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Friday
February 13, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

12230 **Grant Programs—Education** ED invites institutions of higher education to apply for grants under the Graduate and Professional Study Fellowship Program; apply by 3-23-81

12228 **Grant Programs—Education** ED invites applications by 3-6-81, for new projects under the Museum Services Program for fiscal year 1981

12436 **Continental Shelf** Interior/BLM provides affected States with the opportunity to review draft proposed Sale No. 53 in waters offshore Central and Northern California (Part IV of this issue)

12214 **Hazardous Materials** Labor/OSHA withdraws proposal requiring employers to identify hazardous chemicals in workplaces; effective 2-12-81

12414 **Hazardous Waste** EPA promulgates temporary standards for four classes of new land disposal facilities; effective 8-13-81; comments by 4-14-81 (Part III of this issue)

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

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

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12193 **Nuclear Materials** NRC releases ruling on transient shipments of strategic special nuclear material; effective 10-13-81,

12208 **Electric Power** DOE/FERC solicits comments by 3-16-81 on a discussion paper entitled "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms"

12347 **Federal Prison Industries** Justice/LEAA invites comments by 3-16-81, on its Prison Industries Enhancement Certification Program

12335-12337 **Grant Programs—Health** HHS/PHS announces the availability of funds for fiscal year 1981 for childhood immunization preventive health services, programs for refugees, venereal disease control and venereal disease research, demonstrations and public information and education (4 documents)

12212 **Medical Devices** HHS/FDA withdraws proposals to classify hyperthermia and hypothermia devices into Class II (performance standard) (2 documents)

12224 **Grant Programs—Science and Technology** Commerce/NTIA seeks applicants for fiscal year 1981, for its Public Telecommunications Services (PTS) grant program

12223 **Computer Technology** Commerce/NBS solicits comments by 4-14-81, on planned message format standard and announces changes pertaining to interface standards exclusion list (2 documents)

12195 **Securities** SEC publishes final rule regarding resales of securities; effective 3-16-81

12232 **Paperwork Control** ED announces certain data requests that Federal agencies address to education agencies and institutions

12220 **Antidumping** Commerce/ITA advises public of preliminary results of administrative review of antidumping finding on television receiving sets from Japan; effective 2-13-81

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12350 Labor/Sec'y
12379 RRB

12389 **Sunshine Act Meetings**

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12414 **Part III, EPA**
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Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 752

Adverse Actions

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: In issuing its regulation on adverse actions, OPM inadvertently failed to reflect the exclusion, by statutory provisions covering National Guard Technicians, of all National Guard Technicians from coverage of the law and regulations concerning adverse actions against Federal employees. This exclusion is correctly reflected in the regulatory provisions for adverse actions other than suspensions for fourteen days or less. A conforming, parallel exclusion is necessary for the subpart covering suspensions for fourteen days or less.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Cynthia Field, 202-632-7778.

SUPPLEMENTARY INFORMATION: National Guard Technicians, whether in the competitive service, as a small number of them are, or in the excepted service, are excluