	3%+.40		1/10%
Cable Splicers	15.00	.55	3%+.40		1/10%
ELEVATOR CONSTRUCTORS:					
Bossier & Caddo Parishes:					
Mechanics	11.66	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob.)	50%JR				
Calcasieu Parish:					
Mechanics	12.14	1.195	.95	a+b	.05
Helpers	70%JR	1.195	.95	a+b	.05
Helpers (Prob).	50%JR				
GLAZIERS:					
Bossier & Caddo Parishes	9.88		.30		.04
Calcasieu Parish	12.85			c+d	.02
IRONWORKERS:					
Bossier & Caddo Parishes	12.45	.45	.90		.06
Calcasieu Parish	14.41	.60	.65		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Bossier & Caddo Parishes:					
GROUP 1					
Laborers	$ 7.53	.25	.27		.05
GROUP 2					
Mason tenders, plasterer tenders; asphalt rakers, asphalt smoothers	7.63	.25	.27		.05
GROUP 3					
Mortar mixers	7.68	.25	.27		.05
GROUP 4					
Air jacks, vibrators; sewer pipe layers and wipers	7.73	.25	.27		.05
Calcasieu Parish:					
GROUP 1					
Building & general laborers; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners	8.88	.25	.27		.05
GROUP 2					
Air tool op.(except jack-hammer); interior of closed tanks & vessels power equipment	8.98	.25	.27		.05
GROUP 3					
Mortar mixers	9.03	.25	.27		.05
GROUP 4					
Jackhammer operators	9.13	.25	.27		.05
GROUP 5					
Blasterers	9.84	.25	.27		.05
GROUP 6					
Blaster tenders; concrete cutters behind paving machines & puddlers; form setters & lines asphalt worker	9.40	.25	.27		.05
GROUP 7					
Wipe joints, laying pipe & tile from pumpcrete	9.24	.25	.27		.05
GROUP 8					
Interior or closed tanks & vessels manually	8.93	.25	.27		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Bossier & Caddo Parishes	$12.85				
Calcasieu Parish	13.485	.55			.01
MARBLE SETTERS:					
Bossier & Caddo Parishes	10.10	.55			
Calcasieu Parish	14.55	.68	1.00		.05
PAINTERS:					
Bossier & Caddo Parishes:					
Painters, tape & float, vinyl & paperhangers	10.95	.40	.30		.05
Calcasieu Parish:					
GROUP 1					
Brush, roller, buffer	13.245		.30		
GROUP 2					
Paperhangers, taping and floating	13.445		.30		
GROUP 3					
Spray, Sandblasting	13.59		.30		
PLASTERERS:					
Bossier & Caddo Parishes	12.10			1.00	
Calcasieu Parish	14.15				
PLUMBERS & PIPEFITTERS:					
Bossier & Caddo Parishes	12.69	.80	1.10	1.00	.09
Calcasieu Parish	14.01	.67	.72		.08
ROOFERS:					
Bossier & Caddo Parishes:					
Roofers	11.89		.20		.04
Kettlemen	8.23		.20		.04
Calcasieu Parish:					
Roofers	11.13		.20		
SHEET METAL WORKERS:					
Bossier & Caddo Parishes	7.74	3%+.67			.15
Calcasieu Parish	13.50	.58	.60		.18
SOFT FLOOR LAYERS:					
Bossier & Caddo Parishes	11.00	.65	.50		.04
Calcasieu Parish	13.66	.85	.38		.07
SPRINKLER FITTERS	13.69	.95	1.40		.08
TERRAZZO WORKERS:					
Bossier & Caddo Parishes	10.10	.55			
Calcasieu Parish	14.55	.68	1.00		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS:					
Bossier & Caddo Parishes	$10.10	.55			
Calcasieu Parish	9.60	.48	.67		.02
TRUCK DRIVERS:					
Bossier & Caddo Parishes					
GROUP 1					
Pick-ups, spotters and dumpers	8.22				
GROUP 2					
Stake bodies; flat beds (all sizes)	8.30				
GROUP 3					
Single axle dumps & water trucks; transit mix up to & including 3 yds.	8.55				
GROUP 4					
Tandem axle, dump, batch & water trucks over 3 tons, pick-ups with trailer	8.70				
GROUP 5					
Mississippi wagons, floats, tractor trailers; rubber tired tractors & wobble wheels	8.85				
GROUP 6					
Euclids, lowboys, Dempsey dumpsters, Koehring dumps, 5 axle trucks, transit mix over 3 yds.	9.05				
Calcasieu Parish:					
GROUP 1					
Pick-ups	11.11	.70			
GROUP 2					
Stake bodies (all sizes)	11.59	.70			
GROUP 3					
Trucks trailer & dump over 8 yds.; mixers on trucks over 3 yds.; Mississippi wagon & Koehring dumpsters & similar dirt moving equipment (up to & including 8 yds.)	11.82	.70			

TRUCK DRIVERS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Calcasieu Parish Contd:					
GROUP 4					
Mixers on trucks up to & including 3 yds.	$11.61	.70			
GROUP 5					
Winch trucks	11.71	.70			
GROUP 6					
Dump trucks	11.63	.70			
GROUP 7					
Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.	12.05	.70			
WELDERS - receive rate prescribed for craft per - forming operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS & GLAZIERS
A-New Year's Day; B-Memorial Day; C-Independence day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS & GLAZIERS
a- 1st 6 mos. - none; 6 mos. to 5 years - 6% over 5 years - 8% of basic hourly rate
b - Paid Holidays - A thru G
c - 5 days paid vacation
d - Paid Holidays, A,C,D,E,G, & Good Friday

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

POWER EQUIPMENT OPERATORS: Calcasieu Parish:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$10.52	.65	1.10		.10
GROUP 2	10.20	.65	1.10		.10
GROUP 3	9.73	.65	1.10		.10
GROUP 4	10.80	.65	1.10		.10
GROUP 5	13.86	.65	1.10		.10
GROUP 6	11.40	.65	1.10		.10
GROUP 7	12.27	.65	1.10		.10
GROUP 8	12.13	.65	1.10		.10

POWER EQUIPMENT OPERATORS CLASSIFICATIONS DEFINITIONS

GROUP 1 - Scale Operators; oiler-driver on motor crane; batch plant operator
GROUP 2 - Pumps under 3 inch suction
GROUP 3 - Oiler
GROUP 4 - Fireman
GROUP 5 - Combination oiler- ompressor; combination oiler-fireman; asphalt spreaders; backhoe (all types); bulldozer; cableways; cherry pickers (all types); concrete mixers (over 1 sack); cranes; deck winch (2 drums or over); derricks; ditching or trenching machines (riding type); draglines; dredges; fork lifts (other than farm type) outside warehouses; foundation drill; front end loaders (except farm types); grease serviceman; hoist-1 drum (4 stories or more on buildings); hoist-1 drum (over 40 ft. on structures other than buildings); hoist (2 drum or over); locomotive (all types); mechanic; mixer plant operator-central mix; motor patrols; pile-drivers; pull cat; pump crete-6" and over discharge; push cat; road pavers; rollers (plant mix asphalt); scrapers; shovels; sidebooms; welder, journeyman; well point system; whirleys; winch cats (cat D-4 & over); winch truck with A-frame (5 ton & over); work boats-requiring licensed operator
GROUP 6 - Bush hog; compressor; concrete pump-under 6" discharge; concrete saw; deck winch (1 drum); distributors; ditching or trenching machines (non-riding type); dowel bar machine; farm-type tractors (when used to pull discs, grass cutters, etc. ; hoist-1 drum (under 4 stories on buildings); hoist-1 drum (40 ft. or under on structures other than buildings); Kolom Buff Machines; mixers (1 sack & under); motorized street sweepers self-propelled; pump (3" & over); test pump-internal combustion engine powered; water blast pumps
GROUP 7 - Asphalt plant operator; boom trucks; bull floats; con-crete spreader; farm type front end loaders; finishing machines (roadway, riding type); roller (other than plant mix asphalt); straddle beggies; winch truck with A-frame (under 5 tons); work boats-not requiring licensed operator
GROUP 8 - Unit operators

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

DECISION NUMBER: NV81-5111

DATE: Date of Publication

Supersedes Decision No. NV80-5100 dated February 1, 1980, in 45 FR 7451.

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:*					
Area 1	$18.26	$1.28	$1.52		
Area 2	14.36	.77	1.52		
Area 3	19.51	1.25	1.45		.11
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; STONEMASONS:*					
Area 1	15.57	.90	.60		.06
Area 2	15.21	1.25	.75		.04
BRICK HOD CARRIERS:*					
Area 1	12.11	1.10	1.30		.10
CARPENTERS:*					
Area 1:					
Carpenters	15.31	.85	1.35		.10
Drywall Installer	15.48	.85	1.35		.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	15.46	.85	1.35		.10
Lathers	15.48	.85	1.35		.10
Millwrights	16.31	.85	1.35		.10
Piledrivermen	15.51	.85	1.35		.10
Area 2:					
Carpenters	12.25	1.10	1.61	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators; Shingler	12.40	1.10	1.61	1.00	.10
Millwrights	12.85	1.10	1.61	1.00	.10
Piledrivermen	12.50	1.10	1.61	1.00	.10
CEMENT MASONS:*					
Area 1:					
Cement Masons	13.00	1.10	1.00		.13
Cement Floor Finishing Machine and Color Work	13.35	1.10	1.00		.13

*See AREA Descriptions - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Area 2:					
Cement Masons	$13.05	$1.10	$1.00	$1.45	.05
Mastic, Magnesite and all Composition Masons	13.30	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	13.55	1.10	1.00	1.45	.05
Area 3:					
Cement Masons	14.80	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	15.05	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	15.30	1.10	1.00	1.45	.05
DRYWALL INSTALLERS:*					
Area 1	12.50	1.10	1.61	1.00	.10
ELECTRICIANS:*					
Area 1:					
Electricians; Technicians	17.06	.98	3%+2.55		.08
Cable Splicers	17.39	.98	3%+2.55		.08
Area 2:					
Electricians; Technicians	18.53	1.09	3%+2.09		.14
Cable Splicers	20.38	1.09	3%+2.09		.14
Area 3:					
Electricians; Technicians	20.03	1.09	3%+2.09		.14
Cable Splicers	21.88	1.09	3%+2.09		.14
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator Constructors	16.62	1.195	.95	a	.035
Helpers	11.63	1.195	.95	a	.035
Probationary Helpers	8.31				
Area 2:					
Elevator Constructors	19.99	1.195	.95	a	.035
Helpers	13.99	1.195	.95	a	.035
Probationary Helpers	9.995				
GLAZIERS:*					
Area 1	17.02	.75	.40		.08
Area 2	12.931	.83	1.85	1.584	

*See AREA DESCRIPTIONS - Page 3

AREA DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Elko, Eureka, and White Pine Counties
Area 3: Remaining Counties

BRICKLAYERS; STONEMASONS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)
Area 2: Remaining Counties and Nye County (north of Highway #6)

BRICK BOD CARRIERS:
Area 1: Statewide excluding Clark, Emseralda, and Lincoln Counties; Nye County (south of Highway #6)

CARPENTERS:
Area 1: Clark County; Esmeralda County (south of Highway #6); Lincoln County; Nye County (south of Highway #6)
Area 2: Remaining Counties; Esmeralda and Nye Counties (north of Highway #6)

CEMENT MASONS:
Area 1: Clark, Lincoln, and Nye Counties
Area 2: Remaining Counties (excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

DRYWALL INSTALLERS:
Area 1: Remaining Counties; Esmeralda and Nye Counties (north of Highway #6)

ELECTRICIANS:
Area 1: Clark and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
Area 2: Remaining Counties; Nye County (north of Mt. Diablo Base Line), excluding Lake Tahoe Area
Area 3: Lake Tahoe Area

ELEVATOR CONSTRUCTORS:
Area 1: Nevada east of 118° longitude and south of 39° north latitude
Area 2: Nevada west of 118° longitude

GLAZIERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:*					
Area 1:					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	$13.10	.90	$1.45		.10
Area 2:					
Fence Erector Ornamental; Reinforcing; Structural	13.11 14.00	1.39 1.89	3.22 3.22	2.15 2.15	.07 .07
LATHERS:*					
Area 1	16.57				.01
LINE CONSTRUCTION WORKERS:*					
Area 1:					
Groundman	14.15	.98	3%		3/4%
Line Equipment Operators	16.98	.98	3%		3/4%
Linemen	18.87	.98	3%		3/4%
Cable Splicers	19.81	.98	3%		3/4%
Area 2:					
Groundman	14.15	.99	3%+1.37		.08
Line Equipment Operators	14.78	.99	3%+1.37		.08
Lineman	16.43	.99	3%+1.37		.08
Cable Splicers	18.07	.99	3%+1.37		.08
Area 3:					
Groundman	13.32	.99	3%+1.37		.08
Line Equipment Operators	15.78	.99	3%+1.37		.08
Linemen	17.43	.99	3%+1.37		.08
Cable Splicers	19.07	.99	3%+1.37		.08
MARBLE SETTERS:*					
Area 1	15.57	.90	.60		.06
Area 2	14.00	.95	.75		.01
MARBLE, TERRAZZO, and TILE FINISHERS:*					
Area 1	12.14	.90	.60		
Area 2	8.40	.95	.75		.01
MASON TENDERS:*					
Area 1	12.82	.81	1.50		

*See AREA DESCRIPTIONS - Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:*					
Area 1:					
Brush; Roller	$15.74	.80	.70		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Structural Steel; Taper	16.09	.80	.70		.06
Buffing Steel; Sandblaster, Structural Steel	16.44	.80	.70		.06
Steeplejack	17.49	.80	.70		.06
Area 2:					
Brush and Roller	15.93	.70	.75		.02
Spray; Taper; Paperhangers; Sandblaster	16.43	.70	.75		.02
Spray - Swing Stage up to 40 feet; Spray - Steel	16.68	.70	.75		.02
Brush - Swing Stage, up to 40 feet; Brush - Steel; Sandblaster	16.18	.70	.75		.02
PLASTER HOD CARRIERS:*					
Area 1:					
Plasterer Tender serving Plasterers	13.20	1.10	1.30		
Plasterer Tender working on any type of Gun except TM-30	13.80	1.10	1.30		
Plasterer Tender mixing on TM-30 Machine	14.05	1.10	1.30		
PLASTER TENDERS:*					
Area 1	13.12	.81	1.35		.11
PLASTERERS:*					
Area 1	13.49	1.10	1.00		.13
Area 2	13.02	1.10	1.50		.03

*See AREA DESCRIPTIONS - Page 6

AREA DESCRIPTIONS

IRONWORKERS:
Area 1: Elko, Eureka, White Pine Counties
Area 2: Remaining Counties

LATHERS:
Area 1: Statewide (excluding Clark County; Esmeralda County (south of Highway #6)); Lincoln County; Nye County (south of Highway #6)

LINE CONSTRUCTION WORKERS:
Area 1: Clark, and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
Area 2: Remaining Counties and Nye County (north of Mt. Diablo Base Line) (excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

MARBLE MASONS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MARBLE, TERRAZZO, and TILE FINISHERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MASON TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PAINTERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties including Lake Tahoe Area

PLASTER HOD CARRIERS:
Area 1: Statewide excluding Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PLASTER TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PLASTERERS:
Area 1: Clark, Lincoln, and Nye Counties
Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:*					
Area 1	$13.75	$1.25	$2.50	$2.00	.08
Area 2	15.94	1.23	1.25	2.10	.20
PLUMBERS (Utility):*					
Area 1	15.94	1.23	1.25	2.10	.20
ROOFERS:*					
Area 1	18.15	1.00			
Area 2	16.27	1.00	1.00		.05
SHEET METAL WORKERS:*					
Area 1	18.02	1.20	1.92		.19
Area 2	14.72	1.20	2.26	1.47	.12
SOFT FLOOR LAYERS:*					
Area 1	16.16	1.11			.25
Area 2	14.99	.70	.20	.33	.06
SPRINKLER FITTERS	19.56	.95	1.40		.06
TERRAZZO WORKERS; TILE SETTERS:*					
Area 1	15.57	.90	.60		.06
Area 2	14.00	.95	.75		.01

*See AREA DESCRIPTIONS - Page 8

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTE:
a. Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A thru G

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

AREA DESCRIPTIONS

PLUMBERS; Steamfitters:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6, excluding City of Tonopah)
Area 2: Remaining Counties and Nye county (north of Highway #6, including City of Tonopah)

PLUMBERS (Utility):
Area 1: Statewide except Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6, excluding the City of Tonopah)

ROOFERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)
Area 2: Remaining Counties and Nye County (north of Highway #6)

SHEET METAL WORKERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a horizontal line passing through Warm Springs, Nevada); White Pine County
Area 2: Remaining Counties and Nye County (north of a horizontal line passing through Warm Springs, Nevada)

SOFT FLOOR LAYERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties including Lake Tahoe Area

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6):					
Group 1	$11.75	.81	$1.58		
Group 2	11.96	.81	1.58		
Group 3	12.06	.81	1.58		
Group 4	12.15	.81	1.58		
Group 5	12.25	.81	1.58		

Group 1: Cutting Torch Operator (demolition); Dry Packing of Concrete and Filling of Form-bolt Holes; Fine Grader, highway and street paving, airport runways and similar type heavy construction; Spotter, Debris Handler and Dumpman; Gas and Oil Pipeline Laborer; Guinea Chaser; Laborer, demolition (cleaning of bricks, lumber, etc.); Laborer, general or construction; Laborer, packing rod steel and pans; Laborers, temporary water lines (portable type); Landscape Gardener and Nurseryman; Tarman and Mortarman, Kettleman, Potman and man applying asphalt, lay-kold creosote, lime and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Underground Laborer, including Caisson Bellowers; Window Cleaner

LABORERS (Cont'd)
Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6)

Group 2: Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on 1 yard or larger mixers and handling bulk cement); Cesspool Digger and Installer; Chucktender (except tunnel); Concrete Core Cutter; Concrete Curer, Impervious Membrane and Oiler of all materials; Concrete Saw Man, excluding tractor type, cutting, scoring old or new concrete; Gas and Oil Pipeline Wrapper, Pot Tender and Form Man; Making and caulking of all non-metallic pipe joints; Operators and Tenders of pneumatic and electric tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench, multiplate and similar mechanical tools not separately classified herein; Operator of Cement Grinding Machine; Riprap Stonepaver; Roto-scraper; Sandblaster (Pot Tender); Scaler Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Faller , Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders

Group 3: Gas and Oil Pipeline Wrapper, 6 inch pipe and over; Jackhammer and/or Pavement Breaker; Laying of all non-metallic pipe, including sewer pipe, drain pipe, and underground tile; Oversize Concrete Vibrator, 70 lbs. and over; Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or power tools)

Group 4: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Head Rock Slinger; Powderman - Blaster, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Sandblaster (Nozzleman); Steel Headerboard Man

Group 5: Driller (Core, Diamond or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 143 and similar type drills

LABORERS: (Cont'd) Remaining Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.71	$1.10	$1.30		.10
Group 2	10.81	1.10	1.30		.10
Group 3	10.96	1.10	1.30		.10
Group 4	11.21	1.10	1.30		.10
Group 5	11.51	1.10	1.30		.10
Group 6-A	11.51	1.10	1.30		.10
Group 6-B	11.21	1.10	1.30		.10
Group 6-C	10.86	1.10	1.30		.10

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzle Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad Trackmen (builders); Sloper; Semi-skilled Wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

LABORERS: (Cont'd)
Remaining Counties

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer, under 1/2 yd.; Concrete Pan Work (breadpan type) (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, Hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Driller's Tender, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Worker (wet or dry); Pipe Wrapper, Kettleman, Potman, and men applying asphalt, Creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete, wet or dry; Roto Tiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash windows, doors, plumbing and electrical fixtures

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type Drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt Rakers

Group 5: Blaster and Powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Grop 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS: Clark, Esmeralda, Lincoln, and Nye Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.60	$1.10	$2.80	.92	.14
Group 2	13.88	1.10	2.80	.92	.14
Group 3	14.17	1.10	2.80	.92	.14
Group 4	14.31	1.10	2.80	.92	.14
Group 5	14.53	1.10	2.80	.92	.14
Group 6	14.64	1.10	2.80	.92	.14
Group 7	14.76	1.10	2.80	.92	.14
Group 8	14.93	1.10	2.80	.92	.14
Group 9	15.06	1.10	2.80	.92	.14

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator Operator; Heavy Duty Repairman Tender; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip type; Conveyor Operator; Fireman; Hydrostatic Pump Operator; Oiler Crusher (asphalt or concrete plant); Plant Operator, Generator, Pump or Compressor; Rotary Drill Tender (Oilfield); Skiploader - wheel type up to 3/4 yard with attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with drag-type attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power Driven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Bridge type unloader and Turntable Operator; Chip Spreading Machine; Concrete Pump (small portable); Dinky Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 feet)

POWER EQUIPMENT OPERATORS (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yards); Bit Sharpenter; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and wheel type (over 3/4 yards and up to and including 1½ yards); Tractor - Bulldozer, Tamper, Scraper (single engine, up to 100 Hp, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (tamping and finishing); Asphalt Paving Machine (Barber Green or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (cast-in-place); Combination Mixer and Compressor (gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yard - rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yards and up to and including 50 cu. yds. struck); Rubber-tired Scraper (self-loading - paddle wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type over 1½ yards, up to and including 6½ yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5, 100 flywheel HP and over or similar)(Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor (boom attachments); Traveling Pipe wrapping, cleaning and bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cu. yards M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 7: Crane (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge; Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired earthmoving equipment (single engine over 50 yards struck); Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar)(over 25 yards and up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and wheel type over 6½ yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yds. M.R.C.); Wood Mixer and similar Pugmill equipment; Heavy Duty Repairman, Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi-engine); Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar, and similar type over 50 cu. yds. struck); Rubber-tired self-loading Scraper (paddle wheel-auger type self-loading) (2 or more units); Tandem equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing with Push Cat, Push-pull) (50¢ per hour additional)

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cu. yds.); Remote controlled earth moving equipment ($1.00 per hour additional to base rate)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):					
Remaining Counties:					
Area 1:*					
Group 1-A	$11.64	$2.24	$3.00	$2.07	.11
Group 2	12.08	2.24	3.00	2.07	.11
Group 3	12.31	2.24	3.00	2.07	.11
Group 4	12.93	2.24	3.00	2.07	.11
Group 5	13.18	2.24	3.00	2.07	.11
Group 6	13.32	2.24	3.00	2.07	.11
Group 7	13.53	2.24	3.00	2.07	.11
Group 8	14.02	2.24	3.00	2.07	.11
Group 9	14.29	2.24	3.00	2.07	.11
Group 10	14.59	2.24	3.00	2.07	.11
Group 10-A	14.74	2.24	3.00	2.07	.11
Group 11	14.95	2.24	3.00	2.07	.11
Group 11-A	16.31	2.24	3.00	2.07	.11
Area 2:*					
Group 1-A	12.89	2.24	3.00	2.07	.11
Group 2	13.33	2.24	3.00	2.07	.11
Group 3	13.56	2.24	3.00	2.07	.11
Group 4	14.18	2.24	3.00	2.07	.11
Group 5	14.43	2.24	3.00	2.07	.11
Group 6	14.57	2.24	3.00	2.07	.11
Group 7	14.78	2.24	3.00	2.07	.11
Group 8	15.27	2.24	3.00	2.07	.11
Group 9	15.54	2.24	3.00	2.07	.11
Group 10	15.84	2.24	3.00	2.07	.11
Group 10-A	15.99	2.24	3.00	2.07	.11
Group 11	16.20	2.24	3.00	2.07	.11
Group 11-A	17.56	2.24	3.00	2.07	.11
Area 3:*					
Group 1-A	13.39	2.24	3.00	2.07	.11
Group 2	13.83	2.24	3.00	2.07	.11
Group 3	14.06	2.24	3.00	2.07	.11
Group 4	14.68	2.24	3.00	2.07	.11
Group 5	14.93	2.24	3.00	2.07	.11
Group 6	15.07	2.24	3.00	2.07	.11

*See AREA DESCRIPTIONS - Page 17

POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection): (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties: (Cont'd)					
Area 3:* (Cont'd)					
Group 7	$15.28	$2.24	$3.00	$2.07	.11
Group 8	15.77	2.24	3.00	2.07	.11
Group 9	16.04	2.24	3.00	2.07	.11
Group 10	16.34	2.24	3.00	2.07	.11
Group 10-A	16.49	2.24	3.00	2.07	.11
Group 11	16.70	2.24	3.00	2.07	.11
Group 11-A	18.06	2.24	3.00	2.07	.11
Area 4:*					
Group 1-A	14.14	2.24	3.00	2.07	.11
Group 2	14.58	2.24	3.00	2.07	.11
Group 3	14.81	2.24	3.00	2.07	.11
Group 4	15.43	2.24	3.00	2.07	.11
Group 5	15.68	2.24	3.00	2.07	.11
Group 6	15.82	2.24	3.00	2.07	.11
Group 7	16.03	2.24	3.00	2.07	.11
Group 8	16.52	2.24	3.00	2.07	.11
Group 9	16.79	2.24	3.00	2.07	.11
Group 10	17.09	2.24	3.00	2.07	.11
Group 10-A	17.24	2.24	3.00	2.07	.11
Group 11	17.45	2.24	3.00	2.07	.11
Group 11-A	18.81	2.24	3.00	2.07	.11

AREA DEFINITIONS

Area 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse
Area 2: Area between 50 and 150 road miles of the Washoe County Courthouse
Area 3: Area between 150 and 300 road miles of the Washoe County Courthouse
Area 4: Area over 300 road miles of the Washoe County Courthouse

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Remaining Counties

Group 1-A: Brakeman; Deckhand; Fireman; Oiler; Switchman; Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pumps; Tar Pot Fireman (power-agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Mixer Box Operator (concrete plant); Motorman; Oiler (truck crane); Rotomist; Screedman (except asphaltic or concrete paving); Bobcat or similar loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper, multi-purpose; Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction jobsite); Line Master; Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Shuttle Car; Signalman; Screedman (Barber-Greene and similar)(asphalt or concrete paving)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Lubrication and Service Engineer (mobile and grease rack); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb and Gutter Machine (concrete or asphalt); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker or Tamper (with or without compressor combination); Power Jumbo (setting slip-forms, etc., in tunnels); Roller (except asphalt); Self-propelled Tape Machine; Self-propelled Compactor (single engine); Slip Form Pump (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Small Rubber-tired Tractors; Snooper Crane, Paxton-Mitchell or similar; Stationary Pipe Wrapping, Cleaning and Bending Machine; Auger-type drilling equipment up to and including 30 feet depth drilling capacity M.R.C.

POWER EQUIPMENT OPERATORS (Cont'd)
Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties

Group 7: Bit Sharpener; Compressor (over 2); Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Crusher Plant Engineer; Generators; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Roller Operator (asphalt); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 feet depth); Post Driller and/or Driver; Auger-type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt Milling Machine; Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Concrete Batch Plant (multiple units); Dozer; Drill Doctor; Elevating Grader; Gradesetter, Grade Checker; Grooving and Grinding Machine (highway); Heavy-duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine (wood-mixer and other similar Pugmill equipment); Rubber-tired earth-moving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclid, T-Pulls, DW's 10, 20, 21, and similar); Self-propelled Compactor with Dozer; Hyster 450 or Cat 825 or similar; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber-tired or similar equipment); Tractor-drawn Scraper; Tractor; Tractor-mounted Compressor Drill combination; Trenching Machine (over 3 feet depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine; Vermeer T-600B Rock Cutter

Group 9: Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yards); Combination Mixer and Compressor (gunite); Lull Hi-lift (20 feet or over); Mucking Machine; Sub-grader (Gurries or other types); Tractor (with boom) (D6 or larger); Track-laying-type earthmoving Machine (single engine with Tandem Scrapers)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy-duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons)(single or multiple units); Multiple-engine Earth-moving Machines (Euclid, Dozers, etc.); Pre-stress Wire-wrapping Machine; Rubber-tired Scraper, self-loading; Single-engine Scraper (over 35 cu. yds.); Self-propelled Reservoir-debris equipment Floating (200 HP and over); Shuttle Car (reclaim station); Train Loading Station; Trenching Machine multi-engine with sloping attachment (Jefco or similar); Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons)(Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin-engine); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual-lane Auto-grader SP30 or similar

Group 11: Automatic Asphalt or Concrete Slip-form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Cary Lift, Campbell or similar; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 cu. yds. up to and including 12 cu. yds.); Multiple-engine Scraper (when used to Push Pull); Multi-engine Earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple-propulsion power units); Self-propelled Boom-type lifting device (over 25 tons M.R.C.); Single-engine Rubber-tired Earthmoving Machine (with Tandem Scraper); Slip-form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile (including rail-mounted); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loaders (over 12 cu. yds.); Multi-engine earthmoving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels, Clamshells, Draglines, Backhoes and Gradalls (over 7 cu. yds. M.R.C.); Remote-controlled earthmoving equipment; Wheel Excavator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS: Piledriving:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Group 1	$11.63	$2.24	$3.00	$2.07	.11
Group 1-A	12.04	2.24	3.00	2.07	.11
Group 1-B	12.29	2.24	3.00	2.07	.11
Group 2-A	12.29	2.24	3.00	2.07	.11
Group 2-B	12.98	2.24	3.00	2.07	.11
Group 2-C	13.19	2.24	3.00	2.07	.11
Group 2-D	13.37	2.24	3.00	2.07	.11
Group 3	13.55	2.24	3.00	2.07	.11
Group 3-A	14.07	2.24	3.00	2.07	.11
Group 4	14.73	2.24	3.00	2.07	.11
Group 5	14.94	2.24	3.00	2.07	.11
Group 6	16.31	2.24	3.00	2.07	.11

POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving
Remaining Counties

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator or Tugger Hoist (hoisting material only)

Group 2-B: Forklift Operator

Group 2-C: A-Frames

Group 2-D: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy-duty Repairman/Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler)(up to and including 1 cu. yd. rating); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons - hoisting material only)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler)(over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam-powered Crawler, or Universal-type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 6: Cranes (over 125 tons)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
Remaining Counties:					
Group 1	$12.20	$2.24	$3.00	$2.07	.11
Group 2	12.65	2.24	3.00	2.07	.11
Group 3	13.88	2.24	3.00	2.07	.11
Group 4	14.05	2.24	3.00	2.07	.11
Group 4-A	14.42	2.24	3.00	2.07	.11
Group 5	15.02	2.24	3.00	2.07	.11
Group 6	15.54	2.24	3.00	2.07	.11
Group 7	15.90	2.24	3.00	2.07	.11
Group 8	16.25	2.24	3.00	2.07	.11
Group 9	17.51	2.24	3.00	2.07	.11

POWER EQUIPMENT OPERATORS (Cont'd)
Steel Erection

Remaining Counties

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 K.W. or over)(structural steel or tank erection only); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6) (structural steel or tank erection only); Deck Engineer; Signalman (using mechanical equipment); Forklift

Group 4: Heavy-duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman/Welder

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 ton M.R.C. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 7: Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

TRUCK DRIVERS: Clark, Esmeralda, Lincoln and Nye Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.07	.71	$1.19		
Group 2	12.18	.71	1.19		
Group 3	12.23	.71	1.19		
Group 4	12.39	.71	1.19		
Group 5	12.57	.71	1.19		
Group 6	13.07	.71	1.19		

Group 1: Dump Trucks (less than 12 yards); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gallons); Pickups; Service; Repairman Tender; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yards but less than 16 yards); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 to 4000 gallons); Truck Driver working on gas and oil pipeline (including Winch Truck and all sizes of trucks); Truck Greaser and Tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yards); Transit-Mix (less than 3 yards); Warehouse Clerk

Group 4: Dump Trucks (16 yards up to and including 22 yards); Trucks (legal payload capacity 20 ton but less than 30 tons); Water and Fuel Trucks (4000 gallons but less than 6000 gallons); Dumpcrete (6½ yards and over); Transit-mix (3 yards but less than 6 yards); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump Trucks (over 22 yards); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gallons and over); Transit-mix (6 yards and over); Truck Repairman

Group 6: D.W. and similar type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type Trucks when performing work within Teamsters' jurisdiction, regardless of types of attachment including power unit pulling off-highway Belly Dumps in Tandem

TRUCK DRIVER: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Group 1	$11.47	$1.10	$1.12	$1.01	.05
Group 2	11.52	1.10	1.12	1.01	.05
Group 3	11.63	1.10	1.12	1.01	.05
Group 4	11.69	1.10	1.12	1.01	.05
Group 5	11.74	1.10	1.12	1.01	.05
Group 6	11.79	1.10	1.12	1.01	.05
Group 7	11.90	1.10	1.12	1.01	.05
Group 8	11.96	1.10	1.12	1.01	.05
Group 9	12.01	1.10	1.12	1.01	.05
Group 10	12.07	1.10	1.12	1.01	.05
Group 11	12.18	1.10	1.12	1.01	.05
Group 12	12.23	1.10	1.12	1.01	.05
Group 13	12.49	1.10	1.12	1.01	.05
Group 14	12.51	1.10	1.12	1.01	.05
Group 15	12.67	1.10	1.12	1.01	.05
Group 16	12.84	1.10	1.12	1.01	.05

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, Pickup, up to 1800 lbs.

Group 3: Bus and Manhaul Drivers, single unit, Pickup, 18,000 lbs. and over; Winch Trucks, A-Frame, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Drivers; Fuel Man and Fuel Island Man

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yards and under 8 yards; Water Trucks and Jetting Trucks, up to 2,500 gallons; Flatrack, Industrial Lift with Mechanical Tailgate, single unit 2-axle; Warehouse Clerk

Group 5: Winch Trucks, A-Frame, 18,000 lbs. and over; Lift Jitneys and Fork Lifts

Group 6: Flatrack, Industrial Lift with Mechanical Tailgate, single unit 3-axle

TRUCK DRIVERS: (Cont'd)
Remaining Counties (Cont'd)

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 8 yds. and under 18 yards; Transit Mix under 8 yards; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, combination; Bootman and Road Oiler

Group 9: Transit Mix, 8 yards and including 12 yards

Group 10: Dump (single or multiple unit including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 18 yards and under 35 yards; Heavy Duty Transport (Highbed); Heavy Duty Transport (Gooseneck Lowbed); Tiltbed or Flatbed Pull Trailers

Group 11: DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water Tank Trailers, Fuel and/or Grease Tank, or other miscellaneous trailers (except as defined under Dump Trucks)

Group 12: Transit Mix, over 12 yards; Truck Repairman

Group 13: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 35 yards and under 60 yards

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 60 yards and under 75 yards; Helicopter Pilot (when transporting men or materials)

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 75 yards and under 100 yards

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Dement Spreaders, 100 yards and over

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: NEW YORK COUNTIES: CATTARAUGUS, CHAUTAQUA & ERIE

DECISION NO. NY81-3030 DATE: DATE OF PUBLICATION

Supersedes Decision no. NY80-3009 dated February 29, 1980 in 45 FR 13604

DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.85	1.32	1.40		.07
BOILERMAKERS	13.70	1.275	1.775		.03
BRICKLAYERS					
Erie County & Cattaraugus County (the township of Perrysburg and the town of Gowanda)					
Bricklayers, Tuck Pointers, Cleaners, Caulkers, & Stone Masons	13.83	.80	1.90		
Marble Masons	13.545	.80	1.90		
Terrazzo Workers & Tile Setters	13.45	.80	1.90		
Chautauqua County & Cattaraugus County (Remainder of County)	12.00	.80	1.30		.08
CARPENTERS					
Erie County & Cattaraugus County (the township of Perrysburg and the Village of Gowanda in the township of Persia)					
Carpenters, Millwrights & Piledrivermen (Building)	12.73	1.80	1.85		
Carpenters & Piledrivermen (Heavy & Highway)	9.92	1.81	1.85		.025
Chautauqua Caounty & Cattaraugus County (Remainder of County)					
Carpenters, Building	11.20	.80	1.35		.02
Millwrights & Piledrivers	11.45	.80	1.35		.02
Diver Tenders	11.70	.80	1.35		.02
Carpenters, Heavy & Highway	11.21	.90	1.46	a	.025
CEMENT MASONS					
Erie County					
Cement Masons	14.18		2.00		
Machine Operator	14.35		2.00		
Swing Scaffold	14.45		2.00		
Chautauqua County & Cattaraugus County					
Heavy & Highway	11.18	.80	1.30		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
Cattaraugus County (Leon & Dayton townships) & Chautauqua County	13.37	1.05	3%+1.45		.05
Erie County & Cattaraugus County (Remainder of County)					
Electricians	14.54	1.10	3%+2.10		.05
Cable Splicers	15.04	1.10	3%+2.10		.05
ELEVATOR CONSTRUCTORS	14.12	1.195	.82	b+c	.035
GLAZIERS	12.04	1.70	1.00		.30
IRONWORKERS					
Chautauqua County & Erie County (Northern half of Grand Island)					
Structural Ornamental, Reinforcing, Riggers, Rodman, & Fence Erectors	12.96	1.07	1.02		
Sheeter	14.27	1.07	1.02		
Cattaraugus County and Erie County (Remainder of County)					
Structural Ornamental, Reinforcing, Riggers, Rodmen & Fence Erectors	12.33	1.34	1.87		
Sheeters	12.73	1.34	1.87		
Sheeter, Bucker-up	12.505	1.34	1.87		
LATHERS	12.57		.10		.01
MARBLE TILE & TERRAZZO WORKERS	11.66	1.65	.40		
PAINTERS					
Erie County (Norht of White Haven RD. on Grand Island)					
Brush	11.09	1.27	1.65		.01
Spray Mastic, Steel, Steeple Jack, Swing Scaffold, Boatswain Chair using window jacks on life belts, steel tanks, Smokestacks, chruch steeples or flagpoles, Sandblasting & Water blasting	11.84	1.27	1.65		.01
Bridges	12.755	1.27	1.65		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd)					
Erie County (Remainder of County), Chautauqua County (townships of Dunkirk, Portland, Ponifret, Sheridan, Arkwright, Hanover, & Villanova), & Cattaraugus County (townships of Perrysburg, Dayton, Persia, Otto, Ashford, Yorkshire, East Otto & Machias)					
Base	12.205	1.375	.40		.11
Epoxy or Similar, Spray, Sandblasting, Bosun Chair, Swing and Scaffold, Taping					
Hangers	12.705	1.375	.40		.11
Bridges 35' in Depth or 35' from road level	13.87	1.375	.40		.11
Skeleton Steel, Radio-TV Towers, Flagpoles, Water Towers, Stacks	12.455	1.375	.40		.11
Cattaraugus County (townships of Leon, Conewango, Randolph, S. Valley, New Albion and Napoli), Chautauqua County (Remainder of County)					
Brush	9.825	.725	.40		.01
Structural Steel, Bridge, Tanks, and Stacks	10.125	.725	.40		.01
Spray, Steam Cleaning, Sandblasting & Toxic Coatings	10.475	.725	.40		.01
Swing Scaffold, Bosun Chair, Paperhangers, Taping	10.075	.725	.40		.01
Roller	10.025	.725	.40		.01
Cattaraugus County (Remainder of County)					
Brush	8.35	.55	.85		
Ladder or Scaffold over 30', 4' extension on Rollers, Taping (hand or machine)	8.60	.55	.85		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All wallcovering & Paperhanging	8.70	.55	.85		
Spray, All application of Toxic Coatings	9.00	.55	.85		
Steel above 20'	8.65	.55	.85		
Bridges	9.35	.55	.85		
PLUMBERS & STEAMFITTERS					
Cattaraugus County	13.30	.60	1.29	.25	
Chautauqua County (townships of French Creek, Clymer, Harmony, Busti, Kiantone, Carroll, Poland, Ellicott, North Harmony, Sherman, Mina, Chautauqua, Ellery, Gerry & Ellington)	13.80	.77	.55		.302
Chautauqua County (Remainder of County) & Erie County	13.81	1.03	1.63		.08
ROOFERS					
Chautauqua County & Cattaraugus County	10.95	.65	.45	.15	
Erie County					
Composition, damp, waterprpofers, steep roofers & siders	13.06	1.09	1.50		.02
Slate, tile, asbestos, & precast tile roofers	13.21	1.09	1.50		.02
SHEET METAL WORKERS					
Chautauqua County & Cattaraugus County	14.07	1.38	.96		.10
Erie County	13.25	1.33	1.16		.10
SOFT FLOOR LAYERS					
Erie County	12.73	1.80	1.85		
SPRINKLER FITTERS					
Erie County	13.39	.85	1.75		.06
Chatauqua County & Cattaraugus County	14.52	.85	1.20		.08
STEAMFITTERS					
Erie County	13.44	1.90	1.33		.15
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a. Paid Holidays: Independence Day & Labor Day
b. Seven Paid Holidays
c. Employer contributes 8% of the basic hourly rate for t years or more of service and 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Building:					
Cattaraugus (Twp. of Perrysburg and the Village of Gonawanda) County:					
Common Laborers	10.555	1.55	1.40		.10
Foundation Laborers over 9 ft. deep, Hod Carriers, Plasterers tenders, Plasterers scaffold Builders, pneumatic Gas-Electric tool operators	10.655	1.55	1.40		.10
Mortar mixers	10.705	1.55	1.40		.10
Tool operators over 8 feet deep	10.755	1.55	1.40		.10
Bottoman (caisson or cofferdam), plumbing laborers, wagon drill operators, swinging scaffold	10.805	1.55	1.40		.10
Cattaraugus (excluding Twp. of Perrysburg and the Village of Gonawanda) and Chautaugua Counties:					
Common Laborers & Plagmen Blasterers, Nozzlemen (gunite, seeding, sandblasting), Curb and Form Setters (steel stone and granite), pipelayers	9.20	.80	1.00	b	
Work 40 feet and over	9.45	.80	1.00	b	
	9.35	.80	1.00	b	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: Erie County					
BUILDING					
Bottoman, blaster; plumbing laborer, wagon drill operator; swing scaffold	10.805	1.55	1.40		.10
Pneumatic-gas-electric tool op.	10.655	1.55	1.40		.10
Tool operator (over 8 feet deep),	10.755	1.55	1.40		.10
Mortar mixer	10.705	1.55	1.40		.10
Foundation laborer (over 8 feet deep), hod carriers, plasterer tender, plasterer scaffold builder	10.655	1.55	1.40		.10
Laborer	10.555	1.55	1.40		.10
WRECKING					
Wagon drill operator	10.805	1.55	1.40		.10
Pneumatic gas-electric tool operators, steel burners	10.655	1.55	1.40		.10
Wrecking & topman	10.555	1.55	1.40		.10
OPEN CUT SEWER					
Blaster: Wagon drill op.	10.805	1.55	1.40		.10
Pneumatic gas electric tool op.	10.655	1.55	1.40		.10
Laborer: Top men	10.555	1.55	1.40		.10
CAISSON SHAFT COFFERDAMS (OPEN CUT)					
Blaster; Bottom men; wagon drill op.	10.805	1.55	1.40		.10
Pneumatic-gas-electric tool op.	10.655	1.55	1.40		.10
Top men	10.555	1.55	1.40		.10
SOFT GROUND TUNNEL OR JACKING					
Rodmen (reinforce); welder	10.40	1.55	1.40		.10
Lead miner	10.205	1.55	1.40		.10
Concrete form mover: Monkey hole man: Side miner	10.155	1.55	1.40		.10
Bottom shaft men	10.005	1.55	1.40		.10
Tunnel-shaft mucker: shaft miner	10.055	1.55	1.40		.10
Car pusher: Concrete placing crew bull gangs & track gang	9.955	1.55	1.40		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROCK TUNNEL					
Rodmen (reinforce); welder	10.405	1.55	1.40		.10
Lead heading rock drillers	10.205	1.55	1.40		.10
Concrete form mover: Side heading rock drillers	10.155	1.55	1.40		.10
Plug hole and roof bolt drillers: Mucking machine tender; tunnel & shaft mucker; shaft sinking drillers	10.055	1.55	1.40		.10
Bottom shaft man	10.005	1.55	1.40		.10
Car pushers: Bull & tack gangs; concrete placing crew	9.955	1.55	1.40		.10
Top man	9.805	1.55	1.40		.10
ASPHALT WORKERS AND CURB SETTERS					
Asphalt plant men, blacksmith	9.655	1.55	1.40		.10
Dumpers, gutterman, painters, & smoothers	9.98	1.55	1.40		.10
Rakers, screed man	10.09	1.55	1.40		.10
Stone, wood & brick pavers	10.08	1.55	1.40		.10
Shovelers	9.885	1.55	1.40		.10
Curb setter helper	10.055	1.55	1.40		.10
Curb setter & flag layers	10.74	1.55	1.40		.10
TUNNEL FREE AIR					
Blasters, steel erectors, piledrivers, Riggers	12.15	1.55	1.40		.13
Cement finisher, ironmen	11.90	1.55	1.40		.13
Tunnel worker, miners, drill runners, conveyormen, Safety miners, maintenance men block layers, rodmen, caulker, power carriers, chuck tenders, track men, nippers, burners, brakemen, derail men, cable men, hosemen groutmen, gravelmen, form-men, bottom bell, top bell, signal men, form workers, movers, concrete workers, shaft men, tunnel laborers, caulkers	11.65	1.55	1.40		.13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mole nipper, power watchmen, top laborers	10.65+p	1.55	1.40		.13

FOOTNOTES:

p. If top laborer uses an air spade, jackhammer or pavement breaker he shall receive $3.00 per day in addition to the above rate.

TUNNEL - COMPRESSED AIR					
Bottom bell, top nipper	12.65	1.55	1.40		.13
Top bell, signal men, shaft men	11.65	1.55	1.40		.13
Top laborers, powder watchmen	10.65	1.55	1.40		.13
Blasters, mucking machine op.	13.65	1.55	1.40		.13
Outside man, lock tender, gauge tender, outside muck lock tender	12.15	1.55	1.40		.13
Mole nipper per working shaft up to & including 2 moles	12.90	1.55	1.40		.13
Miner, drill runners, ironmen, maintenance men, muck men, inside mucklock tender, pumpmen, electricians, cement finishers, rodmen, caulkers, carpenters, hydraulic men, shield drivers, monorail operators, motormen, conveyor men, safety miners, powdermen, pan men, riggers, chuck tenders, track men, nippers, brakemen, derail men, cable men, hose men, grout men, gravel men, form worker, concrete workers, tunnel laborer	13.15	1.55	1.40		.13
TUNNELS: PRESSURE					
26 lbs. up to but less than 31 lbs	11.65	1.55	1.40		.13
31 lbs. up to but less than 36 lbs.	13.15	1.55	1.40		.13
36 lbs. up to but less than 41 lbs	13.65	1.55	1.40		.13
41 lbs. or more	14.15	1.55	1.40		.13

Erie County

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.795	1.65	1.56	a	.10
CLASS B	9.995	1.65	1.56	a	.10
CLASS C	10.195	1.65	1.56	a	.10
CLASS D	10.395	1.65	1.56	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker powederman.

CLASS D
Blasters, form setter, stone or granite curb setters.

Cattaraugus & Chautauqua Counties

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	10.04	.90	1.10	a	
CLASS B	10.24	.90	1.10	a	
CLASS C	10.44	.90	1.10	a	
CLASS D	10.64	.90	1.10	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	14.16	1.45	1.70	a	.16
GROUP II	13.075	1.45	1.70	a	.16
GROUP III	12.92	1.45	1.70	a	.16
GROUP IV	12.58	1.45	1.70	a	.16
GROUP V	12.795	1.45	1.70	a	.16
GROUP VI	9.99	1.45	1.70	a	.16
GROUP VII	12.485	1.45	1.70	a	.16
GROUP VIII	10.075	1.45	1.70	a	.16
GROUP IX	9.92	1.45	1.70	a	.16
GROUP X	12.025	1.45	1.70	a	.16
GROUP XI	12.64	1.45	1.70	a	.16
GROUP XII	10.145	1.45	1.70	a	.16
GROUP XIII	12.58	1.45	1.70	a	.16
GROUP XIV	9.775	1.45	1.70	a	.16
GROUP XV	13.575	1.45	1.70	a	.16
GROUP XVI	14.075	1.45	1.70	a	.16
GROUP XVII	14.575	1.45	1.70	a	.16

GROUP I: Master Mechanic

GROUP II: All boom type equipment (100 ft or less), all pan and carry-all operators, archer hoist, back and pull hoe operator, blast or rotary drill (track or cat mounted), boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), Polne crane, Shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine, Pilodriving Machine operator, Scoopmobile

GROUP III: Back filling machine operator, Holman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system (belt-crete or similar), hoisting engine op., house elevator (when used for hoisting), industrial tractor, locomotive op. (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op. (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op. (asphalt spreader), finishing machine op.

BUILDING - POWER EQUIPMENT OPERATORS CONT'D

GROUP VI: Air compressor operator (under 160 CFM), air compressor op. (over 160 CFM), generator, mechanical heater (when 3 are in a battery), power plant (in excess of 10KW), welding machine operator (to and including 3 machines)

GROUP VII: Bulldozer & tractor (50 h.p., drawbar or under) Jeep trencher, Mulchers, power brooms and rakes, seeders

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., cement bin op., concrete mixer op. (under ½ c.y.), tractor machines

GROUP XI: Grout machine operator, heating boiler operator (used for temporary heat), lubrication unit on truck, pneumatic mixer operator

GROUP XII: Pump operator (4" or over), pump operator (2-3 in a battery)

GROUP XIII: Bulldozer (over 50 h.p.), Monorail

GROUP XIV: Oiler, mechanical heaters (when 1 or 2 are used), pump operators (one inch), pump operators (2 inches), pump operators (3 inches)

GROUP XV: Crane with boom over 100 feet

GROUP XVI: Crane with boom over 200 feet

GROUP XVII: Crane with boom over 300 feet

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; Election Day.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.46	1.45	1.70	a	.16
CLASS II	12.23	1.45	1.70	a	.16
CLASS III	11.85	1.45	1.70	a	.16
CLASS IV	11.12	1.45	1.70	a	.16
CLASS V	9.78	1.45	1.70	a	.16
CLASS VI	9.40	1.45	1.70	a	.16
CLASS VII	8.67	1.45	1.70	a	.16
CLASS VIII	9.07	1.45	1.70	a	.16
CLASS IX	9.19	1.45	1.70	a	.16

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS I: Asphalt roller (expcept rubber tire), Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), Black top plant (automated) blast or rotary drill (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operator), front end loader (4/c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, peins crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractof mounted, rubber tired), back filling machine, belt placer, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs tractor mounted, elevator, front end loader (under 4 c.y.) hi-pressure boiler (15 lbs. and over), hoist (one drum), hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be and oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade), scraper, side boom, slip from paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor, drill core, drill well, electric pump used in conjuctlon with well point systems, farm tractor with accessories, fine grade machine, fork lift, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point, grout or gunite machine.

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, concrete mixer (16s and under), concrete saw self-propelled, fireman, form tamper, fuel truck, mulching machine, power broom, revinius widener, steam cleaner, tractor.

CLASS V: Compressors (4 or less) exceeding 2000 C.F.M. Combined capacity.

CLASS VI: Compressors: 4 not to exceed 2000 C.F.M. combined capacity, or 3 or less wiht more than 1200 C.F.M. but not to exceed 2000 C.F.M., Compressors (any size but subject to other provisions for compressors), Dust Collectors, Generators, Pumps, Welding Machines (4 of any type or combination).

CLASS VII: Compressors: 3 or less not to exceed 1200 C.F.M. combined capacity: Compressors: (any size but subject ot other provisions for compressors), Dust Collectors, Generators, Pumps, Welding Machines (3 or less of any type or combination), Power Heaterman.

CLASS VIII: Oilers.

CLASS IX: Oiler-Driver.

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day providing the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.69	1.05	1.00	o	
CLASS 2	9.74	1.05	1.00	o	
CLASS 3	9.79	1.05	1.00	o	
CLASS 4	9.94	1.05	1.00	o	
CLASS 5	10.09	1.05	1.00	o	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
o. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatchers.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NO.: OH81-2020 DATE: Date of Publication
Supersedes Decision No. OH80-2044, dated July 7, 1980 in 45 FR 45806
DESCRIPTION OF WORK: Building Construction Projects (Does not include single family homes and apartments up to and including 4 stories)

*ADAMS, ALLEN, ASHLAND, AUGLAIZE, BELMONT, BROWN, BUTLER, CARROLL, CHAMPAIGN, CLARK, CLERMONT, CLINTON, COLUMBIANA, COSHOCTON, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FAIRFIELD, FAYETTE, FRANKLIN, FULTON, GALLIA, GEAUGA, GREENE, GUERNSEY, HAMILTON, HANCOCK, HARDIN, HARRISON, HENRY, HIGHLAND, HOCKING, HOLMES, HURON, JACKSON, JEFFERSON, KNOX, LAWRENCE, LICKING, LOGAN, MADISON, MARION, MEDINA, MEIGS, MERCER, MIAMI, MONROE, MONTGOMERY, MORGAN, MORROW, MUSKINGUM, NOBLE, OTTAWA, PAULDING, PERRY, PICKAWAY, PIKE, PREBLE, PUTNAM, RICHLAND, ROSS, SANDUSKY, SCIOTO, SENECA, SHELBY, TUSCARAWAS, UNION, VAN WERT, VINTON, WARREN, WASHINGTON, WAYNE, WILLIAMS, WOOD, & WYANDOT

ASBESTOS WORKERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, BROWN, BUTLER (Twps. of Fairfield, Hanover, Liberty, Milford, Morgan, Oxford, Ripley, Ross, St. Clair, Union & Wayne), CLERMONT, HAMILTON, HIGHLAND, & WARREN (Twps. of Deerfield, Hamilton, Harlan, Salem, Union, & Washington) COS.	$14.76	.90	1.50		.02
ALLEN, DEFIANCE, MERCER, PAULDING, VAN WERT, & WILLIAMS COS.	15.00	.55	1.25		
ASHLAND, COSHOCTON, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	14.56	.60	1.09		.02
AUGLAIZE, BUTLER (Middletown & Vic.), CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, LOGAN, MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) COS.	13.65	.55	1.57		.02
BELMONT, JEFFERSON, & MONROE COS.	14.12	.95	1.85		
CARROLL, COLUMBIANA, & HARRISON COS.	14.69	.55	1.75		.02
CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GUERNSEY, HARDIN, HOCKING, KNOX, LICKING, MADISON, MARION, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, ROSS, UNION, & VINTON COS.	15.67	.85	.90		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE (E½), GEAUGA, & HURON COS.	$16.27	1.01	1.25		
ERIE (W½), FULTON, HANCOCK, HENRY, OTTAWA, PUTNAM, SANDUSKY, SENECA, WOOD & WYANDOT COS.	16.14	.60	1.60		.03
GALLIA, JACKSON, LAWRENCE, MEIGS, PIKE, SCIOTO, & WASHINGTON COS.	13.75	.50	1.10		.03
BOILERMAKERS					
ADAMS, BROWN, BUTLER, CHAMPAIGN, CLARK, CLERMONT, CLINTON, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GREENE, GUERNSEY, HAMILTON, HIGHLAND, HOCKING, JACKSON, LAWRENCE, LICKING, MADISON, MEIGS, MIAMI, MONTGOMERY, MORGAN, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PIKE, PREBLE, ROSS, SCIOTO, VINTON, & WARREN COS.	12.50	1.275	1.20	2.00	.04
ALLEN, ASHLAND, AUGLAIZE, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FULTON, HANCOCK, HARDIN, HENRY, HURON, KNOX, LOGAN, MARION, MERCER, MORROW, OTTAWA, PAULDING, PUTNAM, RICHLAND, SANDUSKY, SENECA, SHELBY, UNION, VAN WERT, WILLIAMS, WOOD, & WYANDOT COS.	16.10	1.275	1.50		.28
BELMONT, MONROE, & WASHINGTON COS.	14.50	1.275	1.20		.04
CARROLL, COSHOCTON, GEAUGA, HARRISON, HOLMES, MEDINA, TUSCARAWAS, & WAYNE COS.	14.68	1.20	1.40		.03
COLUMBIANA CO.	11.785	7.5%	7%		.01
JEFFERSON CO.	13.88	5%	7%+.95		.02
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS					
ADAMS & SCIOTO COS.	14.10		.50		.05
ALLEN, AUGLAIZE, MERCER & VAN WERT COS.	13.04		.70		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, WAYNE (Except Milton & Chippewa Twps.) & WYANDOT (Except Crawford, Ridge, Richland & Tymochtee Twps.) COS.	$12.98	.80	1.00		.02
BELMONT, JEFFERSON (Warren & Mt. Pleasant Twps. & Village of Dillonvale), & MONROE COS.	11.20	.60	.25		.02
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Dixon, Israel, Lanier, Somers & Gratis Twps.) & WARREN COS.	14.945	.80	.45		.02
CARROLL, COLUMBIANA (Twps. of Knox, Butler, West, & Hanover), & TUSCARAWAS COS.	12.79	.95	1.05		.01
CHAMPAIGN, CLARK, & LOGAN COS.	11.52	.85	1.10		.03
CLINTON & HIGHLAND COS.	11.00				
COLUMBIANA (East Liverpool, Wayne, Franklin, Madison, St. Clair, & Yellow Creek Twps.), & JEFFERSON (Brush Creek & Saline Twps.) COS.	12.75	.70	.50		
COLUMBIANA (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) CO.	13.595	.85	1.25		.02
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COS.	11.40	.80	1.70		.10
DARKE, MIAMI, & SHELBY COS.	12.06	.85	1.10		.03
DEFIANCE, FULTON (Except Fulton, Amboy & Swan Creek Twps.), HENRY (Except Monroe, Barlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside city limits of City of Napolean), PAULDING, PUTNAM, & WILLIAMS COS.	14.47	1.06	.75		
DELAWARE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	13.69	.90	1.50		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE NORTH OF SANDUSKY	$13.19	.80	1.25		.01
FAYETTE, PIKE, & ROSS COS.	14.96		.50		.05
FULTON (Fulton, Amboy, & Swan Creek Twps.), HENRY (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & WOOD (Ross, Perrysbury, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids Twps.) COS.	15.475	1.06	1.65		.03
GALLIA & MEIGS COS.	13.95	.70			
GEAUGA CO.	16.72	.90	1.15		a
GREENE, MONTGOMERY, & PREBLE (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.) COS.	12.43	.85	1.10		.03
HARRISON, JEFFERSON (Except Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & village of Dillonvale) COS.	12.78	.80	.50		.03
JACKSON & VINTON COS.	13.00	.70	.80		.05
LAWRENCE CO.	13.65		.50		.05
MEDINA (Hinckley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) CO.	14.83	1.21	1.33		.07
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	15.92	1.02	.80		.02
MEDINA (Litchfield, Chatham, Harrisville, Homer, & Spencer Twps.) CO.	16.45		.80	b	.01
NOBLE (Brookfield, Noble, Center, Sharon, Olive, Enoch, Stock, Elk & Jackson Twps.) & WASHINGTON COS.	12.95	.70	.50		.05

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CARPENTERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	$12.42	.75	1.25		.05
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	13.92	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE, HANCOCK (City of Fostoria), HURON, OTTAWA, RICHLAND, SANDUSKY, SENECA, & WOOD (City of Fostoria) COS.	14.17	.85	1.00	c	.08
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	12.73	1.04	1.25		.04
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	14.30	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	12.63	.70	.80		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	12.15	1.00	1.40		.07
DEFIANCE, HENRY, PAULDING, & WILLIAMS COS.	14.76	1.06	.75		
FULTON, HANCOCK (Except city of Fostoria), & WOOD (Except city of Fostoria) COS.	15.90	1.06	1.25		.10
GEAUGA COUNTY	14.78	1.09	1.60		.07
HOCKING, VINTON, & WASHINGTON COS.	12.90	.60	.70		.04
MEDINA COUNTY	14.40	.70	1.00		.02
CEMENT MASONS					
ADAMS, LAWRENCE (Except Fayette, Union & Rome Twps.), PIKE & SCIOTO COS.	14.87		.60		.05
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, & VAN WERT COS.	12.25	.70	.75		.05
ASHLAND, CRAWFORD, MARION, MORROW, RICHLAND, & WYANDOT (Exclu. Tymochtee, Crawford, Ridge, & Richland Twps.) COS.	12.50	.60			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT, HARRISON, & JEFFERSON COS.	$12.78	.65	-		.03
BROWN, BUTLER, CLERMONT, HAMILTON, HIGHLAND, & WARREN COS.	14.23	.90	.95		.30
CARROLL & TUSCARAWAS COS.	12.79	.95	1.05		.01
CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	12.23	.60	.60		.07
COLUMBIANA CO.	14.15	.70	.50		.05+d
DEFIANCE, PAULDING, & WILLIAMS COS.	13.50	.60			
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HOCKING, KNOX, LICKING, MADISON, MORGAN, MUSKINGUM, PERRY, PICKAWAY, ROSS, & UNION COS.	12.15	.70	1.25		.05
ERIE, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), WYANDOT (Tymochtee, Crawford, Ridge & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE N. OF SANDUSKY	13.19	.80	1.25		.01
FULTON, HANCOCK, HENRY, PUTNAM, & WOOD (Exclu. Perry & Bloom Twps.) COS.	13.80	.70	1.10		.02
GALLIA & MEIGS COS.	13.95	.70			
GEAUGA CO.	16.72	.90	1.15		a
HOLMES, & WAYNE (Except Milton & Chippewa Twps.) COS.	13.73		1.00		.02
JACKSON & VINTON COS.	13.00	.70	.80		.05
LAWRENCE (Fayette, Union, & Rome Twps.) CO.	13.65		.50		.05
MEDINA (Litchfield, Chatham, Homer, Harrisville, & Spencer Twps.) CO.	16.45		.80	b	.01
MEDINA (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps. Twps.) CO.	15.19	.70	1.00		.02

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ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, JACKSON (Bloomfield, Franklin, Hamilton, Jefferson, Lick, Madison, & Scioto Twps.), PIKE (Camp Creek, Marion, Newton, Scioto, & Sunfish), & SCIOTO COS.	$14.00	.50	3%+.60	1.00	.04
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, WYANDOT (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) COS.	13.70	1.10	3%+.43		.04
ASHLAND, CRAWFORD, HURON (New Haven, Richmond, Ripley & Greenwich Twps.), KNOX (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morri., Wayne, Berlin, Pike, Brown & Jefferson Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Sycamore, Crane, Eden, Pitt & Antrim Twps.) COS.	14.59	.60	3%+.66		.1%
BELMONT COUNTY	13.20	.50	3%+1.00	1.25	.04
BROWN, CLERMONT, & HAMILTON COS.: Up to & Incl. 18 mi. radius of Hamilton Co. Court House, Cincinnati	15.30	.70	3%+.80		½%
Over 18 mi. radius up to & Incl. 21 mi. radius of Hamilton Co. Court House, Cincinnati	15.60	.70	3%+.80		½%
Over 21 mi. radius up to & Incl. 25 mi. radius of Hamilton Co. Court House, Cincinnati	15.70	.70	3%+.80		½%
Over 25 mi. radius of Hamilton Co. Court House, Cincinnati	15.85	.70	3%+.80		½%
BUTLER, & WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union, & Washington Twps.) COS.	15.20	.70	3%+1.00		½%
CARROLL (N ½ incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (S. of Baughman, Chester, Green & Wayne Twps.) COS.	14.61	.79	3%+.80		.3%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (S ½ Exclu. Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.	$15.50	8%	17%	10%	½%
CHAMPAIGN, CLARK, & MADISON (Pike, Paint, Somerford, Union, & Stokes Twps.) COS.	13.34	.75	3%+1.00		.04
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & WARREN (Twps. of Wayne, Clear Creek, & Franklin Twps.) COS.:					
Electrical Communications Installers within 11 mi. radius of 3rd & Main Street, Dayton	14.13	.75	3%+1.00		.5%
Electrical Communications Installers beyond 11 mi. radius of 3rd & Main Street, Dayton	14.36	.75	3%+1.00		.5%
COLUMBIANA (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.) CO.	13.30	2.00	3%+.53		.09
COLUMBIANA (Butler, Fairfield, Perry, Salem, & Unity Twps.) CO.	14.52	.75	11%		.5%
COSHOCTON, GUERNSEY, KNOX (Clay, Jackson, Morgan, Miller, Milford, Hillisrd, Butler, Harrison, Pleasant, & College Twps.), LICKING, MUSKINGUM, PERRY, & TUSCARAWAS (Auburn, York, Jefferson, Clay, Rush, Oxford, Washington, Salem, Perry & Bucks Twps.) COS.	13.50	.50	3%+1.02		.03
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	15.30	.85	3%+.95		.3%
DELAWARE, FAIRFIELD, FRANKLIN, MADISON (Canaan, Darby, Deer Creek, Fairfield, Jefferson, Monroe, Oak Run, Pleasant & Range Twps.), PICKAWAY (Darby, Circleville, Harrison, Jackson, Madison, Monroe, Washington, Muhlenberg, Scioto & Walnut Twps.), & UNION COS.	14.00	.50	3%+1.02		.06

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarkfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.	$15.05	.73	3%		.1%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Except Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps.), ROSS, & VINTON (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) COS.	14.25	.50	3%		.02
GALLIA CO.	14.52	.50	3%+1.00	1.00	.04
GEAUGA (Russell, Chester, & Bainbridge Twps.) CO.	17.03	.90	3%+.60		.06
GEAUGA (Auburn, Middlefield, Parkman & Troy Twps.) CO.	15.54	.75	7%		.7%
GEAUGA (Rem. of Co.) CO.	15.23	.85	3%+.70		.2%
LAWRENCE CO.	14.02	.50	3%+1.00	1.00	.04
MEDINA (Litchfield, & Liverpool Twps.) CO.	15.35	.75	3%+1.00		.1%
MEDINA (Rem. of Co.) & WAYNE (½) COS.	15.25	.74	3%+.76		.2%
MEIGS, MONROE, MORGAN, NOBLE, VINTON (Brown, Knox, Madison, Vinton, & Wilkesville Twps.), & WASHINGTON COS.	13.50	.50	3%+1.00	1.50	.04
ELEVATOR CONSTRUCTORS					
ADAMS, BROWN, BUTLER, CLERMONT, CLINTON, DARKE, GREENE, HAMILTON, HIGHLAND, MIAMI, MONTGOMERY, PREBLE, & WARREN COS.:					
Elevator Constructors	14.32	1.195	.82	e&f	.035
Helpers	70%JR	1.195	.82	e&f	.035
Helpers (Prob.)	50%JR				

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, DEFIANCE, MERCER, PAULDING, PUTNAM, VAN WERT, & WILLIAMS COS.:					
Elevator Constructors	$12.33	.745	.56	e&f	.035
Helpers	70%JR	.745	.56	e&f	.035
Helpers (Prob.)	50%JR				
ASHLAND, CHAMPAIGN, CLARK, COSHOCTON, CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MORGAN, MORROW, MUSKINGUM, PERRY, PICKAWAY, RICHLAND, ROSS, SHELBY, TUSCARAWAS, UNION, & VINTON COS.:					
Elevator Constructors	14.40	1.195	.82	e&f	.035
Helpers	70%JR	1.195	.82	e&f	.035
Helpers (Prob.)	50%JR				
BELMONT, CARROLL, GUERNSEY, HARRISON, JEFFERSON, MONROE, NOBLE, & WASHINGTON COS.:					
Elevator Constructors	11.06	.745	.56	e&f	.035
Helpers	70%JR	.745	.56	e&f	.035
Helpers (Prob.)	50%JR				
COLUMBIANA COUNTY:					
Elevator Constructors	13.70	1.195	.82	e&f	.035
Helpers	70%JR	1.195	.82	e&f	.035
Helpers (Prob.)	50%JR				
ERIE, GEAUGA, & HURON COS.:					
Elevator Constructors	15.25	1.195	.82	e&f	.035
Helpers	70%JR	1.195	.82	e&f	.035
Helpers (Prob.)	50%JR				
FULTON, HANCOCK, HENRY, OTTAWA, SANDUSKY, SENECA, WOOD, & WYANDOT COS.:					
Elevator Constructors	15.23	1.195	.95	e&f	.035
Helpers	70%JR	1.195	.95	e&f	.035
Helpers (Prob.)	50%JR				
GALLIA, JACKSON, LAWRENCE, MEIGS, PIKE, & SCIOTO COS.:					
Elevator Constructors	12.06	.745	.56	e&f	.02
Helpers	70%JR	.745	.56	e&f	.02
Helpers (Prob.)	50%JR				
MEDINA & WAYNE COS.:					
Elevator Constructors	14.425	1.195	.82	e&f	.035
Helpers	70%JR	1.195	.82	e&f	.035
Helpers (Prob.)	50%JR				

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GLAZIERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, BROWN, BUTLER (Hamilton & Vic.), CLERMONT, CLINTON (S½), HAMILTON, HIGHLAND (S. Part), & WARREN (Lebanon & South) COS.	$14.10		.60		.01
ALLEN, AUGLAIZE, HANCOCK, HARDIN, LOGAN, MERCER, PAULDING, PUTNAM, SHELBY (N. Part), VAN WERT, & WYANDOT (Western Part) COS.	10.35		.80		
ASHLAND, CRAWFORD, HURON (S½), KNOX, MARION, RICHLAND & WYANDOT (E. Part) COS.:					
Outside Replacement	12.08	.50			.01
Outside All Other Work	12.58	.50			.01
BELMONT CO.	9.12	.60	.60		.01
BUTLER (Exclu. Hamilton & Vic.), CHAMPAIGN, CLARK, CLINTON (N½), DARKE, FAYETTE (W½), GREENE, HIGHLAND (N. Part), MIAMI, MONTGOMERY, PREBLE, SHELBY (S. Part), WARREN (N. of Lebanon) COS.	12.23	.70			.01
CARROLL, COSHOCTON, HOLMES, MEDINA (S½), TUSCARAWAS, & WAYNE COS.:					
New Work	11.79	.71	1.01		
Replacement	9.49	.71	1.01		
COLUMBIANA COUNTY	13.76	.85	1.00		
DEFIANCE, ERIE (NW Tip to Rte. #4), FULTON, HENRY, OTTAWA, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	14.48	.80	1.10		.02
DELAWARE, FAIRFIELD, FAYETTE (E½), FRANKLIN, HOCKING, JACKSON, LICKING, MADISON, MORGAN, MUSKINGUM, PERRY, PICKAWAY, PIKE, ROSS, UNION, & VINTON COS.	13.22		.57		.01
ERIE (Exclu. NW Tip to Rte. #4), GEAUGA, HURON (N½), & MEDINA COS.	15.53	.60	1.25		.01
LAWRENCE & SCIOTO COS.	11.30		.80		
MONROE, NOBLE, & WASHINGTON COS.	10.81		.20		

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IRONWORKERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS (E½), GALLIA, JACKSON (S½), LAWRENCE, PIKE (S½), & SCIOTO COS.:					
Up. to 10 mi. from Union Hall in Ashland, Ky.	$11.92	.90	1.20		.01
10 to 15 mi. from Union Hall in Ashland, Ky.	12.07	.90	1.20		.01
15 to 20 mi. from Union Hall in Ashland, Ky.	12.17	.90	1.20		.01
20 mi. & Over from Union Hall in Ashland, Ky.	12.27	.90	1.20		.01
ADAMS (W½), BROWN, BUTLER (S½), CLERMONT, CLINTON (S. of a line drawn from Blanchester to Lynchburg), HAMILTON, HIGHLAND (Exclu. E. 1/5 and portion of Co. inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), & WARREN (S½) COS.:					
Reinforcing	14.33	1.00	1.60		.02
Ornamental; Structural	14.08	1.00	1.60		.03
ALLEN (S½), AUGLAIZE, BUTLER (N½), CHAMPAIGN (W 2/3), CLARK (W 3/4), CLINTON (Exclu. S. of a line drawn from Blanchester to Lynchburg), DARKE, GREENE, HIGHLAND (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), LOGAN (W 2/3), MERCER (S½), MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS.:					
Within 15 mi. mi. radius of Local Union Office #290	13.06	1.00	1.60		.06
Outside 15 mi. radius of Local Union Office #290	13.21	1.00	1.60		.06

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN (N½), DEFIANCE (Except Portion S. of a line drawn from where Rte. 66 meets the N. line through Independence to the E. Co. border), MERCER (N½), PAULDING, PUTNAM (Except Portion E. of a line drawn from the N. border down thru Miller City to where 696 meets the S. border), VAN WERT & WILLIAMS (Except portion E. of a line drawn from Pioneer thru Stryker to the S. border) COS.	$14.20	1.00	1.85		.04
ASHLAND, CARROLL, COSHOCTON (Exclu. Portion W. of a line beginning at N. W. Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), HOLMES, RICHLAND, TUSCARAWAS, & WAYNE COS.	13.48	.80	.95		.05
CHAMPAIGN (E 1/3), CLARK (E¼), COSHOCTON (W. of a line Beg. at N.W. Co. line going through Walhonding & Tunnel Hill to the S. Co. Line), CRAWFORD (S. of Rte 30), FAYETTE, HARDIN (Except a line drawn from Roundhead to Marysville), HIGHLAND (E 1/5), HOCKING, JACKSON (N½), KNOX, LOGAN (E 1/3), MARION, MORROW, MUSKINGUM (W. of a line Starting at Adams Mill going to Adamsville & going from Adamsville thru Blue Rock to the S. Border), PERRY, PIKE (N½), ROSS, VINTON, & WYANDOT (S. of Rte. #30) COS.	13.85	1.00	2.35		.05
CRAWFORD (Area bet. lines drawn from where Hwy #598 & #30 meet thru N. Liberty to the N. Border & from said Hwy junction point due W. to the Border), DEFIANCE (S. of a line drawn from where Rte. #66 meets the N. Line thru Independence to the E. Co. Border), ERIE (W. 1/3), FULTON,					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HANCOCK, HARDIN (N. of a line drawn from Maysville to a point 4 mi. S. of the N. line on the E. line), HENRY, HURON (W. of a line drawn from the N. Border thru Monroeville & Willard), OTTAWA, PUTNAM (E. of a line drawn from the N. Border down thru Miller City to where #696 meets the S. Border), SANDUSKY, SENECA, WILLIAMS (E. of a line drawn from Pioneer thru Stryker to the S. Border), WOOD, & WYANDOT (Area N. of Rte. #30) COS.	$15.76	1.06	1.73		.09
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY, & UNION COS.	13.75	1.00	2.35		.05
COLUMBIANA (Exclu. portion E. of a line from Damascus to Highlandtown), ERIE (Exclu. W 1/3), GEAUGA (Except portion E. of a line from Austinburg to Middlefield & South), HURON (Exclu. portion W. of a line drawn from the N. Border through Monroeville & Willard), & MEDINA COS.	16.22	1.05	1.45		.08
COLUMBIANA (E. of a line from Damascus to Highlandtown), & GEAUGA (E. of a line from Austinburg to Middlefield & S.) COS.	15.41	.85	1.30		.09
FRANKLIN CO.	13.60	1.00	2.35		.05
MEIGS, MORGAN, NOBLE, & WASHINGTON COS.	13.10	1.00	1.45		.03
BELMONT, GUERNSEY, HARRISON, JEFFERSON, MONROE, & MUSKINGUM (Except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. Border) COS.	13.47	.90	2.10		.05

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LATHERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AUGLAIZE, BUTLER (N½), CHAMPAIGN (W½), CLARK (W½), CLINTON (N½), DARKE, FAYETTE (W½), GREENE, LOGAN (W½), MERCER, MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS.	$13.39		.40		.01
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	12.73	1.04	1.25		.04
CHAMPAIGN (E½), CLARK (E½), COSHOCTON (SW½), CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE (E½), FRANKLIN, HARDIN (S½), HIGHLAND (NE Tip), HOCKING, JACKSON, KNOX, LICKING, LOGAN (E½), MADISON, MARION, MORGAN, MORROW, MUSKINGUM, PERRY, PICKAWAY, PIKE, ROSS, UNION, VINTON, & WYANDOT COS.	12.45		.40		.01
CLERMONT, HAMILTON, HIGHLAND (Except NE Tip), & WARREN (S½) COS.	13.87		1.10		.075
COLUMBIANA, COSHOCTON (NE½), MEDINA, & WAYNE (NW½) COS.	13.56	.88	.50		.01
DEFIANCE, HENRY, PAULDING, & WILLIAMS COS.	14.76	1.06	.75		
ERIE & HURON COS.	15.30				.01
FULTON, HANCOCK, OTTAWA, SANDUSKY, SENECA, & WOOD COS.	15.51	1.06	1.25		.10
GEAUGA CO.	13.38		1.50		.01
LAWRENCE CO.	9.315		.10		.01
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS					
ADAMS & SCIOTO COS.	14.10		.50		.05
ALLEN, AUGLAIZE, MERCER, & VAN WERT COS.: Tile Setters	13.04		.70		.02
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, WAYNE (Except Milton & Chippewa Twps.), & WYANDOT (Except Crawford, Ridge, Richland, & Tymochtee Twps.) COS.	12.98	.80	1.00		.02
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Dixon, Israel, Lanier, Somers, & Gratis Twps.), & WARREN COS.:					
Marble Setters	14.785	.80	.45		
Terrazzo Workers; & Tile Setters	14.735	.80	.45		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL & TUSCARAWAS COS.:					
Marble Setters	$11.87	.95	1.05		
Terrazzo Workers	11.79	.95	1.05		
Tile Setters	11.70	.95	1.05		
CHAMPAIGN, CLARK, DARKE, GREENE, LOGAN, MIAMI, MONTGOMERY, PREBLE (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.), & SHELBY COS.	11.51	.85	.35		
CLINTON & HIGHLAND (Liverpool, Wayne, Franklin, Madison, St. Clair, & Yellow Creek Twps.) COS.	11.00				
COLUMBIANA (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) CO.	15.255				
COLUMBIANA (St. Clair, Madison, Wayne, Franklin, Washington, Yellow Creek, & Liverpool Twps.), & JEFFERSON (Brush Creek & Saline Twps.) COS.	12.75	.70	.50		
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COS.	11.40	.80	1.70		.10
DEFIANCE, FULTON (Except Fulton, Amboy & Swan Creek Twps.), HENRY (Except Monroe, Barlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside City limits of City of Napoleon), PAULDING, PUTNAM, & WILLIAMS COS.:					
Marble Setters	14.47	1.06	.75		
DELAWARE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	15.45				
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Ridge, Tymochtee, Crawford, & Richland Twps.) COS. & ISLAND OF LAKE ERIE NORTH OF SANDUSKY	13.19	.80	1.25		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FULTON (Fulton, Amboy, & Swan Creek Twps.), HENRY (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & WOOD (Ross, Perrysburg, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) COS.	$15.475	1.06	1.65		.03
FULTON (Except Fulton, Amboy, & Swan Creek Twps.), & WOOD (Except Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) COS.:					
Terrazzo Workers; & Tile Setters	15.54	1.06	.30		
GALLIA & MEIGS COS.:					
Terrazzo Workers; Tile Setters	13.95	.70			
GEAUGA CO.	16.72	.90	1.15		a
HARRISON, & JEFFERSON (Except Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & the Village of Dillonvale) COS.:					
Tile Setters	12.53	.80	.50		.03
JACKSON & VINTON COS.	13.00	.70	.80		.05
LAWRENCE CO.	13.65		.50		.05
MEDINA (Hinckley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) CO.:					
Marble Setters; Terrazzo Workers	14.83	1.21	1.33		.07
Tile Setters	14.955		2.00		
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	14.97	.91	.70		
MEDINA (Litchfield, Chatham, Homer, Harrisville, & Spencer Twps.) CO.	16.45		.80	b	.01
NOBLE (Brookfield, Noble, Creek, Sharon, Olive, Enoch, Stock, Elk, Jackson, & Jefferson Twps.) & WASHINGTON COS.:					
Marble Setters & Tile Setters	12.95	.70	.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS					
ADAMS, BROWN, BUTLER, CLERMONT, CLINTON, FAYETTE, GALLIA, HAMILTON, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, SCIOTO, VINTON, WARREN, & WASHINGTON COS.:					
Marble Setters' Finishers	$13.75				
Marble Sanders; Polishers; Sawyers; & Waxers	13.915				
Terrazzo Workers' Finishers & Grinders	13.75				
Terrazzo Base Grinders (While Operating base grinding machine	14.17				
Tile Setters' Finishers	13.75				
ALLEN, DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	11.00	1.06	.40	.50	
ASHLAND, ERIE, GEAUGA, HURON, MEDINA (Exclu. Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & RICHLAND COS.:					
Marble Setters' Finishers	14.51		2.50		
Terrazzo Workers' Finishers	15.07		2.50		
Tile Setters' Finishers	15.04		2.50		
AUGLAIZE, CHAMPAIGN, CLARK, DARKE, GREENE, HARDIN, LOGAN, MERCER, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	10.84				
CARROLL & TUSCARAWAS COS.:					
Terrazzo Workers' Finishers	10.91	.95	1.05		
Terrazzo Grinders	11.25	.95	1.05		
Tile Setters' Finishers	10.79	.95	1.05		
COLUMBIANA, COSHOCTON, HARRISON, HOLMES, JEFFERSON, & WAYNE (Exclu. Milton & Chippewa Twps.) COS.	14.405				
DELAWARE, FAIRFIELD, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	12.65				

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	$14.47	.91	.70		
MILLWRIGHTS					
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT & WYANDOT COS.	14.57	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE (E. of B & O RR Tracks), GEAUGA, HURON, MEDINA, & RICHLAND COS.	14.45	1.09	1.93		.07
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	13.51	.835	7%		.04
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	14.84	.60	1.10		.10
CARROLL, TUSCARAWAS, & WAYNE COS.	13.16	.65	.80		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	12.36	1.00	1.25		.07
DEFIANCE, ERIE (W. of B & O RR Tracks), FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	15.90	1.06	1.25		.10
HOCKING, VINTON, & WASHINGTON COS.	13.60	.65	.35		.06
PAINTERS					
ADAMS, HIGHLAND, JACKSON, PIKE, & SCIOTO COS.:					
Brush; Exterior Bldgs. under 25 ft.; Paper or Wall covering; Taping & Washing	13.35		1.00		.03
Floor Sanding; Power Tools; Rollers; & Swing Stage	13.85		1.00		.03
Burning; Sandblasting; Spray & Steamcleaning	14.35		1.00		.03

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT, & WILLIAMS COS.:					
Brush; Drywall Taping; & Rollers	$12.05	1.06	.50		.03
Wallcovering	12.30	1.06	.50		.03
Sandblasting; Spray; & Steam-cleaning	12.55	1.06	.50		.03
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND COS.:					
Brush; Cleaner; Roller; & Washer	10.90		.65		
Drywall; Paperhanger; Pot Tender; Spray & Wall Coverer	11.65		.65		
BROWN, CLERMONT, & HAMILTON COS.:					
Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing	14.70		.35		&
Steamcleaning	14.85		.35		&
Spray	15.20		.35		&
Hopper Tender; Sandblasting; & Waterblasting	15.60		.35		&
BUTLER & WARREN COS.:					
Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing	12.58				
Hopper Tender; Sandblasting & Spray	13.58				
CARROLL, HOLMES, TUSCARAWAS & WAYNE COS.:					
Brush; Rollers	11.64	1.00	.90		.02
Paperhangers	11.74	1.00	.90		.02
Drywall	12.04	1.00	.90		.02
Spray	12.14	1.00	.90		.02
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Brush; Roller	13.21		1.00		.11
Drywall Taping & Spackling; & Wallcovering	13.56		1.00		.11
Structural Steel	13.61		1.00		.11
Cleaning; Sandblast; & Spray	13.71		1.00		.11
COLUMBIANA CO.:					
Brush; Hydro-jet Cleaning; Paper-hanging; Roller; Steamcleaning; Wallwashing; & Waterproofing	13.45	.85	1.15		
Drywall Taping	13.60	.85	1.15		
Open Structural Steel	13.66	.85	1.15		
Spray	13.95	.85	1.15		

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COSHOCTON CO.:					
Brush; Drywall Tapers; Paper-hangers; Wallpaper Cleaners; & Wall Washers	$6.00				
Scaffold & Removal of Wallpaper; Swing Stage	6.25				
Spray	6.50				
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.:					
Drywall Sanders	13.19	.95	1.00		.02
Brush; Paperhangers; Rollers; & Wall Washing	13.44	.95	1.00		.02
Structural Steel	13.74	.95	1.00		.02
Drywall Tapers & Finishers	13.84	.95	1.00		.02
Spray	13.94	.95	1.00		.02
Sandblasting; Steam Cleaning	14.14	.95	1.00		.02
ERIE, HANCOCK, HURON, SANDUSKY, SENECA, & WYANDOT COS.:					
Old Commercial:					
Brush; Rollers; & Wash & Clean Surfaces	11.20	.70	.80		& & &
Drywall & Paperhangers	11.45	.70	.80		
Sandblasting; & Spray	11.70	.70	.80		
New Commercial:					
Brush; Rollers; & Wash & Clean Surfaces	12.30	.70	.80		& & &
Drywall & Paperhangers	12.55	.70	.80		
Sandblasting; & Spray	12.80	.70	.80		
FULTON, HENRY, OTTAWA, & WOOD COS.:					
Brush; Drywall Tapers & Finishers; Paperhangers; Spray & Sandblasting Pot Tenders	13.44	1.06	1.80		
Pressure Cleaning; Sandblasting & Spray	13.99	1.06	1.80		
GALLIA, LAWRENCE, MEIGS & VINTON COS.:					
Brush; Roller	11.65			1	
Drywall Tapers & Finishers; Paperhangers; Wall Washers	12.00			1	
Open Structural Steel	11.65			1	
Spray	12.15			1	

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GEAUGA CO.:					
Brush; Paperhangers & Rollers	$15.81	.97	1.10		.05
Spray	16.21	.97	1.10		.05
HOCKING CO.:					
Brush; Roller; Washing; Wall-covering; & Paperhanging	13.50				
Open Structural Steel	14.00				
Taping; Beding; Finishing & Sanding	14.25				
Spray; Sandblasting; Hopper Tender; Swing Stage; & Window Jacks	14.50				
KNOX, LICKING, MUSKINGUM, & PERRY COS.:					
Brush; Paperhangers	9.00				
Spray	9.45				
MEDINA CO.:					
Brush; Paperhangers; & Rollers	13.15	1.07	.60		
Structural Steel; Drywall Finishers & Tapers	13.75	1.07	.60		
Spray	13.85	1.07	.60		
MONROE, MORGAN, NOBLE, & WASHINGTON COS.:					
Brush; Rollers	10.84	.60	.40		.02
Sandblasting; Spray; & Pot Tenders	11.61	.60	.40		.02
Paperhanging; Taping	10.84	.60	.40		.02
Steel	11.61	.60	.40		.02
ROSS CO.:					
Brush; Paperhanging; Rollers; & Taping	9.50				
Pot Tender; Structural Steel	9.75				
Sandblast; Spray	10.25				
PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	12.74	.75	1.25		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	$14.57	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE (E. of B & O RR Tracks), GEAUGA, HURON, MEDINA, & RICHLAND COS.	14.60	1.09	1.78		.09
BELMONT, HARRISON, & MONROE COS.	13.43	1.04	1.25		.04
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	14.30	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	13.16	.65	.80		.02
COLUMBIANA CO.	12.98	5.5%	10%		½%
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	12.15	1.00	1.40		.07
DEFIANCE, ERIE (W. of B & O RR Tracks), FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	15.90	1.06	1.25		.10
HOCKING, VINTON, & WASHINGTON COS.	13.20	.60	.70		.04
JEFFERSON CO.	14.05	6%	10%		.5%
PIPEFITTERS; PLUMBERS; & STEAMFITTERS					
ADAMS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON COS.:					
Within 10 mi. radius of Portsmouth	14.37	.85	1.00		
Over 10 and within 20 mi. radius of Portsmouth	14.62	.85	1.00		
Over 20 and within 35 mi. radius of Portsmouth	14.72	.85	1.00		
Over 35 mi. radius of Portsmouth	14.97	.85	1.00		
ALLEN, AUGLAIZE, HARDIN, MERCER, SHELBY, & VAN WERT COS.	14.75	.60	.90		.05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, MORROW, RICHLAND, & WYANDOT COS.	15.53	1.00	1.00		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT, & MONROE (S. of Rte #78) COS.	$12.59		1.13	1.26	.05
BROWN, CLERMONT, HAMILTON, & WARREN (S 1/3 of Co.) COS.:					
Pipefitters; Steamfitters	14.60	1.075	1.90		.08
Plumbers	14.97	1.25	1.50		.07
BUTLER (N½), & WARREN (N. of Rte. #63, exclu. Lebanon & South Lebanon) COS.	15.80	.90	1.00		.05
BUTLER (S½) & WARREN (S. of Rte. #63 to Hamilton Co. line, W. to Indiana State line, E. to Rte. #42, incl. Lebanon, S. Lebanon, & Mason) COS.	15.63	.90	1.20		.02
CARROLL (Ross, Monroe, Union, Lee, Orange, Perry, & Loudon Twps.), COSHOCTON, GUERNSEY, HOLMES, MORGAN (S. to State Rte. #78 & from McConnelsville W. on State Rte. #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS COS.	15.85	.87	.60		.08
CARROLL (Exclu. Ross, Monroe, Lee, Union, Orange, Perry, & Loudon Twps.), & WAYNE COS.	14.17	.75	.70	j	.10
CHAMPAIGN, CLARK, GREENE (Ross, Cedarville, Jefferson, Ceasar Creek, & New Jasper Twps.), LOGAN, & MADISON (W. of Rte. #38, incl. city of London) COS.	14.25	.83	.85		.04
CLINTON, DARKE, FAYETTE, GREENE (Exclu. Miami, Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper Twps.), MIAMI, MONTGOMERY, & PREBLE COS.	13.91	1.05	1.05		.03
COLUMBIANA CO. (Exclu. Washington & Yellow Creek Twps. & Liverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427)	15.79	1.17	.80		.05
COLUMBIANA (Washington & Yellow Creek Twps. & Liverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427), HARRISON, & JEFFERSON COS.	15.07	1.10	2.50	1.20	.12

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	$15.64	1.35	1.15		.12
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MADISON (E. of Rte. #38 not incl. city of London), MARION, PERRY, PICKAWAY, ROSS, & UNION COS.	15.42	1.15	1.05		.07
GEAUGA, & MEDINA (N. of #18, exclu. City of Medina) COS.:					
Pipefitters; Steamfitters	14.81	1.31	1.35		.10
GEAUGA, & MEDINA (N. of #18 & Smith Rd.) COS.:					
Plumbers	14.88	1.10	1.40		.02
MEDINA (S. of #18, exclu. City of Medina) CO.	14.19	.91	1.40		.05
MEIGS, MONROE (N. of Rte. #78), MORGAN (S. of Rte. #76), & WASHINGTON COS.	13.83	.62	.75		.06
PLASTERERS					
ADAMS, LAWRENCE (Except Fayette, Union & Rome Twps.), PIKE & SCIOTO COS.	14.87		.60		.05
ALLEN, AUGLAIZE, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, KNOX, LICKING, LOGAN, MADISON, MERCER, MORGAN, MUSKINGUM, PERRY, PICKAWAY, ROSS, UNION, & VAN WERT COS.	14.84	.70	.30		.02
ASHLAND, CRAWFORD, MARION, MORROW, RICHLAND, & WYANDOT (Exclu. Tymochtee, Crawford, Ridge, & Richland Twps.) COS.	10.95				
BELMONT, HARRISON, & JEFFERSON COS.	12.93	.55			
BROWN, BUTLER, CLERMONT, HAMILTON, HIGHLAND, & WARREN COS.	14.895		1.00		.02
CARROLL & TUSCARAWAS COS.	12.79	.95	1.05		.01
CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	13.80				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO.	$14.46	.70			.03
ERIE, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Tymochtee, Crawford, Ridge & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE N. OF SANDUSKY	13.19	.80	.125		.01
FULTON, HANCOCK, HENRY, PUTNAM & WOOD (Exclu. Perry & Bloom Twps.) COS.	17.10	.70			.01
GALLIA & MEIGS COS.	13.95	.70			
GEAUGA CO.	16.72	.90	1.15		a
HOLMES & WAYNE (Except Milton & Chippewa Twps.) COS.	13.73		1.00		.02
JACKSON & VINTON COS.	13.00	.70	.80		.05
LAWRENCE (Fayette, Union, & Rome Twps.) CO.	13.65		.50		.05
MEDINA (Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) CO.	16.45		.80	b	.01
MEDINA (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) CO.	15.06	.70	1.00		.01
ROOFERS					
ADAMS, GALLIA, GUERNSEY, JACKSON, LAWRENCE, MEIGS, MORGAN, MUSKINGUM, NOBLE, PIKE, SCIOTO, & VINTON COS.	13.50		.65		
ALLEN, AUGLAIZE, CHAMPAIGN, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORROW, PERRY, PICKAWAY, PUTNAM, ROSS, UNION, VAN WERT, & WYANDOT COS.	14.36	.92	.65		.01
ASHLAND, CARROLL, COLUMBIANA, COSHOCTON, CRAWFORD, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	15.52	.94	.85		.04
BELMONT, HARRISON, JEFFERSON, & MONROE COS.:					
Roofers	12.50	.65	.35		
Coal Tar Pitch; Waterproofing	12.75	.65	.35		

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BROWN, BUTLER, CLERMONT, HAMILTON, & WARREN COS.	$15.47		1.50		.02
CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.:					
Composition, Damp, & Waterproof	14.00	.80	1.00		
Slate, Tile & Asbestos	14.22	.80	1.00		
DEFIANCE, FULTON, HANCOCK, HENRY, PAULDING, WILLIAMS & WOOD COS.	15.04	1.06	2.00		.03
ERIE, GEAUGA, HURON, OTTAWA, SANDUSKY, & SENECA COS.	17.78	.25	.50		.05
WASHINGTON CO.	14.15		.30		.01
SHEET METAL WORKERS					
ADAMS, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GUERNSEY, HOCKING, JACKSON, KNOX, LAWRENCE, LICKING, MADISON, MARION, MEIGS, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PIKE, ROSS, SCIOTO, UNION, & VINTON COS.	15.05	1.04+k	1.32		.16
ALLEN, AUGLAIZE, BUTLER, CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, HARDIN, LOGAN, MERCER, MIAMI, MONTGOMERY, PREBLE, SHELBY, VAN WERT, WARREN & WYANDOT COS.	12.85	1.10+k	1.25		.16
ASHLAND, CARROLL, COSHOCTON, CRAWFORD, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	15.17	.94+k	1.10		.10
BELMONT, HARRISON, JEFFERSON, & MONROE COS.	12.82	.81+k	1.10		.07
BROWN, CLERMONT, HAMILTON, & HIGHLAND COS.	15.34	1.18	.86		.08
COLUMBIANA CO.	15.14	.75	.83		.06
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SENECA, WILLIAMS, & WOOD COS.	15.505	1.06	1.91		.075
ERIE, HURON, & SANDUSKY COS.	13.91	.85	1.20		.06
GEAUGA CO.	14.69	.90	1.68		.06
WASHINGTON CO.	12.48	.65	.60		.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	$12.42	.75	1.25		.05
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	13.92	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE, HURON, OTTAWA, RICHLAND, SANDUSKY, & SENECA COS. & the portion of the city of Fostoria located in HANCOCK & WOOD COS.	14.17	.85	1.00	c	.08
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	12.73	1.04	1.25		.04
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	11.50	.75	.85		.05
CARROLL, TUSCARAWAS, & WAYNE COS.	12.51	.65	.80		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE & SHELBY COS.	11.05	1.00	1.00		.07
DEFIANCE, FULTON, HANCOCK (Except city of Fostoria), HENRY, PAULDING, WILLIAMS, & WOOD (Except city of Fostoria) COS.	13.73	1.06	1.25		.05
GEAUGA CO.	14.78	1.09	1.60		.07
HOCKING, VINTON, & WASHINGTON COS.	12.50	.60	.70		.04
MEDINA CO.	13.50	.70	2.00		1
SPRINKLER FITTERS					
GEAUGA, & MEDINA (N. of #18, exclu. City of Medina) COS.	14.81	1.31	1.35		.10
REMAINING COS.	15.04	.85	1.20		.08

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. $75.00 per year
b. 2 paid holidays: C & D
c. 2 paid holidays: B & D
d. $25.00 per year
e. 7 paid Holidays: A through F and Day after Thanksgiving
f. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years.
g. $25.00 per year
h. $50.00 per year
i. 6 paid holidays: A, C, E, F, Decoration Day, & Veterans' Day
j. 1 paid Holiday: D, providing the employee has worked 5 consecutive days before and after the holiday.
k. 3% of gross earnings to $ASMI
l. $150.00 per year

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, & SCIOTO COS.:					
Bottom men; Building & Construction Laborers; Carpenters' Tenders; Mason Tenders; Mortar Mixers; Pipelayers; Plasterers' Tenders; Sheeting & Shoring Men	9.42	.70	.90		.10
Air & Machine Driven Tool Op.; Asphalt Rakers & Smoothers; Burning & Cutting Torches; Chain saws; Form Setters; Hand Spikers & Powered Concrete Buggies	9.67	.70	.90		.10
Gunnite Machine Op.; Gunnite Nozzlemen; Powdermen & Blasters	9.94	.70	.90		.10
ALLEN, AUGLAIZE, MERCER, PAULDING, PUTNAM, SHELBY & VAN WERT COS.:					
Building Laborers; Laser Beam; Power Wheelbarrow or Power Buggy	9.35	.80	.80		.10
All Machine Driven Tools (Gas, Electric, Air); Asphalt Rakers; Caisson; Cement Finishers' Tenders; Cofferdam; Demolition; Packers; Pot Tenders; Pump Man Under 4" Discharge; Spikers by Hand (Railroad); Tamper; Torch Man; Tunnel & Vibrators	9.50	.80	.80		.10
Blaster Tender; Cylinder, Shaft; Jackhammer; Manhole Builders; Mason Tenders; Mortar Mixers; Plasterers' Tenders; Sewer Bottom Man; Sewer Pipelayer; Sewer, Water Conduit, Gas, Oil Pipeline, except Mainlines; & Wagon Drill Tender	9.65	.80	.80		.10
Blaster-Powderman; Gunnite Ops.; Muckers & Miners (Tunnel & Caisson) Free Air; Sandblasters; & Wagon Drill/Op.	9.65	.80	.80		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, KNOX, MORROW, & RICHLAND COS.:					
Building & Construction Laborers; Carpenters' Tenders; Concrete Handler; Finisher Tenders; Guard Rail Erector; Tool Cribmen; & Utility Construction Laborer	$11.71	.75	1.30		.05
Air & Power Driven Tools; Bottom Man; Burner on Demolition; Caisson Worker; Cofferdam Worker; Creosote Workers; Form Setter; Hod Carrier; Laser Beam Setup Men; Mason Tenders; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Powder Men & Dynamite Blaster; Scaffold Building; Swinging Scaffold; & Tunnel Laborers	11.91	.75	1.30		.05
Gunnite Operator	12.31	.75	1.30		.05
BELMONT CO.					
Unskilled	9.62	.70	.70		.05
Semi-Skilled	10.04	.70	.70		.05
Skilled	10.37	.70	.70		.05
BROWN, CLERMONT, CLINTON, & HAMILTON COS.:					
GROUP 1	12.35	.95	.90		.05
GROUP 2	12.45	.95	.90		.05
GROUP 3	12.50	.95	.90		.05
GROUP 4	12.55	.95	.90		.05
GROUP 5	12.70	.95	.90		.05
GROUP 6	12.85	.95	.90		.05
GROUP 7	13.10	.95	.90		.05
GROUP 8	10.62	.80	.80		.10
GROUP 9	10.77	.80	.80		.10

GROUP 1 - Common Laborers; Cement Masons' Tenders; Hand Operated Mechanical Mule; & Mechanical Sweeper
GROUP 2 - Bottom Man; Pipelayer
GROUP 3 - Burning Torch Operator; Concrete Pump Hose Man; Jackhammer; Mechanical & Air Tamper Operator; Mechanical Concrete Buggies; Power Operated Mechanical Mule; Vibrator Man

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GROUP 4 - Bottom Jackhammer Man; Mason Tenders; Plasterers' Tenders; Stonemasons' Tenders
GROUP 5 - Plaster Mixer Pump Operator
GROUP 6 - Tunnel Laborer
GROUP 7 - Gunnite Nozzle Operator
GROUP 8 - Demolition Construction - Wrecking Laborers
GROUP 9 - Demolition Construction - Jackhammer Man; Burner; & Wall Man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER & WARREN COS.:					
Common Laborers	$11.64	.75	1.10		.05
Asphalt Rakers; Hand Air Tamper Chisel; Smoothers Hand Air Pump Tampers; Vibrator Power Tamper Op.	11.74	.75	1.10		.05
Mason Tenders; Mortar Mixers; & Scaffold Builders	11.97	.75	1.10		.05
Concrete Pumps & Hose Men; Gunnite Operators; & Sandblasters	11.99	.75	1.10		.05
CARROLL, COSHOCTON, DELAWARE, HANCOCK, HARDIN, HOLMES, MARION, SENECA, TUSCARAWAS, WAYNE, & WYANDOT COS.:					
Building & Construction Laborers; Carpenters' Tenders; Concrete Handler; Finisher Tenders; Guard Rail Erector; Tool Cribmen; & Utility Construction Laborer	10.66	.75	1.10		.05
Air & Power Driven Tools; Bottom Men; Burner on Demolition; Caisson Worker; Cofferdam Worker; Creosote Workers; Form Setter; Hod Carrier; Laser Beam Setup Men; Mason Tender; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Powder Men & Dynamite Blaster; Scaffold Building; Swinging Scaffold; & Tunnel Laborers	10.86	.75	1.10		.05
Gunnite Operator	11.26	.75	1.10		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, & LOGAN COS.:					
Carpenters' Tenders; Laborers	$9.45	.80	.80		.10
Air & Machine Driven Tool Ops.; Asphalt Raker & Tamper; Barko & Chain Saw; Bottom Man; Gunnite Machine Op. & Nozzle Man; Hand Spikers; Jackhammer; Power Concrete & Buggies; Sewer Pipelayers; & Wagon Drill	9.70	.80	.80		.10
Mason Tenders; Mortar Mixers; & Plasterers' Tenders	9.85	.80	.80		.10
Miners & Muckers for Tunnel & Caisson; Powdermen & Blasters	9.95	.80	.80		.10
COLUMBIANA, HARRISON, & JEFFERSON COS.:					
Carpenters' Tenders; General Laborers	10.35	.75	1.30		.05
Brick Handlers; Men Mixing Cement for Cement Finishers; Mortar Mixer Machine Op.; Mortarmen for Masons & Plasterers; Scaffold Builders; Tenders for Brick Masons, Plasterers, Stonemasons, & Tile Setters	10.52	.75	1.30		.05
Acetylene Burners; Air Blow Pipe; Air Pump; Air Spades; Air Tampers; Power Driven Tools; Chipping Hammers; Concrete Saw; Jackhammers; Laborers Operating Concrete Busters; Panel Cleaning Machine Operators; Pipelayer & Tenders Working in Ditches or Tunnels & Hand Spikers on Railroads, & Laborer Handling Concrete for Test or Working with Tar, Acid, & Creosote; Power Buggy; Power Saw; Sandblaster; Scuba Divers; Vibrators; & Welders	10.55	.75	1.30		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Laborers	10.29	.70	.70		.10
All Machine & Power Driven Tools; Chipping Hammers; Power Buggies; Railroad Spikers by Hand; Swinging Scaffold over 15 ft.; & Vibrators	10.44	.70	.70		.10
Air Drill; Batter Board Setter & Bottom Men; Jackhammer; Man Hole Builders; Sandblasters; & Sewer Pipelayers	10.49	.70	.70		.10
Caisson Work; Scaffold W/Power Tools	10.54	.70	.70		.10
Torch Man on Wrecking	10.59	.70	.70		.10
Caisson Work w/Jackhammer	10.74	.70	.70		.10
Gunnite Operator; Wagon Drill Operator, and Blaster - Powder Man	10.79	.70	.70		.10
Tenders for Bricklayers and Masons	10.92	.70	.70		.10
Tenders for Lathers and Plasterers	10.96	.70	.70		.10
DEFIANCE, FULTON, HENRY, & WILLIAMS COS.:					
Carpenter Tenders; Cement Finishers' Tenders; Laborers	10.67	.75	1.30		.05
Gunnite Pot Man; Mason Tenders	10.79	.75	1.30		.05
All Power Driven Tools and Buggies	10.82	.75	1.30		.05
Burners, Torchmen & Nozzlemen for Concrete Pumps	10.815	.75	1.30		.05
Plasterers' Tenders	10.845	.75	1.30		.05
Bellman; Bottom Man; & Brick Expeditor	10.905	.75	1.30		.05
Nozzle Operator for Gunnite Work	11.32	.75	1.30		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE, HURON, OTTAWA, AND SANDUSKY COS.:					
Building and Construction Laborers; Carpenter Tenders; Concrete Handler; Finisher Tenders; Guard Rail Erectors; Tool Cribmen; & Utility Construction Laborers	12.86	.75	1.30		.05
Air and Power Driven Tools; Bottom Men; Burner on Demolition Work; Caisson Workers; Cofferdam; Workers; Creosote Workers; Form Setters; Hod Carrier; Laser Beam set Up Men; Mason Tenders; Mortar Mixers; Mucker; Pipelayers; Plasterers' Tenders; Powder Men & Dynamite Blasters; Scaffold; Swinging Scaffold; & Tunnel Laborers	13.06	.75	1.30		.05
Gunnite Operator	13.46	.75	1.30		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FAIRFIELD, FAYETTE, FRANKLIN, HOCKING, MADISON, PICKAWAY, & UNION COS.:					
Carpenter Tenders; Cleaning, Debris; Cleaning of all Material; Common Laborers; Conveyor Belt; General Clean Up; Handling & Conveying All Material; Lanscape; Loading and Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Salamander; Sod Layers; Washing of all Windows; & Wire Mesh Handlers or Setters	11.74	.70	.90		.10
Air or Electrical Pneumatic Tool Operator; All Scaffold Builders (Swinging Scaffold); Asphalt and Blacktop Rakers; Bottom Man; Brick Tenders; Caisson Bottom Man; Cement Mason Tender; Concrete Saw Operator, and Brush Feeders on Pulverizers; Forklift Operator; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun, Burners; Mortar Mixers & Operator; Pipe Layers; Plasterers' Tenders; Power Buggy Operator; Power Driven Tools; Power Wheelbarrow Operator; Sand and Vacuum Cleaning; Sandblasting of Concrete; Stone Mason Tender; Vibrator Man; Wagon and Churn Drill Operators; & Wall Wrecker & Bar Man on Demolition	12.04	.70	.90		.10

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GEAUGA CO.:					
Equipment Replacing Wheelbarrow & Concrete Buggy; Laborers	$13.49	1.70	1.85		
Fire Brick Tenders; Power Driven Tools & Vibrators; Sewer & Utilities Laborers	13.64	1.70	1.85		
Acetylene Burner; Jackhammer; & Mucker	13.69	1.70	1.85		
Air Track and Wagon Drill; Mason Tender Handling Carbon Block & Bottom, Block Material; & Swinging Scaffold	13.74	1.70	1.85		
Acid Brick Tenders; Blasters & Shooters; Caisson; Cofferdams; Cylinder; Gunnite Operator; Mine Workers w/o Air; & Well	13.97	1.70	1.85		
Topman on Free Standing Radial Stack	14.14	1.70	1.85		
LICKING CO.:					
All Portable Heaters; Carpenter Tender; Cleaning of All Material; Common Laborers; Conveyor Belt; General Clean-up Incl. Vacuum Cleaning; Handling and Conveying All Material; Landscape; Loading & Unloading all Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Sod Layers; Washing of all Windows; Water Pumps up to & Incl. 4" Intake	11.74	.70	.90		.05
Air or Electrical Pneumatic Tool Operators; All Scaffold Builders; Asphalt & Blacktop Rakers; Bottom Man; Brick Tender; Brush Feeders on Pulverizers; Burners; Cement Mason Tender; Concrete Saw Operators; Fork Lift Operators;					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gunnite Nozzleman; Jackhammer Operator; Laser Gun; Mortar Mixer & Operator; Pipelayers; Plasterers' Tender; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemason Tender; Swinging Scaffolds; Vibrator Man; Wagon & Churn Drill Operators; Wall Wrecker & Bar Man on Demolition; Welders on Demolition	$12.04	.70	.90		.05
MEDINA Co.:					
Carpenter Tenders; Common Laborers; Concrete Bucket Tender; Landscape Laborers; Mason Tender; & Welder Tenders	13.67	.75	1.30		.11
Air Driven boring Machine; Asphalt Raker; Book-up Man on Demolition Work; Material Mixer; Paving Bed Maker; Power Tools - Air, Gas, or Electric; Scaffold Erector; Structural Precast Erector; Tamper Operator; & Wire Mesh Handler	13.82	.75	1.30		.11
Barco Type Tampers; Bottom Man; Burners; Form Setters; Hod Carriers; Jackhammer; Muckers - Tunnel; Pipelayers; Power Buggy or Power Wheelbarrow; Power Saws; & Rock Drillers	13.87	.75	1.30		.11
Dynamite Men; Gunnite Nozzlemen; Pump Hose Nozzlemen; Tunnel Miners; & Water Line Caulkers	14.17	.75	1.30		.11
MONROE, MORGAN, & WASHINGTON COS.:					
Unskilled	10.90	.70	.90		.10
Semi-Skilled	11.25	.70	.90		.10

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GUERNSEY, MUSKINGUM, NOBLE, & PERRY COS.:					
Building & Construction Laborers; Carpenter Tenders; Planters (Landscape); Plumbers Tenders & Tree Trimmers	$10.52	.75	1.10		.05
Air & Machine Driven Tools Operators; Asphalt Plant Aggremeter Operator; Asphalt Plant Mixer Men; Brick Slingers; Car Pushers & Tunnel Laborers; Caulkers; Cement Handlers; Concrete Puddlers (behind mixers); Curb Cutters & Setters; Cutting with Burning Torches; Dumpmen (Batch Trucks); Hand Spikers Operators; Jackhammer Operator; Mason Tenders; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Proportioning Plant Operator; Pump Men (Under 4"); Road Form Setters; Sewer Bottom Men Sheeting & Shoring Men; Stone Mason Tenders; Vibrator Operator; & Yarners & Wrenchmen	10.62	.75	1.10		.05
Brick Droppers; Lock Tenders; & Powdermen or Blasters	10.77	.75	1.10		.05
ROSS & VINTON COS.:					
All Water Pumps Up to & Incl. 3" Intake; clean-Up Incl. Vacuum Cleaning; Cleaning Debris; Common Laborers; Conveyor Belt; Handling & Conveying All Materials; Landscape; Loading & Unloading All Trucks; Man on Bocket Pouring Concrete; Pouring of All Concrete; Sod Layers; & Washing of All Windows	9.84	.70	.90		.10

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air or Electrical Pneumatic Tool Operators; All Scaffold Builders (Swinging Scaffolds); Asphalt & Blacktop Rakers; Bottom Man; Brick Tenders; Brush Feeders on Pulverizers; Burners; Carpenters' Tenders; Cement Masons' Tenders; Concrete Saw Operators; Forklift Operators; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun; Mortar Mixer & Operators; Pipelayers; Plasterers' Tenders; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemasons' Tenders; Vibrator Man; Wagon & Churn Drill Operators; Wall Wreckers & Bar Man on Demolition; Welders on Demolition	10.04	.70	.90		.10
WOOD CO.:					
Unskilled Laborers	13.02	.75	1.30		.11
Plasterers' Tenders	13.04	.75	1.30		.11
Mason tenders	13.17	.75	1.30		.11
All Power Driven Tools & Buggies	13.175	.75	1.30		.11
Gunnite Pot Men	13.22	.75	1.30		.11
Mortar Mixers	13.24	.75	1.30		.11
Pipelayers	13.275	.75	1.30		.11

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, GALLIA, JACKSON (Bloomfield, Franklin, Hamilton, Lick, Jefferson, Scioto, & Madison Twps.), LAWRENCE, MEIGS, PIKE (Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), SCIOTO, & VINTON (Brown, Knox, Madison, Vinton, & Wilkesville Twps.) COS.:					
Cable Splicers	$16.59	.70	3%+.50	.90	4%
Linemen	15.08	.70	3%+.50	.90	4%
Operators: All Mechanized Equipment	12.06	.70	3%+.50	.90	4%
Groundmen	9.80	.70	3%+.50	.90	4%
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, & WYANDOT (Crawford, Jackson, Marsell, Mifflin, Ridgeland, Ridge & Salem Twps.) COS.:					
Linemen	14.43	.70	3%		4%
Equipment Operators	13.00	.70	3%		4%
Groundmen; Truck Drivers	9.48	.70	3%		4%
ASHLAND, CRAWFORD, HURON (New Haven, Richmond, Ripley & Greenwich Twps.), KNOX (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee Twps.) COS.:					
Equipment Operators; Linemen	14.59	.60	3%+.66		4%
Line Truck Driver	8.75	.60	3%+.66		4%
Groundmen	9.48	.60	3%+.66		4%
BELMONT CO.:					
Linemen; Technicians	13.20	.50	3%+1.00	1.25	
Cable Splicer	13.45	.50	3%+1.00	1.25	
Groundmen	10.56	.50	3%+1.00	1.25	
BROWN, CLERMONT, & HAMILTON COS.:					
ZONE I: Up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Operators	15.30	.70	3%+.80		4%
Groundmen	11.475	.70	3%+.80		4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE II: Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	$15.60	.70	3%+.80		½%
Groundmen	11.70	.70	3%+.80		½%
ZONE III: Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	15.70	.70	3%+.80		½%
Groundmen	11.775	.70	3%+.80		½%
ZONE IV: Over 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	15.85	.70	3%+.80		½%
Groundmen	11.89	.70	3%+.80		½%
BUTLER, WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) COS.:					
Linemen	15.20	.70	3%+1.00		½%
Cable Splicers	15.70	.70	3%+1.00		½%
Groundmen	10.64	.70	3%+1.00		½%
CARROLL (N ½ Incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (S. of Baughman, Chester, Greene & Wayne Twps.) COS.:					
Cable Splicers	13.50	.79	3%+.80		.3%
Line Equipment Ops.	12.35	.79	3%+.80		.3%
Groundmen; Truck Drivers	8.75	.79	3%+.80		.3%
Linemen	14.61	.79	3%+.80		.3%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON & JEFFERSON COS.:					
Linemen; Line Equipment Ops.; Truck Drivers	$15.50	5%	17%	10%	½%
Cable Splicers	16.00	5%	17%	10%	½%
Groundmen	10.08	5%	17%	10%	½%
CHAMPAIGN, CLARK, GEAUGA (Bainbridge, Russell & Chester Twps.), & MADISON (except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	17.93	.60	3%		½%
Groundmen	11.65	.60	3%		½%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & WARREN (Wayne, Clear Creek, & Franklin Twps.), COS.:					
Cable Splicers; Linemen	14.13	.75	3%+1.00		½%
Operators:					
Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket	14.13	.75	3%+1.00		½%
Line Truck with Winch or Pole & Steel Handling	10.60	.75	3%+1.00		½%
None-Specialized Truck & Misc. Equipment;					
Groundmen - Truck Driver	8.48	.75	3%+1.00		½%
COLUMBIANA CO. (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.):					
Linemen; Heavy Equipment Ops.	13.30	15%	7%		½%
Groundmen & Truck Drivers	11.90	15%	7%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), & GEAUGA (Twps. of Auburn, Middlefield, Parkman, Burton, & Troy) COS.:					
Cable Splicers; Linemen; Operator - Poledigging Equipment	16.21	.70	3%		½%
Groundmen	12.97	.70	3%		½%
COSHOCTON, GUERNSEY, MUSKINGUM, PERRY, & TUSCARAWAS (Rem. of Co.) COS.:					
Cable Splicers; Equipment Op.; Linemen	13.95	.50	3%		½%
Groundmen	8.41	.50	3%		½%
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.:					
Linemen	16.08	.70	3%	a	½%
Technicians	15.52	.70	3%	a	½%
Cable Splicers	16.33	.70	3%	a	½%
Operator Class I	12.81	.70	3%	a	½%
Operator Class II	11.29	.70	3%	a	½%
Groundmen	9.68	.70	3%	a	½%
DELAWARE, MADISON (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range & Pleasant Twps.), PICKAWAY (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington), & UNION COS.:					
Cable Splicers; Equipment Ops. & Linemen	14.93	.50	3%		½%
Groundmen	8.41	.50	3%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.:					
Cable Splicers; Equipment Ops. & Linemen	$15.05	.73	3%		½%
Truck Driver (Winch) Groundman; & Groundman	9.78	.73	3%		½%
FAIRFIELD, KNOX (Butler, College, Clay, Harrison, Hilliar, Jackson, Morgan, Milford, Miller, & Pleasant Twps.), & LICKING COS.:					
Cable Splicers; Linemen; Ops.: All Mechanized Equipment	13.85	.70	3%		½%
Groundmen - Truck Driver	10.97	.70	3%		½%
Groundmen	8.45	.70	3%		½%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Exclu. Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), ROSS, & VINTON (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) COS.:					
Linemen; Equipment Operators	14.25	.50	3%		½%
Truck Drivers	8.40	.50	3%		½%
Groundmen	8.04	.50	3%		½%
FRANKLIN CO.:					
Cable Splicers; Linemen; Operators	14.93	.50	3%		½%
Groundmen	8.41	.50	3%		½%
GEAUGA (Exclu. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.) CO.:					
Cable Splicers; Equipment Ops. & Linemen	15.13	.95	3%+.70		½%
Truck Drivers (Winch) Groundman; Groundman	9.83	.95	3%+.70		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Litchfield, & Liverpool Twps.) CO.:					
Cable Splicer; Equipment Op.; & Linemen	$15.35	.75	3%+1.00		½%
Truck Drivers(Winch) Groundman; Groundman	9.98	.75	3%+1.00		½%
MEDINA (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), & WAYNE (Northern ½ of Co.) COS.:					
Linemen	15.25	.74	3%+.74		½%
Cable Splicers	16.30	.74	3%+.74		½%
Equipment Operators	11.44	.74	3%+.74		½%
Truck Drivers; Groundman	7.63	.74	3%+.74		½%
MONROE, MORGAN, NOBLE, & WASHINGTON COS.:					
Cable Splicers; Linemen; & Equipment Operators	14.93	.60	3%		½%
Groundmen	8.41	.60	3%		½%

FOOTNOTE:
a. 10 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; Christmas Eve; Christmas Day; New Year's Eve; & Good Friday

POWER EQUIPMENT OPERATORS:					
All Counties, except Columbiana:					
Well & Pump Work (Incl. Drilling & Repair of all Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day
b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation

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POWER EQUIPMENT OPERATORS COLUMBIANA COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$15.61	1.05	1.00		.16
CLASS II	14.92	1.05	1.00		.16
CLASS III	14.28	1.05	1.00		.16
CLASS IV	13.87	1.05	1.00		.16
CLASS V	13.77	1.05	1.00		.16
CLASS VI	15.88	1.05	1.00		.16

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backfiller W/Drag Attachment; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Berm Builder-Automatic; Boat Derrick; Boat-Tug; Boring Mach. Attached to Tractor; Bullclam; Bulldozer; C.M.I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade Attached; Concrete Spreader Finisher Comb.; Crane; Crane-Stationary or Climbing; Crane- Electric Overhead Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-wheel (not trencher or road widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal and Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front end; Locomotive; Mechanic as Welder; Metro Clip Harvester W/Boom; Mucking Mach.; Paving-Asphalt Finishing Mach.; Paver Road Concrete; Paver-Slip Form; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Reigs-Drilling; Shovels; Spikemaster; Stone-crusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/Attachments; Trench Mach.; Trucks-Boom; Truck-Tire-Assigned to Job; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O-Boom; Cleaning Mach.- Pipeline Type; Coating Mach.-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Hoist-Single Drum; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Sasgen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

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CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator-Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Spray Cure Mach.-Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trencher Form; Water Blaster

CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heaters-Portable Power (2 to 5); Jacks Hydraulic (Railroad); Ladavator; Roller (Walk Behind 1 Ton or Over); Steam Jenny; Syphons; Tender Mechanic; Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)

CLASS V - Oiler

CLASS VI - Rigs-Pile Driving or Caisson Type

POWER EQUIPMENT OPERATORS	ZONE I Basic Hourly Rates	ZONE II Basic Hourly Rates	ZONE III Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$15.89	$15.61	$16.17	1.26	1.50		.11
GROUP B	15.73	15.45	16.02	1.26	1.50		.11
GROUP C	15.38	15.09	15.67	1.26	1.50		.11
GROUP D	14.57	14.31	14.89	1.26	1.50		.11
GROUP E	14.24	13.98	14.57	1.26	1.50		.11
GROUP F	12.03	11.78	12.39	1.26	1.50		.11

ZONE I: Allen, Ashland, Belmont, Carroll, Cosbocton, Defiance, Fulton, Guernsey, Hancock, Hardin, Harrison, Henry, Holmes, Jefferson, Monroe, Noble, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Tuscarawas, Van Wert, Washington, Wayne, Williams, & Wood Counties

ZONE II: Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, & Wyandot Counties

ZONE III: Erie, Geauga, Huron, & Medina Counties

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GROUP A - A-Frames; Boiler or Compressor Operator Mounted on Crane (Piggy-Back Operation); Boom Trucks (All Types); Cableways; Cherry Pickers; Combination Concrete Mixer and Tower; Concrete Pumps; Cranes (All Types); Derricks (All Types); Draglines; Dredge (Dipper, Clam or Suction) 3 Man Crew: Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Hammerhead Tower Cranes; Helicopter Operator and Helicopter Winch Operator When Hoisting Builders Materials; Hoes (All Types); Hoisting Engines (Two or More Drums); Lift Slab or Panel Jack Operator; Locomotives (All Types); Maintenance Engineer (Mechanic or Welder); Mixer Paving (Multiple Drum); Mobile Concrete Pumps with Boom; Panelboard (All Types on Site); Pile Driver; Power Shovels; Rotary Drills used on Caisson Work for Foundations and Sub-Structure Work; Side Boom; Slip Form Pavers; Straddle Carriers Building Construction on Site); Trench Machine (Over 24" Wide); Tug Boat

GROUP B - Asphalt Paver; Bulldozer; C.M.I. Type Equipment; End-Loaders; Kohlman Type Loaders (Dirt Loading); Lead Greaseman; Mucking Machines; Power Grader; Power Scoops; Power Scrapers; Push Cat

GROUP C - Air Compressor (Pressurizing Shafts or Tunnels); Asphalt Rollers; Fork Lifts; Hoist (One Drum); House Elevators; Man Lift; Power Boilers (Over 15 lbs. Pressure); Pump Operators Installing Well Points or other Type of Dewatering System; Pumps (3" and Over Discharge); Submersible Pumps (4" and Over Discharge); Trenchers 24" and under

GROUP D - Compressors on Building Construction; Conveyors (Building Material); Generators; Gunnite Machines; Mixers, (Capacity more than One Bag); Mixers (One Bag Capacity, Side Loader); Pavement Breaker (Hydraulic or Cable); Post Driver; Post Hole Diggers; Road Widening Trencher Rollers; Welder Operator

GROUP E - Backfiller & Tampers; Bar and Joint Installing Machines; Batch Plant; Bullfloats; Burlap and Curing Machines; Clefplanes; Concrete Spreading Machine; Crushers; Deck Hands; Drum Fireman (Asphalt); Farm Type Tractors Pulling Attachments; Finishing Machines; Form Trenchers High Pressure Pumps Over 3" Discharge; Hydro Seeders; Self-Propelled Power Spreader; Self Propelled Sub-Grader; Tire Repairman; Tractors Pulling Sheeps Foot Roller or Grader; Vibratory Compactor (With Integral Power)

GROUP F - Inboard & Outboard Motor Boat Launch; Light Plant Operator; Oiler; Power Driven Heaters (Oil Fired); Power Boilers (Less than 15 lbs. Pressure); Pumps under 4" Discharge Submersible Pumps under 4" Discharge; Tenders

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, BROWN, HIGHLAND, LAWRENCE (W. of Coal Grove & W. of St. Rte. #75), PIKE, & SCIOTO COS.:					
Bus Drivers (Incl. all Equipment used for Hauling Men & Materials); Dump to & Incl. 2 Tons; Fuel Trucks; Jeeps; Pickups; & Station Wagons	$8.96	21.50a			
Dumps Over 2 Tons; Euclids; Fork Lifts (Incl. Mason Tending Work); Lowboys; Semi-Tractor; & Tandems	9.88	21.50a			
ALLEN, AUGLAIZE, DEFIANCE, HANCOCK, HARDIN, LOGAN, MERCER, PAULDING, PUTNAM, SHELBY, UNION, & VAN WERT COS.:					
Lowboys	9.60	31.00a	11.00a		
Tenders	8.60	31.00a	11.00a		
BELMONT, JEFFERSON (N. to Short Creek), & MONROE COS.:					
Pickups; Tenders	10.14	29.87a	41.00a		
Mechanic Tenders	10.15	29.87a	41.00a		
Flatbed Material Trucks; Dumps & Semi-Dumps	10.19	29.87a	41.00a		
Tank Truck (Straight & Semi)	10.22	29.87a	41.00a		
Semi-Tractor Trailers	10.24	29.87a	41.00a		
Pole Trailer	10.34	29.87a	41.00a		
Agitator & Mixer Trucks (Up to 5 cu. yds.)	10.42	29.87a	41.00a		
Euclids; Dumpsters; Turnarockers; Ross Carriers; & Athey Wagons	10.47	29.87a	41.00a		
Agitator & Mixer Trucks (Over 5 cu. yds.)	10.50	29.87a	41.00a		
Lowboy Trailer; Winch; Fork & Distributor Trucks (Front & Back End) & Truck Crane	10.77	29.87a	41.00a		
A-Frame	10.84	29.87a	41.00a		
Mechanics	10.87	29.87a	41.00a		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER & WARREN COS.:					
Jeeps; Pickups; & Single Axle Trucks	$10.89	25.00b	46.00a		
Fork Lifts; Tandem Axles; Dumps; Tandem Axles; & Winch Trucks	11.04	25.00b	46.00a		
Semi-Combination & Combination of Hauling Units	11.14	25.00b	46.00a		
Drag & Lowboys	11.30	25.00b	46.00a		
Euclids; Mechanics	11.34	25.00b	46.00a		
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Straight Flat & Dumps; Winches	8.40	29.50a	11.00a	c&e	
Ready Mix Dump Crete	8.46	29.50a	11.00a	c&e	
Tandems & Tractor Trailer Combination	8.51	29.50a	11.00a	c&e	
Euclids to 12 Yds.	8.57	29.50a	11.00a	c&e	
Euclids over 12 Yds.	8.93	29.50a	11.00a	c&e	
DELAWARE, FAYETTE, FRANKLIN, MADISON, PICKAWAY & ROSS COS.:					
Dumps & Straight	12.15	43.00a			
Tandem & Semi-Farm Tractor	12.25	43.00a			
Lowboy	12.35	43.00a			
GALLIA, LAWRENCE (E. of Ohio St. Rte. #75), & MEIGS COS.:					
Dumps (Up to 5 Cu. Yds.); Flatbody Material Truck (Straight job); Panel Trucks; Pickups; Station Wagons; Tiremen; Truck Tenders	9.84	93.17d	60.67d	1.00	
Tank Trucks (Straight)	9.94	93.17d	60.67d	1.00	
Agitator or Mixers (Up to 5 Cu. Yds.); Dumps (5 Cu. Yds. & Over); Semi-Dumps; Semi-trailers; Tank Truck (Semi)	10.09	93.17d	60.67d	1.00	
Distributors (Front End & Backend); Forks; Low Boy; Trailers; Monorails; Truck Cranes; & Winches	10.14	93.17d	60.67d	1.00	
Agitator or Mixers (5 Cu. Yds. & Over)	10.24	93.17d	60.67d	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame; Athey Wagon or Similar Equipment; Dual Purpose Trucks; End Dumpsters; Hydraulic Lift; Tailgate Truck & Farm type Tractors; Hydrolift; Mechanic; Ross Carriers; Tri-Axle Dumps; & Turnarockers	$10.49	93.17d	60.67d	1.00	
HARRISON & JEFFERSON (S. to Short Creek) COS.:					
Truck Tenders	9.93	36.50a			
Mechanic Tenders	9.94	36.50a			
Flatboy Material Trucks; Dumps & Semi-Dumps	9.98	36.50a			
Tank Trucks (Straight & Semi)	10.01	36.50a			
Semi-Trailers & Tractor Trailers	10.03	36.50a			
Euclids; Dumpsters; Turnarockers; Ross Carrier; Athey Wagons	10.26	36.50a			
Lowboy Trailers; Winches; A-Frames; Forks; Distributors (Front & Back End); & Truck Cranes	10.56	36.50a			
Mechanics	10.66	36.50a			

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FOOTNOTES:

a. Per week per employee

b. Per week per employee providing employee has been on payroll at least 30 days

c. 1 year's employment - 1 week's paid vacation; 7 years' employment - 2 weeks' paid vacation providing the employee has been on payroll for 8 months during the previous 12 month period

d. Per month per employee

e. An employee who has been on the payroll 30 days or more & has worked his last scheduled workday within 7 calendar days before his next scheduled workday within 7 calendar days after New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, & Christmas Day shall receive 8 hours' pay for said holidays.

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: TENNESSEE COUNTY: SHELBY
DECISION NUMBER: TN81-1202 DATE: DATE OF PUBLICATION
Supersedes Decision Number TN80-1067 dated April 25, 1980 in 45 FR 28071
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.75	.75	1.00		.05
BOILERMAKERS	11.75	1.275	1.10		.04
BRICKLAYERS & STONE MASONS	13.60	.63	.30		.15
CARPENTERS, PILEDRIVERMEN & SOFT FLOOR LAYERS	10.83	.80	.75		.085
CEMENT MASONS	9.725	.50	.65		.15
ELECTRICIANS:					
Wiremen & Electronic Technicians	13.73	.95	3%+.50		.55 of 1%
Cable splicers	13.83	.95	3%+.50		.55 of 1%
ELEVATOR CONSTRUCTORS:					
MECHANICS	12.45	1.195	.95	a+b	.035
HELPERS	8.715	1.195	.95	a+b	.035
PROBATIONARY HELPERS	6.225	1.195	.95	a+b	.035
GLAZIERS	9.00	.75	.40		
IRONWORKERS	9.60	.65	.70		.125
LATHERS	9.30	.25			
LINE CONSTRUCTION:					
Linemen	13.73	.95	3%+.50		½ of 1%
Cable splicers	13.83	.95	3%+.50		½ of 1%
Special Equipment Oprs.	10.30	.95	3%+.50		½ of 1%
Groundmen	6.85	.95	3%+.50		½ of 1%
MARBLE MASONS, TERRAZZO WORKERS & TILE SETTERS	9.91	.53	.36		.05
MILLWRIGHTS	11.95	.90	.60		.25
PAINTERS:					
Commercial	11.375	.55	.50		.10
Industrial, Spray & Sandblasting	11.625	.55	.50		.10
PIPEFITTERS & AIR CONDITIONING MECHANICS	14.67	.75	.30		
PLASTERERS	12.15				.01
PLUMBERS	14.17	.75	.75		
ROOFERS	10.50		.30		.04
SHEET METAL WORKERS	13.11	1.24	.62		.09
SPRINKLER FITTERS	12.80	.85	1.20		.08
TRUCK DRIVERS:					
Trucks - up to but not including 5 tons	8.515		c		
Trucks - 5 tons & over including special equipment	8.915		c		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NUMBER: TN81-1202 Page 2

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service.

c. Pension Fund: Employer contribution of $11.00 per week for employees on payroll 30 days or more.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 - General laborers, concrete laborers, track laborer walkers, cement finisher tenders, plumber tenders, carpenter tenders, asphalt rakers, tampers, form strippers and roofer tenders	7.915	.30	.45		.05
GROUP 2 - Storm and sanitary pipe layers and well driller tenders	8.015	.30	.45		.05
GROUP 3 - Mat weavers, motor buggie operators, chain saw operators, vibrator and electric hammers, and all air tool and pneumatic tool operators	8.025	.30	.45		.05
GROUP 4 - Deep hole men and jackhammers	8.265	.30	.45		.05
GROUP 5 - Powdermen, torch men on demolition and salvage work and sand hog (free air)	8.465	.30	.45		.05
GROUP 6 - Hod carriers, mason tenders and plasterer tenders	8.60	.35	.45		.05

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	11.125	.50	.50		.20
CLASS B	10.695	.50	.50		.20
CLASS C	9.995	.50	.50		.20
CLASS D	9.595	.50	.50		.20

CLASS A - Shovels, backhoes, draglines, cranes, gantrys, gradall, winch with boom, motor patrol, trenching machine (18" & over), pile driver, tug boat operator, mechanics (heavy), central mixing plant, locomotive engineer, strattle carriers, core drills (over 3"), tower cranes, hydro cranes, austin western and similar type cranes, drilling of piling, tugger, earth freezing equipment, 3 drum hoist, side boom, dredge operator (engineer), hopto, pump crete, mocking machines, cableways, central compressor plant, derrick boat, concrete pump, welders (men from the craft), helicopter operator, well point system, sweeper, bulldozers, pans, scrapers, fork lift, & front end loader.

CLASS B - Trenching machines (18" and smaller), tandem rollers, pavers, mobile mixers (rubber tired, mobile, mixed on job), back filler, blade graders, dinkey operator over 10 tons, elevating graders, winches (operated from trucks or tractors, without booms and powered by other than the truck), distributors, bituminous surfaces, 1 and 2 drum hoist, grout pumps, motor boat, switchman, earth compactors (motorized - Buffalo-Springfield type).

CLASS C - Locomotive fireman (on boilers 100 h.p. and over), air compressor (stationary), earth drills, scale operators, tractors (40 h.p. and less), motor crane driver and oiler, pumps (larger than 4"), dinkey operators (10 tons and less), oilers on gantrys, and greasers.

CLASS D - Air compressor operator, mechanic helper, locomotive fireman, welding machine operator, deck hand and elevator operators.

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: TENNESSEE

COUNTIES: ANDERSON, KNOX MONROE AND ROANE

DECISION NUMBER: TN81-1203

DATE: DATE OF PUBLICATION

Supersedes Decision Number TN80-1078 dated June 13, 1980, in 45 FR 40465

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.14	.55	.70		.06
BOILERMAKERS	11.75	1.275	1.10		.04
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS & TERRAZZO WORKERS:					
ROANE COUNTY	13.72	.75	.80		
ANDERSON, KNOX & MONROE COUNTIES	12.71		.60		
CARPENTERS & SOFT FLOOR LAYERS	10.69	.57	.58		
CEMENT MASONS	10.38				
ELECTRICIANS:					
Anderson (Oak Ridge A.E.C. Area & Oak Ridge Townsite only) and Roane Counties:					
Wiremen	11.96	.40	3%+ .70		
Cable Splicers	12.46	.40	3%+ .70		
Anderson (Remainder of County), Knox & Monroe Counties:					
Wiremen & Technicians	12.26	.55	3%+ .50		½ of 1%
Cable Splicers	12.76	.55	3%+ .50		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.56	1.195	.95	a+b	.035
Helpers	7.39	1.195	.95	a+b	.035
Probationary Helpers	5.28	1.195	.95	a+b	.035
GLAZIERS	7.79	.10	.25	.13	
IRONWORKERS:					
Reinforcing	10.42	.50	.50		.02
Structural & Ornamental	10.56	.50	.50		.02
LATHERS	11.64		.20		.01
LINE CONSTRUCTION:					
Anderson (Oak Ridge A.E.C. Area & Oak Ridge Townsite only) & Roane Counties:					
Linemen & Equipment Operators	11.96	.40	3%+ .70		½ of 1%
Cable Splicers	12.46	.40	3%+ .70		½ of 1%
Groundmen	10.88	.40	3%+ .70		½ of 1%

DECISION NO. TN81-1203

LINE CONSTRUCTION (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Anderson (Remainder of County, Knox, & Monroe Counties:					
Linemen, Heavy Equipment Oprs. & Hole Diggers	12.26	.55	3% +.50		½ of 1%
Truck Drivers with winch	9.60	.55	3% +.50		½ of 1%
Groundmen	9.20	.55	3% +.50		½ of 1%
Truck Drivers w/o winch	9.10	.55	3% +.50		½ of 1%
MILLWRIGHTS	11.54	.57	.58		
PAINTERS	9.60	.40	.50		
PILEDRIVERMEN	10.94	.57	.58		
PLASTERERS	11.85				
PLUMBERS AND PIPEFITTERS:					
Knox County	12.55	.60	.70	.35	.05
Anderson, Monroe & Roane Counties	12.85	.60	.70	.35	.05
ROOFERS	10.32		.25		
SHEET METAL WORKERS:					
Knox County	11.60	.77	.96		.08
Anderson, Monroe & Roane Counties	12.10	.77	.96		.08
SPRINKLER FITTERS	12.80	.85	1.20		.08
TRUCK DRIVERS:					
Trucks up to 3 tons	6.22	.35	$24 p/wk		.01
Trucks 3 to 5 tons	6.52	.35	$24 p/wk		.01
Trucks 5 tons and over	6.77	.35	$24 p/wk		.01
WELDERS - Rate for craft					

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate of employees with 5 years or more of service, or 6% of the basic hourly rate of employees with 6 months to 5 years of service as Vacation Pay Credit.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. TN81-1203

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	7.42	.30	.33		.01
GROUP II	7.57	.30	.33		.01
GROUP III	7.60	.30	.33		.01
GROUP IV	7.72	.30	.33		.01
GROUP V	7.92	.30	.33		.01
GROUP VI	8.22	.30	.33		.01
TUNNEL CLASSIFICATIONS:					
GROUP I	7.42	.30	.33		.01
GROUP II	7.82	.30	.33		.01
GROUP III	7.97	.30	.33		.01
GROUP IV	8.12	.30	.33		.01
GROUP V	8.22	.30	.33		.01

LABORERS CLASSIFICATIONS DEFINITIONS

GROUP I - Construction laborers;
GROUP II - Form setter and stripper, pipe layer, asphalt raker, jackhammer operator, air tool operator, vibrator operator, chain saw operator, barco tamp operator, mortar mixer, plasterer tender, all power driven tool operators, hod carriers, power buggy, yarner, potman, snakeman, grademan, and flagman;
GROUP III - Acetylene Burner;
GROUP IV - Wagon drill operator;
GROUP V - Powderman;
GROUP VI - Caisson hole man;

TUNNEL CLASSIFICATIONS

GROUP I - Laborers, outside;
GROUP II - Tunnel laborers;
GROUP III - Chuck tenders;
GROUP IV - Nozzleman; concrete gun operator
GROUP V - Tunnel miner.

DECISION NO. TN81-1203

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	10.86	.45	.45		.10
GROUP B	10.09	.45	.45		.10
GROUP C	8.41	.45	.45		.10
GROUP D	7.70	.45	.45		.10

GROUP A: Backhoes; cableways, ross carrier; clamshells; cranes; derricks; draglines; turnapulls; pans; scrapers; scoops; head tower machines; end loaders; locomotives (over 20 tons); shovels; dozers; fork-lifts (over 8' lift); core drills; foundation drills; graders; mechanics; welders; winch truck with A-Frame; skimmer scoops; locomotive cranes; overhead cranes; skid rigs; piledrivers; side boom tractors; euclid loaders; derrick boat; dredge boats; hoist (any size handling steel or stone); engines used in connection with hoists material; mucking-machines; cherry pickers; tower cranes; skylift; gradall.

GROUP B: Tractors; farm type tractors (with attachments); central compressor plants; elevators (used for hoisting building materials); central mixing plants; hoist (not handling steel or stone); pump-crete machine; concrete pumps; backfillers (other than cranes); tracmobile; crushing plant; elevating graders; earth augers; forklifts (8' lift or under); paving machine (blacktop/concrete); boat operator or engineer (30 tons or over); blacktop rollers; switchman; locomotive (under 20 tons); maintainers.

GROUP C: Asphalt plant; barber-green type loader; engine tender (other than steam); mixers (over 2 bags, not to include central plants);pumps (not more than 3); scrifiers; spreader box (bituminous); asphalt mixers; Portable compressors (not more than 3); roller; sub-grader machine; tractors (farm type without attachments); cable head tower enginoman; dredge booster pump; boat operator or engineers (under 30 tons); finishing machine; fireman & oiler (Combination); motor crane oiler & driver; welding machines (not more than 3); heaters (stationary or portable, not more than 5); compressors (portable, not more than 3); greaser or fuel truck.

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pump (1); oiler; heater (1).

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX81-4026 DATE: Date of Publication

Supersedes Decision No. TX80-4086, dated November 7, 1980 in 45 FR 74368

DESCRIPTION OF WORK Building Projects (does not include single family homes and apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving Incidental to Building Construction in Tarrant Co. and for Paving & Utilities Incidental to Building Construction in remaining Cos.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.99	.70	1.00		.03
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.	12.98	.57	.50		.07
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	12.97	.57	.50		.04
CARPENTERS:					
ZONE 1 - Grayson County:					
Carpenters	12.29	.80	.75		.005
Millwrights	12.69	.80	.75		.005
Piledrivermen	12.79	.80	.75		.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos:					
Carpenters	13.14	.80	.80		.08
Millwrights	14.51	.80			.08
CEMENT MASONS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant, & Wise Counties.	13.95	.40	.80		
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman, & Rockwall Counties	13.13	.65	.75		.02
ELECTRICIANS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
Electricians	13.00	.60	7%		1%
Cable splicers	13.25	.60	7%		1%
ZONE 2 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman, & Rockwall Cos.					
Electricians	13.20	.60	7%		1%
Cable splicers	14.52	.60	7%		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Mechanics	$11.14	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	11.45	.40	.65		.025
IRONWORKERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto (excluding northwest corner), Rockwall, Tarrant & Wise (excluding northwest 1/2) Cos.	12.78	.55	1.45		.07
ZONE 2 - Palo Pinto, (northwest corner) & Wise (northwest 1/2) Cos.	11.125	.55	1.70		.10
LABORERS:					
ZONE 1 - Grayson County:					
GROUP 1 - Unskilled labor	7.145	.30	.40		.02
GROUP 2 - Air tool op. jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	7.395	.30	.40		.02
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	7.83	.30	.40		.02
GROUP 2	7.98	.30	.40		.02
GROUP 3	8.08	.30	.40		.02
GROUP 4	8.23	.30	.40		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work & backfilling; firing of salamanders, loading & unloading of materials to & from hoist or cages; loading & unloading of tools & equipment; wheeling, placing & pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking & razing of buildings & all structures; Cleaning & clearing of all debris; handling of broken concrete or other damanged or undamaged materials; removing, moving, handling & greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials & tools in & out of receiving lots & sheds tool house men; landscaper; asphalt ironer & raker; waterproofing tender; dumper; spotter; concrete pumpcrete pipe (handling & laying); carpenter tender

GROUP 2 - All power tool & equipment operators (gas, electric or air); cutting torch man; concrete grademan; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan & steel form men; handling creosoted materials; liquid acids or like materials injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale men on batch plants

GROUP 3 - Concrete & clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carrier mortar mixers; lather tenders, plaster tenders; water pump operators up to 4 inches; cement masons tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe doping, treating & wrapping, including all men working with dope, mortar & plaster mixing machines; grout machines, pump crete machines, gunite mixing machine, including placing & cleaning of pipe & conduits used in placing of concrete, handling & placing of gunite materials from stockpile; screening sand, running sand dryer & loading & operating sand blaster, except nozzle, conveying, stocking & handling of all materials for brickmasons, lathers, cement finisher, plasterers; ditch work over 6 ft. & cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; gunite worker; gunite nozzleman & terrazzo grinder

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$12.18				.04
LINE CONSTRUCTION:					
Linemen	13.20	.60	7%		1/2%
Cable splicers	14.52	.60	7%		1/2%
Operators	13.86	.60	7%		1/2%
Groundmen	9.24	.60	7%		1/2%
MARBLE, TILE & TERRAZZO WORKERS:					
Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	11.86		.30		
MARBLE & TILE FINISHERS:					
Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	8.99				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Brush	$12.495	.55	.75		.07
GROUP 2 - All wall covering work: paper, fabric sheeting, flexwood,etc.	12.745	.55	.75		.07
GROUP 3 - Ames tools op.	12.62	.55	.75		.07
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sandblasting & window jacks & fire escapes	12.87	.55	.75		.07
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
GROUP 1	12.10		.30		.12
GROUP 2	12.35		.30		.12
GROUP 3	13.35		.30		.12
GROUP 1 - Brush					
GROUP 2 - Spray, wallcovering; pressure roller; sandblasting; structural steel; bosun chair, window jack & window sill; stage, fire escape; steel storage tank; stilts; mittens; ames tools, drywall finishing					
GROUP 3 - Steeple jack (radio & TV towers, smoke stacks, chimneys & water towers & similar facilities & flag poles atop buildings located closer to the edge of the building than the height of the pole); toxic material rate (creosote, coal tar products or similar materials injurious to the skin)					
PLASTERERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	9.44	.45		.50	.03
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	12.21				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hood, Hunt, Kaufman & Rockwall Counties	$12.76	.43	1.00		.10
ZONE 2 - Denton, Johnson, Palo Pinto, Tarrant & Wise Counties	12.53	.64	1.00		.12
ROOFERS:					
GROUP 1 - Slate & tile	11.775				
GROUP 2 - Composition & built-up roofing, dampproofing & bituminous waterproofing	11.625				
SHEET METAL WORKERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Rockwall, Tarrant & Wise Counties	12.645	.60	.84		.145
ZONE 2 - Palo Pinto Co.	12.84				.09
SOFT FLOOR LAYERS	10.85	.40	.40		.03
SPRINKLER FITTERS	14.68	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a. 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% basic hourly rate
b. Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day G-Christmas Day

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - Dallas County:					
GROUP 1	$ 7.89	.65	.90		.125
GROUP 2	12.615	.65	.90		.125
GROUP 3	13.015	.65	.90		.125

GROUP 1 - Oilers
GROUP 2 - Air compressor, water pumps, welding machines (2 to 6 machines) & generators; Blade grader; towed; Flex plane Form Grader; Concrete mixer; less than 14 cu. ft.; Pulsometer; Wagon drill operator; Conveyor, Hoist, single drum; Scraper 3 cu. yd. or less; Bob cat with loader
GROUP 3 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader;, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job. Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted or crawler requires oiler including groves (hydrualic) or similar type over 12½ ton capacity; Escalated rate on crane and derricks booms: .01¢ per hour, per foot over 90' including jib; draglines; derricks, power operated (all types); DW-10 caterpillar, S-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machines (all); Forklifts, used in handling machinery on construction; Gradeall; Hoist, motor driven 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Piledriver; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pump; Welding machines (7 to 13 machines)

POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$7.765	.65	1.00		.15
GROUP 2	12.49	.65	1.00		.15
GROUP 3	12.89	.65	1.00		.15

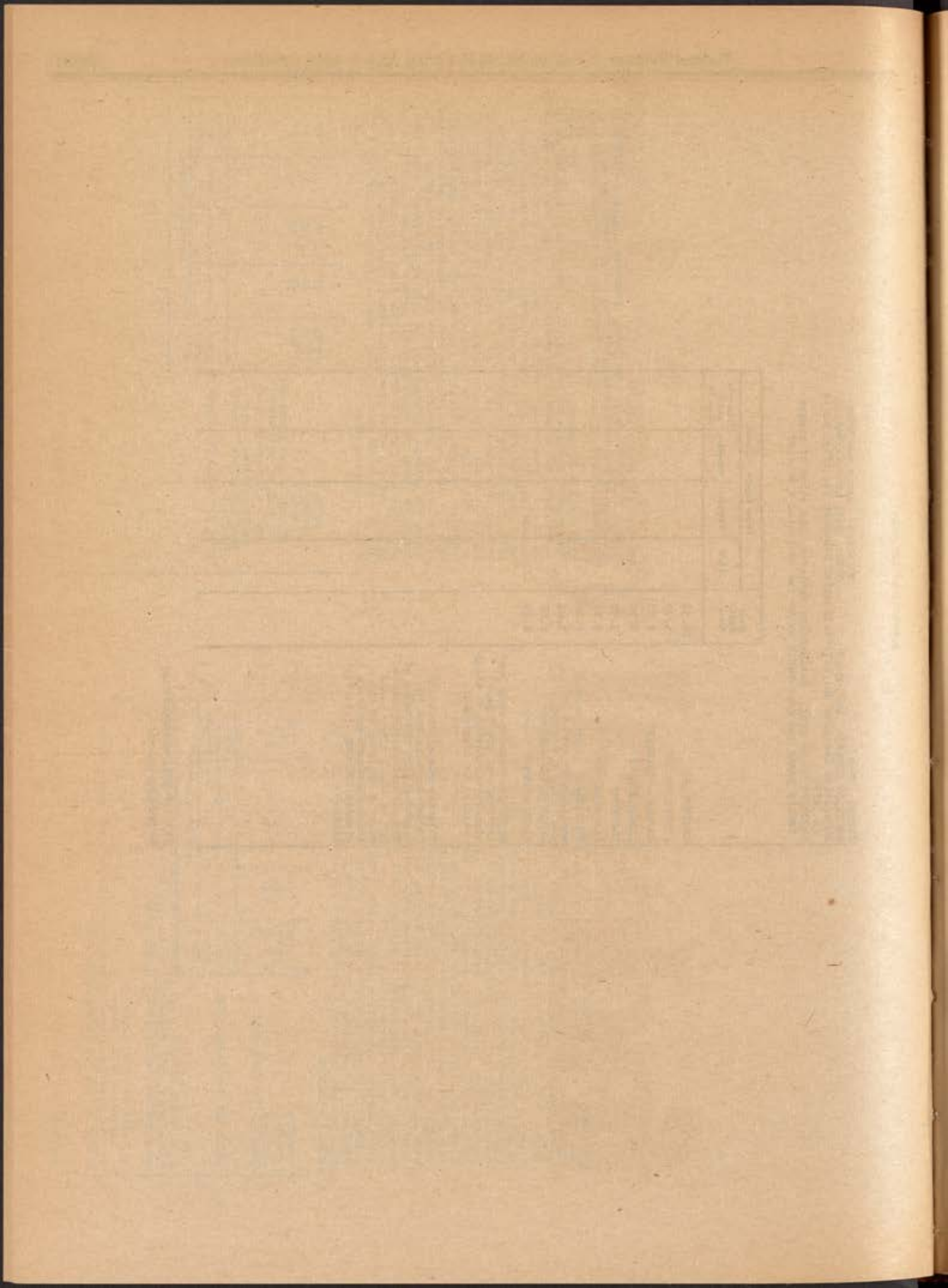
GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon drill; Elevators Building; Form Graders; Hoist, Single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment
GROUP 3 - Ford Tractor or like with any attachments (except blade and mower on rear); Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Forklifts (over 25 ft.); Winch Truck, Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, selfpropelled; Cableways; Cranes-power operated to 100 ft.; Derricks; power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one; man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifcations listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

STATE: Utah COUNTIES: Davis and Weber
DECISION NUMBER: UT81-5112 DATE: Date of Publication
Supersedes Decision No. UT79-5136 dated December 14, 1979, in 44 FR 72799
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$6.50				
CEMENT MASONS	5.70				
DRYWALL INSTALLER	5.00				
ELECTRICIANS	5.90				
LABORERS	5.00				
PAINTERS	5.58				
PLUMBERS	6.91				
ROOFERS	8.00				
SHEET METAL WORKERS	6.00				
TRUCK DRIVERS	6.65	.37	.30		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).					

[FR Doc. 81-12879 Filed 4-30-81; 8:45 am]
BILLING CODE 4510-27-C



federal register

Friday
May 1, 1981

Part III

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment, and Instruction of Inmates; Final Rules and Proposed Rulemaking

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 503, 524, 543, 544, 545, 547

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains final rules relating to the control, custody, care, treatment, and instruction of inmates. Included are final rules on (1) Claims Under the Federal Tort Claims Act, (2) Classification and Program Review of Inmates, (3) Inmate Library Services, (4) Scholarship Program, and (5) Introduction into Institutions of Special Food or Meals from Outside Sources. This document also contains a listing of Bureau of Prisons Central and Regional Offices, Staff Training Centers, and institutions. The rule on tort claims provides Bureau policy with respect to its authority to consider, adjust, determine, compromise, settle, and pay federal tort claims if the amount does not exceed $2500. The rule on classification and program review of inmates ensures that each inmate receives an initial classification and, thereafter, regular program reviews. The rule on inmate library services requires inmates be afforded library services necessary for educational, cultural, and leisure activity. The rule on the Federal Prison Industries scholarship program is intended to provide an interested inmate with the opportunity to take courses or programs related to that inmate's industrial assignment. The rule on introduction into institutions of special food or meals from outside sources specifies that special food or meals prepared for and/or served to any group(s) of inmates ordinarily must also be served to that institution's entire inmate population. The final rules are intended to provide to the public notice of the rule in each of these areas.

DATE: Effective Date: June 1, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rule on the following subjects:

1. Claims Under the Federal Tort Claims Act;
2. Classification and Program Review of Inmates;
3. Inmate Library Services;
4. Scholarship Program; and
5. Introduction into Institutions of Special Food or Meals from Outside Sources.

Each of these subjects has been published in the **Federal Register** as a proposed rule. Claims Under the Federal Tort Claims Act was published in the **Federal Register** as a proposed rule January 12, 1979 (at 44 FR 2983). The other final rules were published in the **Federal Register** as proposed rules January 12, 1981 (at 46 FR 2962 et seq.). A proposed rule on Program Reviews, published in the **Federal Register** January 12, 1979 (at 44 FR 2981) is withdrawn, as its subject matter was included in the January 12, 1981 proposed rule on Classification and Program Review.

Interested persons were invited to submit comments on the proposed rules and public comments were received from various sources. On the basis of these comments and internal staff review of Bureau policies, some changes have been made. Members of the public may submit further comments concerning these rules by writing the previously cited address. These comments will be considered, but will receive no further response in the **Federal Register.**

This document also contains a listing of Bureau of Prisons Central and Regional Offices, Staff Training Centers, and institutions. The listing is included in the CFR for informational purposes. The provision of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date as pertains to this information has been determined inapplicable.

The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency organization and management. After review of the law and regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), do not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

Classification and Program Review of Inmates

1. Section 524.10—The final rule substitutes the phrase "at regular intervals" for "at least once every 90 days". This change recognizes that the inmate in a more secure institution and/or with a longer sentence does not require a program review every 90 days. Section 524.13 has been revised to clearly delineate the Bureau's policy on such reviews.

2. Section 524.12—Sections 524.12(b) and 524.13(c) now provide an inmate the opportunity to waive (in writing) the requirement that the inmate be notified of the hearing at least 48 hours prior to the inmate's scheduled appearance. Throughout the rule, the proposed term "classification committee" is changed to "classification team".

3. Section 524.13—Section 524.13(a) is expanded. The final rule establishes program reviews in accordance with the security level of the institution. An inmate in a Security Level 1, 2, or 3 institution is to receive a program review at least once every 90 days. In the more secure institutions (Security Level 4, 5, 6 and administrative institutions), a program review is to be provided at least once every 180 days. The rule specifies that once an inmate is within two years of an anticipated release date (defined in final rule), a program review is to be afforded the inmate at least once every 90 days, regardless of institution security level. More frequent reviews may be conducted when warranted. The Bureau's rule compares favorably to the Commission on Accreditation for Corrections Standards for Adult Correctional Institutions (2nd Edition—proposed) which requires a program review at least once every 12 months.

A commenter mistakes the Bureau's rule on classification and program review with other Bureau procedures on determination of inmate custody level and correctional program involvement. The rule on classification and program review ensures that each inmate's status is regularly reviewed by a classification team. Custody determination, correctional program involvement, etc., are discussed specifically in other Bureau of Prisons directives (for example, optional programming). A comment suggests the Bureau's rule encompass the intent of Department of Justice Federal Standards for Prisons and Jails (Standard 9.01). It is our view that Bureau policy meets the referenced standard that inmates be able to participate in appropriate and integrated programs that will assist them during confinement and subsequent release to the community.

Claims Under the Federal Tort Claims Act

1. Section 543.30—The final rule is expanded to clearly delineate the scope of Bureau of Prisons authority as it

pertains to claims under the Federal Tort Claims Act. The rule states that administrative claims under this act are considered in accordance with 28 CFR 14.1 et seq. The final rule identifies those actions which may be taken by the Director, for example, to consider, adjust, determine, compromise, settle, and pay federal tort claims where the amount does not exceed $2500. The final rule references 28 CFR 0.97, which allows the Director, Bureau of Prisons to redelegate his authority to any of his subordinates.

In response to a comment, the authority section of this rule cites 28 U.S.C. 1346(b) and 2671 et seq. This reference and the expanded rule will provide the claimant with a fuller understanding of the claim procedure. We see no need to adopt a comment which suggests that this section recognize "18 U.S.C. 4126 under which prisoners who are injured in the course of their prison work or employment may obtain compensation". These provisions are to be encompassed within 28 CFR Chapter III, Inmate Accident Compensation.

2. Section 543.31—Throughout the final rule, the term "inmate" is replaced with the word "individual" or "claimant", since other persons may file a tort claim. The final rule deletes from subsection (a) the extraneous phrase "based on an incident occurring on or after January 18, 1967." Internal staff instructions meet the general intent of another comment by advising staff that claim forms shall be supplied to a claimant upon request. This requirement plus publication of the rule in 28 CFR ensure that an individual is able to obtain information on filing a tort claim. Section 543.31(b) is revised to require claims to be submitted first to the Regional Office in the region where the basis for the claim occurred. This modification ensures earlier involvement of the staff delegated authority to assess the claim, and should create a more efficient procedure for claim disposition. The reference in former § 543.31(b) to the claim being investigated locally is now contained in final § 543.31(c). Internal instructions to staff address a comment that staff receive guidance as to the contents of the investigative report. Generally, it is expected that statements of witnesses, medical reports, and photographs will be part of the investigation. The Federal Tort Claims Act itself impacts on the scope of the investigation and the recommendation of the Warden. Another comment suggests that the resident receive a copy of the investigation report. This document is for internal use and, while it may possibly be available under the FOIA, we see no need routinely to provide a copy to the claimant. Sections 543.31(d)–(g) are new and provide the procedure for disposition of a tort claim. Section 543.31(d) addresses appointment of the investigating officer, § 543.31 (e) and (f) discuss the authority of the Regional Counsel and the General Counsel to effect disposition of a claim. Section 543.31(g) recognizes the authority of either the Regional Counsel or General Counsel to deny a claim. Such denial constitutes a final administrative action. These sections clarify Bureau procedures in regards to filing a claim and are consistent with the provisions of § 543.30. Former § 543.31(d) is reworded and becomes final § 543.31(h). The final rule states that the denial of a claim constitutes a final administrative action.

3. Section 543.32—In response to a comment, this section is retitled "Appreciation and Depreciation" in recognition that personal property may appreciate as well as depreciate.

Inmate Library Services

1. Section 544.100—The final rule is expanded to specify that library services shall ordinarily be available to all inmates daily, including evenings and weekends. Excluded from this requirement are detention facilities which are required to ensure reasonable access. Deleted from the proposed rule is the limiting phrase "to include material which is current and up-to-date". The intent is encompassed within the revised language "a wide variety of reading materials".

A commenter suggested that the rule require the institution library be afforded a certain percentage of the entire institution budget. Such a requirement is not feasible. While funding for the inmate library is provided from the institution's education budget, the amount of money allocated is dependent on the mission of the individual institution. The Bureau's rule specifies the minimum requirements for library operations that each institution must meet.

2. Section 544.101—Final § 544.101(b) deletes the limiting phrase "current and up-to-date". The final rule deletes the first sentence of proposed § 544.101(d) as reference to library hours is now included in expanded § 544.100. A comment to the proposed rule suggested that the proposed language was too general, and could cause problems in staffing. As revised, § 544.100 provides additional structure on when library services are to be available. The implementing language to staff which will accompany this rule requires an annual assessment of the library services needs of the inmate population and requires that library staffing patterns be proportional to inmate use of the library. Also accommodated in the implementing language is a comment that staff arrange for the library to participate in available interlibrary loan arrangements. Final § 544.101(e) is new and allows the Warden or designee to authorize the use of inmates as library assistants.

Comments to this section favored a full-time professional librarian in each institution. While some institutions have professional librarians, many Bureau institutions are smaller facilities whose institutional mission and/or resources do not necessitate a professional librarian. The Bureau of Prisons Central Office librarian, who is qualified in the field of library science, can provide technical assistance and advice to institutional staff to establish and maintain library services. As suggested by another comment, and where a need exists, a contractual arrangement may be developed with individuals, local public libraries, or with state agencies to provide library services. Another comment suggested that the librarian work with the education staff to "tie" an Adult Basic Education program into the requirement that staff attempt to provide foreign speaking inmates with reading materials in the inmate's language. While the librarian will work with education staff and others to provide materials to aid inmates in learning to read and write, the extent of this assistance is left with each institution.

A final comment to the rule on library services objects to the rule stating that it does not address the needs of disabled persons. The Bureau's comprehensive policy in this regard is expressed in its policy on non-discrimination towards inmates (28 CFR Part 551, Subpart I), which specifically prohibits discrimination on the basis of handicap.

Scholarship Program

1. Section 545.41—Section 545.41(b) substitutes the phrase "offering the course or program" for "where the course or program is to occur", since the inmate's acceptance for the course is the controlling factor.

2. Section 545.42—The final rule inserts the word "ordinarily" in recognition that the Warden may elect to appoint other persons to the committee.

3. Section 545.43—Section 545.43(a) deletes the broad phrase "up to 150 scholarships annually". As revised, the policy allows one scholarship, per semester or quarter, for every 50 inmate

industrial workers. For locations which do not have 50 inmate industrial workers, the rule allows for at least one scholarship to be awarded at each industrial location regardless of the number of inmates assigned. For clarification, final § 545.43(b) adds the phrase "per inmate". Final § 545.43(c) substitutes the phrase "12 month period" for "one year". The change accommodates the academic setting (semester, quarter system, etc.).

Introduction into Institutions of Special Food or Meals From Outside Sources

Section 547.20—For purpose of clarity, § 547.20(a) specifies that the Warden may exempt from the requirement of the rule, food which is brought into the institution as part of the institution's approved visiting program. Deleted is the extraneous language "which does not enter into the living and functional areas of the institution".

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR Chapter V is amended as set forth below. The effective date of these rules is June 1, 1981.

Dated: April 28, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

1. Subchapter A is amended by adding a new Part 503 to read as follows:

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

* * * * *

PART 503—BUREAU OF PRISONS CENTRAL OFFICE, REGIONAL OFFICES, INSTITUTIONS, AND STAFF TRAINING CENTERS

Sec.

503.1 Bureau of Prisons Central Office.
503.2 Bureau of Prisons Northeast Regional Office.
503.3 Bureau of Prisons Southeast Regional Office.
503.4 Bureau of Prisons North Central Regional Office.
503.5 Bureau of Prisons South Central Regional Office.
503.6 Bureau of Prisons Western Regional Office.
503.7 Bureau of Prisons Staff Training Centers.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4003, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99; Attorney General Orders 646–76 (41 FR 14805), 842–79 (44 FR 44629), 854–79 (44 FR 58002), 860–79 (44 FR 64922), 904–80 (45 FR 52284), 938–81 (46 FR 22296).

§ 503.1 Bureau of Prisons Central Office.

The Bureau of Prisons Central Office is located at 320 First Street, N.W., Washington, D.C. 20534.

§ 503.2 Bureau of Prisons Northeast Regional Office.

The Bureau of Prisons Northeast Regional Office is located at Scott Plaza II, Industrial Highway, Philidelphia, Pennsylvania 19113. The following institutions are located within this region.

(a) Federal Correctional Institution (FCI), Alderson, West Virginia 24910
(b) Federal Prison Camp (FPC), Allenwood, Montgomery, Pennsylvania 17752
(c) FCI, Danbury, Connecticut 06810
(d) United States Penitentiary (USP), Lewisburg, Pennsylvania 17837
(e) FCI, Morgantown, West Virginia 26505
(f) Metropolitan Correctional Center (MCC), 150 Park Row, New York, New York 10007
(g) FCI, Otisville, New York 10963
(h) FCI, Petersburg, Virginia 23803
(i) FCI, Ray Brook, New York 12977

§ 503.3 Bureau of Prisons Southeast Regional Office.

The Bureau of Prisons Southeast Regional Office is located at 523 McDonough Boulevard, SE., Atlanta, Georgia 30315. The following institutions are located within this region.

(a) FCI, Ashland, Kentucky 41101
(b) USP, Atlanta, Georgia 30315
(c) FCI, Old N. Carolina Highway 75, Butner, North Carolina 27509
(d) FPC, Eglin Air Force Base, Florida 32542
(e) FCI, Lexington, Kentucky 40507
(f) FPC, Maxwell Air Force Base, Montgomery, Alabama 36112
(g) FCI, 1101 John A Denies Road, Memphis, Tennessee 38134
(h) FCI, 15801 SW. 137th Avenue, Miami, Florida 33177
(i) FCI, Talladega, Alabama 35160
(j) FCI, Tallahassee, Florida 32301

§ 503.4 Bureau of Prisons North Central Regional Office.

The Bureau of Prisons North Central Regional Office is located at 10920 Ambassador Drive, Airworld Center, Kansas City, Missouri 64153. The following institutions are located within this region.

(a) MCC, 71 W. Van Buren Street, Chicago, Illiinois 60605
(b) USP, Leavenworth, Kansas 66048
(c) USP, Marion, Illinois 62959
(d) FCI, Milan, Michigan 48160
(e) FCI, Oxford, Wisconsin 53952
(f) FCI, Sandstone, Minnesota 55072
(g) Medical Center for Federal Prisoners (MCFP), Springfield, Missouri 65802
(h) USP, Terre Haute, Indiana 47808

§ 503.5 Bureau of Prisons South Central Regional Office.

The Bureau of Prisons South Central Regional Office is located at 1607 Main, Suite 700, Dallas, Texas 75201. The following institutions are located within this region.

(a) FCI, Bastrop, Texas 78602
(b) FPC, Big Spring, Texas 79720
(c) FCI, El Reno, Oklahoma 73036
(d) FCI, Fort Worth, Texas 76119
(e) FCI, La Tuna, Texas 88021
(f) FPC, Seagoville, Texas 75159
(g) FCI, Texarkana, Texas 75501

§ 503.6 Bureau of Prisons Western Regional Office.

The Bureau of Prisons Western Regional Office is located at 330 Primrose Road, 5th Floor, Burlingame, California 94010. The following institutions are located within this region.

(a) FPC, P.O. Box 500, Boron, California 93516
(b) FCI, Englewood, Colorado 80110
(c) Federal Detention Center (FDC), Florence, Arizona 85232
(d) FCI, Lompoc, California 93438
(e) FPC, McNeil Island, Steilacoom, Washington 98388
(f) FCI, Pleasanton, California 94568
(g) FPC, Safford, Arizona 85546
(h) MCC, San Diego, California 92101
(i) FCI, Terminal Island, California 90731

§ 503.7 Bureau of Prisons Staff Training Centers.

The Bureau of Prisons Staff Training Centers are located at:

(a) Atlanta Staff Training Center, 1007 Virginia Avenue, B Building, Atlanta, Georgia 30354
(b) Denver Staff Training Center, 15400 E. 14th Place, Suite 500, Aurora, Colorado 80011
(c) Dallas Staff Training Center, 3883 Turtle Creek Boulevard, Dallas, Texas 75219
(d) Food Staff Training Center, c/o FCI, Oxford, Wisconsin 53952

2. Subchapter B is amended by adding a Subpart B to Part 524 to read as follows:

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

* * * * *

PART 524—CLASSIFICATION OF INMATES

* * * * *

Subpart B—Classification and Program Review of Inmates

Sec.
524.10 Purpose and scope.
524.11 Classification team.
524.12 Procedures for initial classification.
524.13 Program reviews.
524.14 Unscheduled reviews.
524.15 Appeals procedure.
524.16 Study and observation cases.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart B—Classification and Program Review of Inmates

§ 524.10 Purpose and scope.

It is the policy of the Bureau of Prisons to classify each newly committed inmate within four weeks of the inmate's arrival at the institution designated for service of sentence. Subsequent program reviews for each inmate shall be conducted at regular intervals. The Warden shall establish procedures to ensure that a newly committed inmate is promptly assigned to a classification team.

§ 524.11 Classification team.

The Warden shall ensure that each department within the institution has the opportunity to contribute to the classification process.

(a) At a minimum, each classification team shall include the unit manager, a case manager, correctional counselor, and education representative. Where the institution does not have unit management, the classification team shall include a case manager, correctional counselor, and education representative.

(b) Each member of the classification team shall individually interview the newly arrived inmate within five working days of the inmate's assignment to that team.

§ 524.12 Procedures for initial classification.

(a) The Warden or designee shall ensure that each newly committed inmate is scheduled for initial classification within four weeks of the inmate's arrival at the designated institution.

(b) Staff shall notify an inmate at least 48 hours prior to that inmate's scheduled appearance before the classification team. An inmate may waive in writing the 48 hours notice requirement. The inmate is expected to attend the initial classification meeting. If the inmate refuses to appear, staff shall document in the record of the meeting the inmate's refusal and, if known, the reasons for refusal.

(c) Staff shall prepare a classification packet on each inmate scheduled to appear before the classification team. This packet ordinarily shall include information on the apparent needs of the inmate, and shall offer a correctional program designed to meet those needs. With the exception of a work assignment, and as provided in Part 544, Subpart H (Optional Programming), the inmate may choose not to participate in the offered program.

(d) Staff shall complete a program review report at the inmate's initial classification. The inmate is to be provided and sign for a copy of this report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report. Staff shall place a copy of the program review report in the inmate's central file.

(e) Within five working days of the initial classification meeting, staff shall prepare a staff summary, discussing those facts which were available at the time of the initial classification. The staff summary is to include information on the inmate's current offense and prior record, social situation, recommended programs, and community resources. A copy of the staff summary is provided to the inmate, upon the inmate's request.

§ 524.13 Program reviews.

(a) Staff shall conduct a program review for each inmate:

(1) In Security Level 1, 2, and 3 institutions at least once every 90 days; and

(2) In Security Level 4, 5, and 6 and administrative institutions at least once every 180 days. When an inmate in a Security Level 4, 5, 6 or administrative institution is within 2 years of an anticipated release date, a program review shall be conducted at least once every 90 days. An anticipated release date, for purpose of this rule, refers to the first of the following dates:

(i) The inmate's mandatory (statutory) release date;

(ii) The inmate's minimum expiration date;

(iii) The inmate's presumptive parole date;

(iv) The inmate's effective parole date; or

(v) In the absence of a presumptive or effective parole date, the top of the range of months to be served for the inmate's specific offense and salient factor score, using U.S. Parole Commission guidelines.

(b) Staff shall prepare a program review report to document each program review. The inmate is to sign for and receive a copy of this report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report.

(c) Staff shall notify an inmate of the scheduled program review at least 48 hours prior to a staff originated meeting. An inmate may waive in writing the 48 hours notice requirement. An inmate may elect not to attend the program review. If this occurs, staff shall indicate the refusal and, if known, the reasons for refusal on the program review report. An inmate who elects not to appear for a program review is to be provided, and is to sign for, a copy of the program review report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report.

§ 524.14 Unscheduled reviews.

Staff may establish a schedule to ensure that inmates are provided program reviews as required by this rule. Upon request of either the inmate or staff, and with the concurrence of the team chairperson, an advanced or previously unscheduled program review may occur.

§ 524.15 Appeals procedure.

An inmate may appeal, through use of the Administrative Remedy Procedure, a decision made at initial classification or at a program review.

§ 524.16 Study and observation cases.

Inmates committed to the custody of the U.S. Attorney General for purposes of study and observation are excluded from the provisions of this rule.

3. Subchapter C is amended as follows:

A. Subpart C is added to Part 543.

B. Subpart K is added to Part 544.

C. Part 545 is added.

D. Subpart C is added to Part 547.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

A. In Part 543, Subpart C is added to read as follows:

PART 543—LEGAL MATTERS

* * * * *

Subpart C—Claims Under the Federal Tort Claims Act

Sec.
543.30 Purpose and scope.
543.31 Procedures.
543.32 Appreciation and depreciation.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510, 1346(b), 2671–80; 28 CFR 0.95–0.99, 0.172, 14.1–11.

* * * * *

Subpart C—Claims Under the Federal Tort Claims Act

§ 543.30 Purpose and scope.

The Bureau of Prisons shall consider administrative claims asserted under the Federal Tort Claims Act in accordance with the provisions of 28 CFR 14.1 et seq. The Director of the Bureau of Prisons is delegated authority by 28 CFR 0.96 and 0.172 to consider, adjust, determine, compromise, settle, and pay federal tort claims if the amount of a proposed adjustment, compromise, settlement, or award does not exceed $2500. In accordance with the provisions of 28 CFR 0.97, the Director, Bureau of Prisons, has redelegated this authority to Regional Counsel when the claim's proposed disposition does not exceed $500 and to the General Counsel, Central Office, when the proposed disposition does not exceed $2500.

§ 543.31 Procedures.

(a) Staff shall provide the necessary forms to an individual who wishes to file a claim.

(b) Claims are to be submitted first to the Regional Office in the region where the basis for the claim occurred (See 28 CFR Part 503).

(c) Claims are ordinarily investigated locally (where the basis for the claim occurred).

(d) The Warden shall designate a staff member to act as Investigating Officer.

(e) The Warden shall submit the Investigative Report, with the Warden's recommendations, to Regional Counsel. The Regional Counsel shall consider the merits of the tort claim, and is authorized to proposed to the claimant a settlement not to exceed $500 or to otherwise dispose of the claim.

(f) If the appropriate disposition appears to be a settlement offer in excess of $500, Regional Counsel shall forward the claim and institutional and regional recommendations to the Office of General Counsel, Central Office. The General Counsel shall consider the merits of the tort claim and is authorized to propose a settlement to the claimant not to exceed $2500 or to otherwise dispose of the claim.

(g) Either the Regional Counsel or General Counsel may deny any claim filed under the Federal Tort Claims Act, regardless of the amount of the claim. The denial of a claim constitutes a final administrative action.

(h) Staff shall attempt to make a claim determination within six months from the date of filing. If a final disposition is not made within the six-month period, the claimant may assume that the claim is denied. The denial of a claim constitutes a final administrative action. An individual whose claim is denied may elect to institute a suit upon denial of that claim.

§ 543.32 Appreciation and depreciation.

Staff may take appreciation or depreciation into account in settling a claim filed under the Federal Tort Claims Act involving loss of or damage to personal property.

PART 544—EDUCATION

B. In Part 544, Subpart K is added to read as follows:

PART 544—EDUCATION

* * * * *

Subpart K—Inmate Library Services

Sec.
544.100 Purpose and scope.
544.101 Procedures.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart K—Inmate Library Services

§ 544.100 Purpose and scope.

The Bureau of Prisons provides inmates within each of its institutions with library services necessary for educational, cultural, and leisure activity. The Warden shall ensure that the inmate library has a wide variety of reading materials. Library services shall ordinarily be available to all inmates daily, including evenings and weekends, except in detention facilities where service shall be scheduled as frequently as possible to ensure reasonable access.

§ 544.101 Procedures.

(a) The Warden shall assign a staff member (ordinarily the Supervisor of Education) responsibility for the inmate library.

(b) The inmate library shall offer an inmate a variety of reading materials, including, but not limited to, periodicals, newspapers, fiction, non-fiction, and reference books.

(c) Where the population of an institution includes inmates of foreign origin, staff shall attempt to provide reading materials in the inmates' language.

(d) Inmate library services shall be made available to inmates in special housing units.

(e) The Warden or designee may authorize the use of inmates as library assistants.

C. By adding a Part 545 to read as follows:

PART 545—WORK AND COMPENSATION

Subpart A-D—[Reserved]

Subpart E—Scholarship Program

Sec.
545.40 Purpose and scope.
545.41 Eligibility.
545.42 Selection.
545.43 Limitations.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4126, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A-D—[Reserved]

Subpart E—Scholarship Program

§ 545.40 Purpose and scope.

Federal Prison Industries, Inc. (UNICOR) annually awards postsecondary scholarships to selected inmates assigned to FPI, Inc. These scholarships provide an interested inmate with an opportunity to take courses or programs related to the inmate's industrial assignment while still employed by FPI, Inc.

§ 545.41 Eligibility.

(a) The Superintendent of Industries at each institution shall develop application procedures to include, at a minimum, the following considerations.

(1) The inmate shall be assigned as a full-time worker of Federal Prison Industries, Inc.

(2) The inmate shall have received a favorable recommendation from the inmate's immediate industrial supervisor.

(b) The inmate must be accepted by the institution of higher learning offering the course or program.

(c) The inmate meets the relevant institutional requirements (for example, custody) for participation.

§ 545.42 Selection.

Scholarship selections shall ordinarily be made by a three person committee comprised of the Superintendent of Industries, the Supervisor of Education, and the affected Industrial Department head.

§ 545.43 Limitations.

(a) When practicable, one scholarship may be awarded, per semester or quarter, for every 50 industrial inmate workers. At least one scholarship may be awarded at each industrial location annually, regardless of the number of inmates assigned.

(b) Scholarship amounts may not exceed $200 per semester or quarter per inmate.

(c) An inmate may receive no more than three scholarships in any 12 month period.

D. In Part 547, Subpart C is added to read as follows:

PART 547—FOOD SERVICE

* * * * *

Subpart C—Introduction into Institutions of Special Food or Meals From Outside Sources

Sec.
547.20 Policy.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart C—Introduction Into Institutions of Special Food or Meals From Outside Sources

§ 547.20 Policy.

Except as provided in paragraphs (a)–(d) of this section, the Bureau of Prisons requires that special food or meals prepared for and/or served to any group(s) of inmates also be served to the institution's entire inmate population.

(a) The Warden may exempt from this requirement food which is brought to the visiting area as part of the approved visiting program.

(b) Food items sold in the institution's commissary are exempt from the provisions of this rule.

(c) Meals served in accordance with the provisions of Part 548, Subpart B (Religious Beliefs and Practices of Committed Offenders) are exempt from the provisions of this rule.

(d) Special foods (e.g., Kosher food, food for medical diet) purchased by food service staff to augment main line foods are exempt from the provisions of this rule.

[FR Doc. 81-13223 Filed 4-30-81; 8:45 am]
BILLING CODE 4410-05-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 527 and 545

Control, Custody, Care, Treatment, and Instruction of Inmates; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

SUMMARY: The Bureau of Prisons is proposing a set of rules for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's program to publish in the Federal Register, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. This installment encompasses the Bureau of Prisons' proposed rules on (1) Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures; and (2) Transfer of Inmates to State Agents for Production on State Writs.

DATE: Comments must be received on or before June 15, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 60, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the Federal Register its proposed rules on:

(1) Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures; and

(2) Transfer of Inmates to State Agents for Production on State Writs.

The rule on Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures provides a procedure for an inmate to obtain a work assignment in Federal Prison Industries, Inc., and for determining initial rates of compensation. The rule on Transfer of Inmates to State Agents for Production on State Writs authorizes the Warden to approve a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state or local agents pursuant to state writ of habeas corpus *ad prosequendum* or *ad testificandum*.

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354) do not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received on or before June 15, 1981 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. The proposed rules may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR, Chapter V as follows:

1. In Subchapter B, add Subpart D to Part 527; and

2. In Subchapter C, add Subpart F to Part 545.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

1. By adding Subpart D to Part 527 to read as follows:

PART 527—TRANSFERS

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

Sec.

527.30 Purpose and scope.

527.31 Procedures.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

* * * * *

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

§ 527.30 Purpose and scope.

The Bureau of Prisons will consider a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state or local agents pursuant to state writ of habeas corpus *ad prosequendum* or *ad testificandum*. The Warden at the institution in which the inmate is confined is authorized to approve this transfer in accordance with the provisions of this rule.

§ 527.31 Procedures.

(a) These procedures apply to federal inmates in federal institutions, and shall be followed prior to an inmate's transfer to state or local agents other than through the Interstate Agreement on Detainers. The provisions of this rule may not be used to avoid the use of, or to circumvent the intent of the Interstate Agreement on Detainers.

(b) The Warden shall authorize transfer only when satisfied that the inmate's appearance is necessary, that state or local arrangements are satisfactory, that the safety or other interests of the inmate (such as an imminent parole hearing) are not seriously jeopardized, and that federal interests will not be interfered with, or harmed. Authorization may not be given where substantial concern exists over any of these considerations.

(c) The request for transfer of custody to State agents shall be made by the prosecutor or other authority who acts on behalf of the court and shall be directed to the Warden of the institution in which the inmate is confined. The request may be made by letter, or in urgent cases by wire or phone. The request shall indicate the need for appearance of the inmate, name of the court, nature of the action, date of the requested appearance, name and phone number of the State agency or other organization with responsibility for transporting the inmate, and anticipated date of return. The applying authority shall also provide either at the time of application or with the agent assuming custody, a statement signed by an authorized official that State or local officials with custody will provide for the safekeeping, custody, and care of the inmate, will assume full responsibility for that custody, and will return the inmate to Bureau of Prisons' custody promptly on conclusion of the inmate's appearance in the State or local proceedings for which the writ is issued.

(d) A certified copy of the writ (one with the Seal of the Court) must be received at the institution prior to release of the inmate. Institutional staff shall verify the authenticity of the writ.

(e) Institution staff shall maintain contact with the State or local law enforcement agency with responsibility for transfer of the inmate to determine the exact date and time for transfer of custody. If the inmate is awaiting Federal trial or has Federal civil proceedings pending, staff must clear the transfer through the U.S. Attorney.

(f) Institution staff shall determine from the State or local agency the names of the agents assuming custody. Staff must carefully examine the credentials of the agents assuming custody. In any doubtful case, verification should be sought.

(g) Transfers in civil cases pursuant to a writ of habeas corpus *ad testificandum* must be cleared through

Regional Counsel, who ordinarily shall recommend transfer only if the case is substantial, where testimony cannot be obtained through alternative means such as depositions or interrogatories, and where security arrangements permit. Postponement of the production until after the inmate's release from federal custody may always be considered, particularly if release is within six months.

(h) Release of inmates classified as Central Inmate Monitoring Cases requires review by appropriate authorities in either the regional or central office, in accordance with the provisions of Part 524, Subpart F.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

* * * * *

2. By adding Subpart F to Part 545 to read as follows:

PART 545—WORK AND COMPENSATION

* * * * *

Subpart F—Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures

Sec.

545.50 Purpose and scope.
545.51 Procedures.
545.52 Transfer.
545.53 Factory closings.
545.54 Medical reasons.
545.55 Disciplinary reasons.
545.56 Evaluation report.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4126, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart F—Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures

§ 545.50 Purpose and scope.

Federal Prison Industries, Inc. (UNICOR) provides inmates confined in Bureau of Prisons institutions an opportunity to obtain a work assignment within each institution's industrial location. This rule provides a procedure for an inmate to obtain a work assignment in Federal Prison Industries, Inc. and for determining initial rates of compensation.

§ 545.51 Procedures.

(a) Staff shall select an inmate for an industrial work assignment from the institution's Industries' waiting list.

(b) For purpose of determining compensation, the inmate shall be placed in available entry-level positions.

(c) The Warden or designee may make an exception to either subsection (a) or (b) of this section when there exists a supported need for a specific skill. When this occurs, an inmate with that skill, regardless of position on the list, may be hired to fill the vacancy, at the position's existing grade level.

§ 545.52 Transfers.

(a) When an inmate employed in an industrial assignment in one institution transfers (for other than disciplinary reasons) to another institution which has an industrial operation requiring comparable job skills, staff shall make a reasonable effort to hire the inmate into a comparable work assignment with comparable compensation. Where no such position exists, the inmate shall be placed on the institution's Industries' waiting list, with consideration being given for accelerated promotion.

(b) An inmate employed in an industrial assignment in one institution who transfers to another institution where the inmate is again placed in an industrial operation retains all benefits accrued in the inmate's preceding industrial assignment.

§ 545.53 Factory closings.

(a) When an industrial factory closes in a location where there are two or more factories, an inmate who loses his job assignment as a result of the closing will be placed in the top portion of the institution's industries' waiting list.

(b) When an entire industrial factory is moved from one location to another, and when an inmate assigned to that industrial factory agrees to a reassignment to the new institution for purpose of working in that industrial factory, that inmate is transferred at his/her current rate of compensation.

§ 545.54 Medical reasons.

When an inmate is removed from an industrial assignment because of medical reasons which are not work-related, staff, upon that inmate's return to work status, shall make a reasonable effort to reassign that inmate to an industrial assignment of comparable skill and grade. For work-related injuries, refer to 28 CFR Part 301, Inmate Accident Compensation.

§ 545.55 Disciplinary reasons.

An inmate who is transferred for disciplinary reasons is evaluated on a case-by-case basis with regard to that inmate's eligibility for consideration under the provisions of this rule.

§ 545.56 Evaluation report.

When an inmate is transferred from an industrial assignment at one location to another institution where there is also an industrial operation, an evaluation form is to be completed by the appropriate Factory Manager, reviewed by the Superintendent of the sending institution, and forwarded to the Superintendent of the receiving institution. This process ordinarily is completed within 30 days of transfer.

Dated: April 28, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81-13224 Filed 4-30-81; 8:45 am]

BILLING CODE 4410-05-M

federal register

Friday
May 1, 1981

Part IV

Office of Management and Budget

Budget Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report six revisions to previously transmitted rescission proposals. Three of the Revisions decrease the total amount proposed for rescission by $3.7 million. The other revisions to proposed rescissions make technical changes to the appropriation language which do not affect the amounts proposed for rescission. In addition, I am reporting two new deferrals totaling $6.4 million and revisions to five previously reported deferrals.

The revisions to rescission proposals affect programs in the Departments of Agriculture and Energy, as well as ACTION and the National Science Foundation. The new deferrals and revisions to existing deferrals involve programs in the Departments of Agriculture, Commerce, Energy, Health and Human Services, and Transportation, as well as the Board for International Broadcasting and the International Communication Agency.

The details of each rescission proposal and deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
April 27, 1981.

BILLING CODE 3110-01-M

Rescission #	Item	Budget Authority
	Department of Agriculture	
	Rural Electrification Administration	
R81-454	Rural communication development fund	14,000
	Department of Energy	
	Energy Programs	
R81-1004	Energy supply, research and development activities - operating expenses	135,242
	Other Independent Agencies	
	ACTION	
R81-1034	Operating expenses, domestic programs	200
	National Science Foundation	
R81-1101	Research and related activities	46,000
R81-1111	Science and engineering education activities	19,000
	Subtotal, rescission proposals	224,442

Rescission of Authority to Incur Obligations for Direct Loans:

	Off-Budget Federal Entities:	
	Department of Agriculture	
	Rural Electrification Administration	
R81-1221	Rural electrification and telephone revolving fund	137,000
	Subtotal, rescission of loan authority	137,000

Deferral #	Item	Budget Authority
	Department of Agriculture	
	Forest Service	
D81-24	Expenses, brush disposal	40,579
	Department of Commerce	
	National Oceanic and Atmospheric Administration	
D81-175	Promote and develop fishery products and research pertaining to American fisheries	5,000
	Department of Energy	
	Energy Programs	
D81-198	Fossil energy construction	177,000
	Department of Health and Human Services	
	Office of Assistant Secretary for Health	
D81-114	Scientific activities overseas (special foreign currency program)	9,118
	Department of Transportation	
	Federal Highway Administration	
D81-194	Trust fund share of other highway programs	17,735
	Other Independent Agencies	
	Board for International Broadcasting	
D81-104	Grants and expenses	1,379
	International Communication Agency	
D81-764	Acquisition and construction of radio facilities	13,326
	Subtotal, deferrals	147,119
	Total, rescission proposals and deferrals	591,471

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(in thousands of dollars)

	Rescissions	Deferrals
Ninth special message:		
New items	---	6,370
Change to amounts previously submitted	-3,675	16,420
Effect of ninth special message	-3,675	22,790
Previous special messages	14,757,545	8,585,187 a/
Total amount proposed in special messages	14,753,870 b/	8,607,977 c/

a/ This amount has been adjusted downward by $5 thousand to correct a discrepancy in a previous special message.

b/ This amount represents budget authority except for $751,800 thousand involving authority to incur obligations for direct loans.

c/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-198).

R81-45A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R81-45, transmitted to the Congress on March 17, 1981.

The amount currently proposed for rescission for the Rural Communication Development Fund of the Rural Electrification Administration is $16,000,000, rather than $16,341,000 as originally proposed. This decrease of $341,000 from the original proposal is being made to reflect elimination from the rescission proposal of funding related to estimated interest expenses. In the absence of this proposal, interest expenses for the program would have been funded using permanent indefinite authority to borrow. If the proposal is accepted by the Congress, these expenses would not be incurred and this authority to borrow would not be used for this program.

Rescission Proposal No: RS1-45A

RS1-45A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 95-344

Agency Department of Agriculture	New budget authority (P.L. 96-528) $ 34,000,000*
Bureau Rural Electrification Administration	Other budgetary resources 1,180,000*
Appropriation title & symbol: Rural Communication Development Fund 12X4142	Total budgetary resources 35,180,000*
	Amount proposed for rescission $ 16,000,000*
OMB identification code: 12-4142-0-3-452	Legal authority (in addition to sec 1012): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Authority to Borrow

Justification: This fund is used to make or guarantee loans for community antenna television services or facilities. The Administration believes that it is more appropriate for the private sector to fund this activity. This rescission proposal is part of the Administration's effort to combat inflation. It has been determined that this reduction can be made without adversely affecting human health and safety or other critical needs. Also, it is believed that sufficient capital will be available from the private sector to fund this activity.

Estimated Effects:* The proposed rescission would reduce the amount of insured Community Antenna Television Facility loans from $31.4 million to $15.4 million.

Outlay Effect:* (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
13.9	12.1	6.8	9.2	---	---

* Revised from previous report.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Rural Communication Development Fund

Of the loan levels authorized under this head in P.L. 96-528, making appropriations for fiscal year 1981, $16,000,000 are rescinded.

R81-130A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R81-130 transmitted to the Congress on March 19, 1981.

This revision decreases the amount proposed for rescission from $126,609,000 to $126,282,000. This decrease of $327,000 reflects a technical adjustment to the amount proposed for rescission for solar programs from $57,136,000 to $56,809,000. This change corrects an error made in the computation of amounts available for rescission that resulted in overstating the proposal by this amount.

This supplementary report also reflects an adjustment to the budgetary resources listed on the original rescission proposal to: (a) correct an omission of amounts made available by the Continuing Resolution (P.L. 96-536) for the Clinch River Breeder Reactor project ($122 million), (b) consider the the effect of an appropriation transfer of $14.3 million from this appropriation account to the Energy Supply, Research and Development - Plant and Capital Equipment account, and (c) reflect the transfer of $534 thousand from the General Administration account to this account for the Assistant Secretary for Nuclear Energy for 14 full-time program employees.

The revised rescission proposal and suggested rescission language attached to this supplementary report reflect these adjustments. In addition, the suggested rescission language has been modified to indicate that no further obligations for direct loans for the Hydropower Feasibility Studies Loan program be made during 1981. This change is being suggested to recognize that direct loans for this program took place prior to proposing this rescission.

Rescission Proposal No: R81-130A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Energy	New budget authority 96-536* (P.L. 96-367) $2,376,988,000*
Bureau: Energy Programs	Other budgetary resources 467,040,818*
Appropriation title & symbol: Energy Supply, Research and Development Activities - Operating Expenses 89X0224	Total budgetary resources 2,844,028,818*
	Amount proposed for rescission $ 126,282,000*
OMB identification code: 89-0224-0-1-271	Legal authority (in addition to sec 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Solar $56,809,000*

This proposed rescission is predicated on the new, healthier environment for commercial solar technologies, brought about by the establishment of sound energy pricing policies, primarily through the decontrol of crude oil prices, and extensive solar tax credits. The inequities and inefficiencies built into previous energy pricing policies have prevented solar energy from achieving its true potential. It is now possible to shift the focus of the Department's solar activities from costly near-term development, demonstration, and commercialization efforts to longer-range research and development projects that are too risky for private firms to undertake. Therefore, funds totaling $56,809,000 for near-term technology development and commercialization activities are proposed for rescission. The Administration believes that these activities should be pursued by the private sector in response to normal market forces. No reduction is proposed for longer-term, high risk (but potentially high payoff) research and development.

Note*: Additional FY 1981 funds totaling $34,889,000 are proposed for reprogramming out of the solar energy program and into other programs funded through the Energy Supply, Research and Development Activities, Operating Expenses account.

* Revised from original report

Geothermal - $9,500,000

Confirmation of a viable geopressured resource by well drilling along the Gulf Coast will be slightly delayed while better well sites are selected.

Short-term technology research and development will be phased out for industry to pursue.

Commercialization activities, principally reservoir confirmation drilling, will be reduced in FY 1981 in anticipation of full assumption of these activities by the private sector during FY 1982.

Hydropower - $24,546,000

It is proposed to terminate feasibility study loans and demonstration grants for small hydropower projects. The program's objective, revitalization of the small hydropower industry in the U.S., has been largely achieved, as evidenced by the tremendous growth of applications at the Federal Energy Regulatory Commission for preliminary permits and licenses. Additionally, sufficient incentives are provided through a 21 percent investment tax credit and through loan programs in the Department of Agriculture.

The termination of the small hydropower feasibility studies and licensing loans should have no overall effect on the level of small hydro project activity although some individual projects could be delayed until they secure other financing. Rescission is also requested for the construction grant funds for the two Nashua, New Hampshire, projects. There is no justification for 100% Federal financing of these projects because the technology is well proven and economically feasible. The effect of the rescission will be that the city of Nashua will have to arrange a general obligation bond issue for financing.

Electric Energy Systems - $4,115,000

This rescission is requested because the Electric Energy Systems' program is phasing out development and demonstration programs that can and should be supported by the private sector and focusing on longer-term high-risk research.

The estimated effects of this rescission are:

* reduction in Power Delivery activities of $1.5 million which reduces superconducting technology work and cable designs;

* reduction in System Architecture and Integration activities of $2.3 million phasing out New Technology Integration planning methods which can be adopted by utilities; and

* reduction of $0.3 million of carryover funds for program direction which is not needed to support current positions.

Energy Storage Systems - $19,333,000

Due to the establishment of sound energy pricing policies and other Federal incentives, this program can concentrate on the most promising long term, generic technology developments. The private sector can be expected to pursue promising near-term technologies on their own in response to market forces. Hence, funds for near-term technology development efforts totaling $19,333,000 are proposed for rescission.

Environment - $8,979,000

Biological and Environmental Research

Funds in the amount of $3,979,000 are proposed for rescission on the grounds that short-term, site specific chemical characterization and toxicology are areas of applied research more appropriately managed as part of an industrial research, development and commercialization program.

In order to facilitate the commercialization of energy technologies, funds were appropriated for research on the biological and ecological effects of products, effluents, emissions, and wastes from a variety of energy technologies. This research encompasses both longer-term generic investigations and shorter-term, highly-targeted applied research to provide early environmental information for specific processes. New policies being developed to increase the private sector's contribution to technology demonstration dictate that the short-term, focused site specific research activities are an industrial responsibility. The continuing program would emphasize advanced research to understand and define health and environmental impacts of Departmental technology research and development programs. It is estimated that termination of these efforts will not impede near-term commercialization because essential environmental activities to assure regulatory compliance will be required of the industry.

Environmental Assessments

Reduction in funding of $3,000,000 is proposed due to the elimination of ineffective and duplicative efforts addressed adequately by other offices or agencies.

Energy-related environmental areas affected include nuclear radiation, air quality, water quality and availability, energy facility siting and land management, energy transportation, urban and community impacts, and energy technologies being slated for curtailment. For example, DOE-funded water-for-energy assessments performed by the Water Resources Council will be eliminated as these involve a high degree of duplication of similar efforts required to be performed by DOE under the National Environmental Policy Act. Urban and community impact analyses will be performed by the technology offices which propose projects which have potential urban and community impact.

Environmental and Safety Engineering

Funding of $1,000,000 is proposed for rescission for environmental control evaluation studies of energy technologies. This reduction is due to the elimination of environmental control evaluations which are unnecessary to formulate energy-related environmental policy judgments, and other evaluations at specific demonstration sites which no longer will be DOE-supported. It is estimated that this reduction will have no effect on the Department's ability to make judgments of the environmental control technology aspects of new energy technologies.

Program Direction

Funds totaling $1,000,000 are proposed for rescission in Environmental Program Direction as a result of employment reductions related to reductions and redirection of environmental programs. The end-of-year allowable staffing level is being reduced from 234 full-time permanent (FTP) positions to 220 FTP positions. In terms of staff effort, this results in a reduction of 24 staff years from 234 to 210. The reduction of $1,000,000 assumes an average salary cost of $41,000.

Technical Assessment Projects - $3,000,000

Funds in the amount of $3,000,000 are proposed for rescission from the Advanced Technology Projects program. This will reduce program funding in FY 1981 from $8,000,000 to $5,000,000 and will result in termination of near-term projects that the private sector can undertake on its own.

Estimated Effects:*

Near-term development and commercialization of new energy technologies and low priority environmental research and assessments will be eliminated or reduced by a total of $126,282,000

Outlay Effects:* (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
2369.4	2262.4	107.0	19.3	--	--

* Revised from previous report.

RSI-130A

DEPARTMENT OF ENERGY

Operating Expenses

Energy Supply, Research and Development Activities

Of the funds provided under this head in Public Law 96-367, Public Law 96-69 and Public Law 95-482, $126,282,000 are rescinded. No further obligations for the principal amount of direct loans for the Hydropower Feasibility Studies Loan Program shall be made during 1981.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. RSI-103, transmitted to the Congress on March 17, 1981.

This revision to a rescission proposal for two programs in ACTION reduces the amount previously proposed for rescission for Volunteers in Service to America from $1,727,000 to $200,000 and eliminates the $1,480,000 previously proposed for rescission for Senior Companions. Except for the $200,000 presently proposed for rescission, the previous rescission proposal included amounts which are not yet available under the current Continuing Resolution (P.L. 96-536), which expires June 5, 1981.

Rescission Proposal No: RSI-103A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: ACTION	New budget authority (P.L. 96-536): $113,760,000
Bureau:	Other budgetary resources: 2,040,000*
Appropriation title & symbol: Operating Expenses, Domestic Programs 4410103	Total budgetary resources: 115,800,000*
	Amount proposed for rescission 1/: $ 200,000*
OMB identification code: 44-0103-0-1-506	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Volunteers in Service to America (VISTA) supports full-time volunteers who work with community groups to solve poverty problems.

A reduction is proposed for this program as a part of the Administration's overall plan to reduce spending throughout the Federal government. A revised 1982 request eliminates the expansion of this program which was proposed in the January Budget. This rescission will prevent 1981 expansion toward a 1982 level that is no longer planned.

Estimated Effect*: A savings of $200,000 will be realized through the reduction of 200 trainees and about 8 volunteer service years from the previously planned level in FY 1981.

Outlay Effect*: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
153.7	153.5	0.2	---	---	---

*Revised from previous report

1/ If an appropriation is made available for the period after the expiration of P.L. 96-536, an additional rescission of funds appropriated under this title will be proposed.

ACTION

Operating Expenses, Domestic Programs

Of the funds provided under this head for ACTION for fiscal year 1981 in Public Law 96-536, $100,000 are rescinded.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. RSI-110 transmitted to the Congress on March 17, 1981.

The National Science Foundation's authorization act for FY 1981 contains a number of minima which should be addressed in the appropriations language effecting the rescission. Revised rescission language to adjust the legislative minima is proposed as part of this supplementary report. If this language change were not made, the Foundation would have to accommodate both the rescission and the legislative minima, which would impose a hardship on individual programs.

Rescission Proposal No: R81-110A

R81-110A

2

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: National Science Foundation	New budget authority (P.L. 96-525): $987,900,000
Bureau:	Other budgetary resources: 25,000,000
Appropriation title & symbol: Research and Related Activities 491/20100	Total budgetary resources: 1,012,900,000
	Amount proposed for rescission: $66,000,000
OMB identification code: 49-0100-0-1-251	Legal authority (in addition to sec 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
922.9	901.4	21.5	31.3	13.2	—

Justification:

Programs funded from this appropriation support basic and applied research in all scientific disciplines, engineering and related activities. Support is also provided for the U.S. Antarctic Program, International Cooperative Science, and Science Policy Activities.

Programs which are substantially affected by the proposed reductions are those which are narrowly focused or of less immediate priority in meeting the National Science Foundation's major goals and objectives. Less severe reductions are proposed in core programs. However, the adjusted funding levels will not impair the foundation's ability to maintain its support of critical research or its ability to meet statutory responsibilities for the advancement of science.

These reductions are proposed in order to reduce Federal spending.

Estimated Effect:

Research support in the behavioral and neural sciences will be reduced by approximately 13 percent from the planned FY 1981 level; social and economic science programs by 31 percent; industry/university cooperative research projects by 45 percent; the Small Business Innovation Program by 36 percent; University-Based Innovation Centers by 29 percent; 2/4 year college instrumentation support by 42 percent, minority research initiation projects by 6 percent; international science programs by 28 percent; and the Experimental Program to Stimulate Competitive Research by 27 percent. Programs for which all FY 1981 appropriation funding is eliminated are: intergovernmental science programs, the Appropriate Technology Program, Visiting Professorships for Women, National Research Opportunity Grants, and Research Improvement in Minority Institutions.

Programs supporting research in the basic sciences and engineering will be reduced by a total of $20 million or approximately 2.5 percent.

R81-110A

NATIONAL SCIENCE FOUNDATION
Research and Related Activities

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (P.L. 96-526), $66,000,000 are rescinded, and of the amounts remaining for Research and Related Activities under P.L. 96-526, (1) not more than $18,053,000 shall be available for Earthquake Hazards Mitigation, (2) not more than $1,260,000 shall be available for the establishment and operation of three university-based Innovation Centers, (3) not more than $2,800,000 shall be available for grants to two-year and four-year colleges for equipment and instrumentation costing $35,000 or less, (4) not more than $300,000 shall be available for Small Business Innovation for projects to aid the handicapped, and (5) not more than $1,400,000 shall be available for special programs for women and minorities in science and technology. None of these funds shall be available for separately targeted programs for Appropriate Technology, Science Faculty Improvement Programs for two-year and four-year college faculty research participation, and research opportunity grants and visiting professorships for women.

R81-111A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R81-111A transmitted to the Congress on March 17, 1981.

The National Science Foundation's authorization act for FY 1981 contains a number of minima which should be addressed in the appropriations language effecting the rescission. Revised rescission language to adjust the legislative minima is proposed as part of this supplementary report. If this language change were not made, the Foundation would have to accommodate both the rescission and the legislative minima, which would impose a hardship on individual programs.

Rescission Proposal No: R81-111A

R81-111A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: National Science Foundation	New budget authority (P.L. 96-526): $80,704,000
Bureau:	Other budgetary resources: 5,000,000
Appropriation title & symbol: Science and Engineering Education Activities 4910106	Total budgetary resources: 85,704,000
	Amount proposed for rescission: $16,000,000
OMB identification code: 49-0106-0-1-251	Legal authority (in addition to sec 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This appropriation funds the National Science Foundation's programs to strengthen science education at all academic levels. It includes the programs for scientific personnel improvement, science education resources improvement, science education development and research, and a science education communications program.

Specific reductions in these areas are proposed for programs which are less critical to meeting the major goals and objectives of the Foundation and are being made in order to reduce Federal spending.

Estimated Effect:

The proposed reductions will reduce funding from the planned FY 1981 level by the following percentages: Comprehensive Assistance to Undergraduate Education, 38 percent; Development in Science Education, 56 percent; Research in Science Education, 33 percent; Public Understanding of Science, 25 percent; and the Science for Citizens program, 35 percent. Funding for the Information Dissemination in Science Education program would be eliminated.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
72.8	58.3	14.5	1.5	—	—

NATIONAL SCIENCE FOUNDATION
Science Education Activities

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (P.L. 96-526), $16,000,000 are rescinded, and of the amounts remaining for Science Education Activities under P.L. 96-526, (1) not more than $15,000,000 shall be available for Women and Minorities in Science and Technology activities as provided in Section 39 of P.L. 96-516, and (2) not more than $1,200,000 shall be available for science education programs related to appropriate technology.

R81-122A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R81-122, transmitted to the Congress on March 17, 1981.

This revision to a rescission for the Rural Electrtification Administration in the Department of Agriculture changes the language previously proposed for the Rural Electrification and Telephone Revolving Fund to make clear that a level of $125,000,000 is provided for rural telephone loans during 1981.

Rescission Proposal No: R81-122A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Agriculture	Current direct loan limitation (P.L. 96-528): $1,100,000,000
Bureau: Rural Electrification Administration	Other budgetary resources: ---
Appropriation title & symbol: Rural Electrification and Telephone Revolving Fund 12X4230	Total loan limitation: 1,100,000,000
	Amount proposed for rescission: $187,000,000
OMB identification code: 12-4230-0-3-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other: Authority to incur obligations for direct loans

Justification:

These proposed actions are based on the fact that REA has largely accomplished its purpose to provide the basic investment capital necessary to provide electric and telephone service in rural areas. More than 99% of all farms and rural establishments now have electric service, and more than 90% have telephone service. The bulk of borrowing is now for power generation and system improvements, costs that could be borne by system users.

Estimated Effects:

The rescission would reduce direct lending to rural telephone systems ($125 million) and direct lending to rural electric systems for power generation and transmission facilities ($62 million).

The major reason that these systems have not already converted to using the private sector as a major capital source is the highly favorable term structure--for both the direct and guaranteed lending--offered by REA. As a consequence, the availability of these subsidies reduces the necessity for recipients to improve their financial positions in order to attract private capital.

Taking these actions will result in a dramatic reduction in direct Federal lending. At the same time, rural electric and telephone consumers served by these systems will continue to receive adequate service at rates comparable to those charged to customers of non-REA-financed utilities.

Outlay Effect: The rescission of direct loan authority proposed for this account will have no effect on outlays.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Rural Electrification and Telephone Revolving Fund

Loan authorizations provided for the Rural Electrification and Telephone Revolving Fund for fiscal year 1981 in P.L. 96-528, for Section 305 of the Rural Electrification Act of 1936, as amended, are reduced by $62,000,000 for rural electrification loans and $125,000,000 for rural telephone loans to provide for a total level of $788,000,000 for rural electrification loans, and $125,000,000 for rural telephone loans: Provided, That loans made pursuant to Section 306 of that Act are in addition to these amounts, but during 1981, total commitments to guarantee loans pursuant to Section 306, shall not exceed $5,145,000,000 of contingent liability for loan principal.

D81-2A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-2 transmitted to the Congress on October 1, 1980.

The amount deferred for Expenses, Brush Disposal in the Forest Service, Department of Agriculture, is $40,569,894, an increase of $3,227,894 over the amount previously deferred. This increase is attributable to an increase of $3,227,894 over the previous estimate of unobligated balances brought forward into FY 1981.

Deferral No: D81-2A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 84-190): $ 41,272,000*
Bureau: Forest Service	Other budgetary resources: 48,267,894*
Appropriation title & symbol: Expenses, Brush Disposal, 1/ 12X5206	Total budgetary resources: 89,539,894*
	Amount to be deferred: Part of year: $; Entire year: 40,569,894*
OMB identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:* Purchasers of National Forest timber deposit the estimated cost to the Forest Service for disposing of brush and other debris resulting from their cutting operations pursuant to P.L. 84-190. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose.

An apportionment of $49.0 million has been made to the Forest Service for this program in 1981 compared with $46.0 million in 1980 and $44.5 million in 1979. The current fiscal year reserve of $40.6 million was established pursuant to the Antideficiency Act (31 USC 665) as a reserve for contingencies.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus seasonal factors frequently require deferring the use of deposits until the following fiscal year.

Estimated Effects: There are no programmatic or budgetary effects that result from this action. Rather, the reserve merely reflects the seasonal nature of program funding requirements.

Outlay Effect: This deferral has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-3A).

* Revised from previous report.

Deferral No: D81-105

D81-33B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 96-536) $ 19,985,204
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 3,840,990
Appropriation title & symbol: Promote and Develop Fishery Products and Research Pertaining to American Fisheries 13X5139	Total budgetary resources 23,826,194
	Amount to be deferred: Part of year $ 5,000,000
	Entire year
OMB identification code: 13-5139-0-2-376	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Fisheries Development Program emphasizes promotion of American fishery products, particularly underutilized species, and technology innovation. This program includes $12 million for grant/cooperative agreements to support fisheries development and utilization projects.

Funds for the fishery development and utilization projects totaling $5 million are deferred pending congressional action on a request to transfer those funds to the National Oceanic and Atmospheric Administration's Operations, Research and Facilities account to offset supplemental requirements for increased pay costs. The remaining funding is sufficient to carry out an effective fisheries program.

This deferral action and the associated transfer request will help reduce Federal spending in accordance with the President's overall economic recovery program.

Estimated Effect: This deferral action will preserve these funds pending congressional action on the transfer request.

Outlay Effect: This deferral has no significant effect on outlays.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-33A, transmitted to the Congress on March 10, 1981.

This revision to a deferral for fossil energy construction funds in the Department of Energy revises the coverage of the deferral to indicate that the entire amount deferred is for the SRC II project. The $42,000,000 originally reported in D81-33 for High Btu Pipeline Gas Demonstration Plants is no longer included in this deferral action, and has been proposed for rescission (R81-64). The amount currently deferred for fossil energy construction is $100,000,000, $105,000,000 less than the amount reported in Deferral D81-33A. The release of these previously-deferred funds reflects a reestimation of the funds needed in 1981 to maintain certain project-related activities until consultations with participating foreign governments can be completed.

Deferral No: D81-33B

D81-11A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514) $423,300,000
Bureau Energy Programs	Other budgetary resources 162,706,000
Appropriation title & symbol	Total budgetary resources 586,006,000
Fossil Energy Construction 1/ 89X0214	Amount to be deferred: Part of year $ ____ Entire year 109,000,000*
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:* Under the Administration's synthetic fuels policy all funding for fossil energy demonstration projects currently being supported in the Department of Energy would be terminated and project sponsors would be encouraged to seek financial support from the Synthetic Fuels Corporation (SFC), either as synthetic fuel projects or as synthetic fuel "project modules." The Administration has proposed rescissions for these demonstration projects. In the case of the SRC II coal liquefaction plant, no rescission can be proposed until consultations with the international participants in this project have been completed. However, $100 million in construction funds not needed in FY 1981 are deferred pending completion of these consultations.

Estimated Effect: This deferral of FY 1981 construction funds will have no effect on the completion of the detailed design currently scheduled for completion in 1981 or the completion and final decision on the required environmental impact statement for this project. Some construction phase activities (e.g. long lead procurement) will be delayed pending conclusion of international consultations and possible consideration of this project by the SFC.

Outlay Effects:* This deferral action will have the effect of shifting $30 million in FY 1981 outlays into FY 1982.

* Revised from previous report.

1/ This account is also the subject of a rescission proposal (R81-64).

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D81-11, transmitted to the Congress on October 1, 1980.

This revision of a deferral for the Scientific Activities Overseas Program of the Department of Health and Human Services increases the previously reported deferral from $8,000,000 to $9,118,281. This increase of $1,118,281 results from a higher level of unobligated balances actually brought forward into FY 1981 than previously estimated.

Deferral No: D81-12A

D81-89A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. ____): $ ____
Bureau: Office of Assistant Secretary for Health	Other budgetary resources: 18,118,281*
Appropriation title & symbol: Scientific Activities Overseas (Special Foreign Currency Program) 1/ 75X1102	Total budgetary resources: 18,118,281*
	Amount to be deferred: Part of year: $ ____ ; Entire year: 9,118,281*
OMB identification code: 75-1102-0-1-552	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: The Scientific activities overseas program of the Department of Health and Human Services (HHS) is funded with appropriations which consist of excess foreign currencies owned by the United States. Currencies of Egypt, Burma, Guinea, India, and Pakistan held by the Treasury have been designated as in excess of normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during FY 1981 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will contribute toward meeting U.S. scientific needs have been selected for funding in FY 1981 by HHS. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-43).

* Revised from previous report.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D81-89, transmitted to the Congress on March 10, 1981.

This revision reports a change in the amount deferred. In the previous report, $16 million was estimated as the total of 1981 obligations made at the time the program was stopped and the deferral action was taken. The revised estimate of obligations is $19.8 million, necessitating a downward adjustment of the amount deferred from $21.5 million to $17.7 million.

Deferral No: D81-89A

D81-89A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 95-599): $ 25,000,000
Bureau: Federal Highway Administration	Other budgetary resources: 65,358,177
Appropriation title & symbol: Trust Fund Share of Other Highway Programs 69X8009**	P.L. 96-400: -52,858,177
	Total budgetary resources: 37,500,000 2/
	Amount to be deferred: Part of year: $ ———
	Entire year: 17,734,777 *
OMB identification code: 69-8009-0-7-401	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other ———
Type of account or fund: ☐ Annual Sept. 30, 1981 1/ ☒ Multiple-year Sept. 30, 1982 (expiration date) ☐ No-year Sept. 30, 1983 Sept. 30, 1984	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other ———

Justification: *

Section 129 of the Federal-Aid Highway Act of 1973 authorized the Secretary to establish criteria for the location and construction or reconstruction of a National Scenic and Recreational Highway designated as the Great River Road. A single continuous route was designated which runs through all ten States bordering the Mississippi River.

The Surface Transportation Assistance Act of 1978 provides authorizations of $10 million in general funds and $25 million in Highway Trust Funds for each of the fiscal years 1979 through 1982. The general fund authorizations require an appropriation to become available. The trust fund authorizations are contract authority and become available on the first day of the fiscal year for which authorized. Current budgetary resources for FY 1981 total $90.4 million, all of which is against trust fund authority. This consists of $25 million of new authority for FY 1981 plus $65.4 million in unobligated balances from prior year authorizations. Section 311 of the Department of Transportation and Related Agencies Appropriations Act, 1981 (P.L. 96-400) limits FY 1981 obligations to $37.5 million.

All segments of the Great River Road other than access spurs have been designated as being on the Federal-aid System and may be improved using regular Federal-aid funds. The discrete Great River Road program is duplicative and unnecessary.

All unobligated balances remaining available as of March 10, 1981, are deferred. Effective upon that date, all obligational activity was suspended and will remain so through the remainder of this fiscal year. Obligations through this date total $19.8 million leaving an unobligated balance of $17.7 million under the obligation limitation. This is the amount being deferred.

This deferral action is an integral component of the President's economic program announced on February 18. The withholding of obligational authority for this program for the remainder of FY 1981 will assist in reducing Federal spending.

Estimated Effects:* The deferral of $17.7 million in FY 1981 will cause some or all of the ten States eligible for funding under this program to delay or cancel highway projects planned for the remainder of this fiscal year. However, virtually all of these projects are eligible for funding under the regular Federal-aid Highways program.

Outlay Effects:* This deferral action will shift an estimated $5.7 million in FY 1981 outlays into FY 1982.

* Revised from previous report.

** While each portion of contract authority is available for four years, the appropriations to liquidate the contract authority are available until expended.

1/ None of these funds is deferred.

2/ This amount is the portion of "Trust Fund Share of Other Highway Programs" made available for the Great River Road. Total funds available to the "Trust Fund Share of Other Highway Programs" are $76,846,595.

Deferral No: D81-106

D81-76A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Board for International Broadcasting	New budget authority (P.L. 96-536): $93,905,325 1/
Bureau:	Other budgetary resources: 1,554,772
Appropriation title & symbol: Grants and Expenses 9511145	Total budgetary resources: 95,460,097
	Amount to be deferred: Part of year: $ 1,370,420
	Entire year:
OMB identification code: 95-1145-0-1-154	Legal authority (in addition to sec 1013): [X] Antideficiency Act
Grant program: [ ] Yes [ ] No	[X] Other 22 U.S.C. 2871-2877
Type of account or fund: [X] Annual; [ ] Multiple-year (expiration date); [ ] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification: The Board for International Broadcasting is authorized by the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871-2877) to provide assistance to Radio Free Europe/Radio Liberty Inc. (RFE/RL), a private non-profit radio broadcasting organization. Section 8(b) of the Act states "The Director of the Office of Management and Budget shall place in reserve and inform the Congress of any amount appropriated under this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budget level of operation for RFE/RL, Incorporated."

Public Law No. 96-536 appropriated to the Board for 1981, $99,700,000. The Board, in accordance with regulations established jointly by the Board and the Office of Management and Budget, reported that as of the end of the first quarter of 1981 the net currency exchange gains totaled $1,370,420. Therefore, funds totaling $1.4 million are deferred. These funds will be used to offset any currency exchange losses occurring later in the year. If no losses are experienced, the funds will be proposed for rescission at a later date.

This deferral action is taken in accordance with the International Broadcasting Act of 1973, and the Antideficiency Act (31 U.S.C. 665).

Estimated Effects

No programmatic effect results from this deferral since planned program levels of Radio Free Europe/Radio Liberty will be maintained in 1981.

Outlay Effect

If there are no exchange rate losses in the remainder of 1981, the reported exchange rate gains and resulting deferral will reduce outlays by $1.4 million while maintaining current program. These outlay savings will be offset by the amount of any exchange rate losses.

1/ In addition $5,794,674 is not available pursuant to P.L. 94-350 and 96-536.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral D81-76 transmitted to the Congress on February 13, 1981.

The amount deferred for Acquisition and Construction of Radio Facilities, International Communication Agency is $13,325,600, an increase of $12,073,600 over the amount previously deferred. This increase is attributable primarily to project delays caused by the opportunity to place new Voice of America transmitters in different, and technically more advantageous, locations than were originally planned.

Deferral No: 81-76A

2

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency International Communication Agency	New budget authority (P.L. 96-536) $ 2,562,000
Bureau	Other budgetary resources 21,338,658
Appropriation title & symbol: Acquisition and Construction of Radio Facilities 67X0204	Total budgetary resources 23,900,658
	Amount to be deferred: Part of year $ ——— Entire year 13,325,600*
OMB identification code: 67-0204-0-1-154	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ———
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ——— (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ———

Justification: The United States International Communication Agency (ICA) is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et. seq.), the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), Executive Order No. 11034 of June 25, 1952, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication, cultural and educational exchange programs.

The International Communication Agency Authorization Act, Fiscal Year 1980-1981 (P.L. 96-60, approved August 15, 1979) authorized appropriations for ICA. The Continuing Resolution for 1981 (P.L. 96-536, approved December 16, 1980) appropriated $2,562,000, to remain available until expended, for the "Acquisition and Construction of Radio Facilities" account primarily to expand the transmitter capacity of the Voice of America's (VOA) worldwide broadcasting system.

This $2,562,000, together with funds appropriated in prior years, will be used to maintain and update existing VOA facilities and to expand transmitter facilities in East Asia, Africa, and Europe. Opportunities have arisen for constructing new short-wave facilities in Sri Lanka and Botswana. These possibilities, which did not exist when plans for the presently available funds were formulated, offer the potential for better coverage in those parts of Africa and Asia where existing signals are the weakest. Thus, the four transmitters originally purchased for Liberia will be installed at the Botswana site. Two of the four transmitters intended for the Philippines will be installed in Sri Lanka as part of a planned six transmitter facility. New budget authority has been requested in 1982 to provide the additional funds needed to construct the Botswana and Sri Lanka facilities. Also, the scheduled completion of the modernization of the Master Control Complex in Washington has been delayed until 1982. Because design work and the need for additional funds will delay construction, $13,325,600 for these projects is being deferred for the remainder of FY 1981.

Estimated Effects:* Because of the project changes noted above, the amount deferred could not be obligated before fiscal year 1982. Therefore, no programmatic effects will result from the deferral action.

Outlay Effects:* There is no outlay effect of this deferral, because the funds would not be obligated if made available.

* Revised from previous report

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Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MAY

24519-24926.....1

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.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MAY 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
May 1	May 18	June 1	June 15	June 30	July 30
May 4	May 19	June 3	June 18	July 6	August 3
May 5	May 20	June 4	June 19	July 6	August 3
May 6	May 21	June 5	June 22	July 6	August 4
May 7	May 22	June 8	June 22	July 6	August 5
May 8	May 26	June 8	June 22	July 7	August 6
May 11	May 26	June 10	June 25	July 10	August 10
May 12	May 27	June 11	June 26	July 13	August 10
May 13	May 28	June 12	June 29	July 13	August 11
May 14	May 29	June 15	June 29	July 13	August 12
May 15	June 1	June 15	June 29	July 14	August 13
May 18	June 2	June 17	July 2	July 17	August 17
May 19	June 3	June 18	July 6	July 20	August 17
May 20	June 4	June 19	July 6	July 20	August 18
May 21	June 5	June 22	July 6	July 20	August 19
May 22	June 8	June 22	July 6	July 21	August 20
May 26	June 10	June 25	July 10	July 27	August 24
May 27	June 11	June 26	July 13	July 27	August 25
May 28	June 12	June 29	July 13	July 27	August 26
May 29	June 15	June 29	July 13	July 28	August 27

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1981):

Title	Price
1-2	$4.50
6	3.50
7 Parts:	
900-944	7.00
9 Parts:	
1-199	7.50
11	5.50
14 Parts:	
1200-end	6.00
CFR Index	8.50

CFR Unit (Rev. as of Apr. 1, 1980):

17 Parts:	
0-239	7.50
240-end	7.50
18 Parts:	
1-149	7.50
150-end	8.50
19	9.00
20 Parts:	
01-399	5.50
400-499	7.50
500-end	7.50
21 Parts:	
01-99	6.00
100-169	7.00
170-199	6.00
200-299	4.50
300-499	8.00
500-599	7.50
600-799	5.00
800-1299	5.50
1300-end	4.50
22	8.00
23	7.00
24 Parts:	
0-499	11.00
500-1699	9.00
1700-end	6.00
25	8.00
26 Parts:	
1 (§§ 1.0-1.169)	8.50
1 (§§ 1.170-1.300)	6.50
1 (§§ 1.301-1.400)	6.00
1 (§§ 1.401-1.500)	7.00
1 (§§ 1.501-1.640)	6.50
1 (§§ 1.641-1.850)	7.50
1 (§§ 1.851-1.1200)	8.00
1 (§§ 1.1201-end)	9.00
2-29	7.50
30-39	6.50
40-299	7.50
300-499	6.00
500-599	6.50
600-end	5.00
27 Parts:	
1-199	6.50
200-end	7.50

CFR Unit (Rev. as of July 1, 1980):

28	7.00
29 Parts:	
0-499	9.00
5000-1899	11.00
1900-1910	9.00
1911-1919	5.50
1920-end	8.00
30 Parts:	
0-199	7.50
200-end	8.00
31 Parts:	
0-199	6.00
200-end	7.50
32 Parts:	
1-39 (Supplement)	6.00
40-399	10.00
400-699	8.50
700-799	8.00
800-999	8.00
1000-end	6.50
33 Parts:	
1-199	9.50
200-end	8.50
34	6.00
35 (Rev. 12/31/80)	6.00
36	7.50
37	6.00
38	11.00
39	6.00
40 Parts:	
0-51	7.50
52	9.00
53-80	7.50
81-99	8.50
100-399	13.00
400-424	7.50
425-end	7.50
41 Chapters:	
1-2	11.00
3-6	8.00
7	4.25
8	4.50
9 (Supplement)	3.00
10-17	7.50
18 (Vol. I)	7.50
18 (Vol. II)	9.00
18 (Vol. III)	7.50
19-100	7.50
101	8.50
102-end	7.00

CFR Unit (Rev. as of Oct. 1, 1980):

42 Parts:	
1-399	9.50
100-149	7.50
43 Parts:	
1-199	6.50
44	7.00
45 Parts:	
1-99	6.50
150-199	7.50
200-499	5.50
500-1199	7.50
1200-end	7.50
46 Parts:	
1-29	5.00
30-40	4.75
70-89	5.50
90-109	5.50
155-165	6.50
166-199	6.00
400-end	6.00
47 Parts:	
20-69	8.50
70-79	7.50
49 Parts:	
1-99	5.50
200-399	7.00
400-999	7.50
1000-1199	7.50
1200-1299	9.00
1300-end	6.50
50 Parts:	
1-199	6.00
200-end	7.50

CFR ISSUANCES
Projected 1981 CFR Issuances
January and April Quarters

This list restates the publication plans for the January, 1981 quarter and projects the publication plans for the April, 1981 quarter. A projected schedule that will include the July, 1981 quarter will appear in the first **Federal Register** issue of July, 1981, immediately after the CFR checklist.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16—January 1
Titles 17–27—April 1
Titles 28–41—July 1
Titles 42–50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

Titles revised as of January 1, 1981:

Title

1–2
3 Compilation
4
5
6
7 Parts:
0–52
53–209
210–299
300–399
400–699
700–899
900–944
945–980
981–999
1000–1059
1060–1119
1120–1199
1200–1499
1500–1899
1900–2799
2800–2851 (Cover only)
2852
2853–end
8

9 Parts:
1–199
200–end
10 Parts:
0–199
200–399
400–499
500–end
11
12 Parts:
1–199
200–299
300–499
500–end
13
14 Parts:
1–59
60–199
200–1199
1200–end

15 Parts:
0–299
300–end
16 Parts:
0–149
150–999
1000–end

Titles revised as of April 1, 1981:

Title

17 Parts:
0–239
240–end
18 Parts:
1–149
150–399
400–end
19
20 Parts:
1–399
400–499
500–end
21 Parts:
1–99
100–169
170–199
200–299
300–499
500–599
600–799
800–1299
1300–end
1308 Table (Cover only)
22

Title

23
24 Parts:
0–199
200–499
500–799
800–1699
1700–end
25
26 Parts:
1(§§ 1.0–1–1.169)
1(§§ 1.170–1.300)
1(§§ 1.301–1.400)
1(§§ 1.401–1.500)
1(§§ 1.501–1.640)
1(§§ 1.641–1.850)
1(§§ 1.851–1.1200)
1(§§ 1.1201–end)
2–29
30–39
40–299
300–499
500–599 (cover only)
600–end (cover only)
27 Parts:
1–199
200–end

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ESS Economics and Statistics Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MA Maritime Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
RRO Refugee Resettlement Office
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
SMREO Surface Mining Reclamation and Enforcement Office
WPRS Water and Power Resources Service

JUSTICE Justice Department

BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission

LABOR Labor Department

BLS Bureau of Labor Statistics
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration

P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing April 17, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.



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Revised as of December 1, 1980

Quantity	Volume	Price	Amount
_____	Title 49—Transporation (Parts 178 to 199)	$7.50	$_____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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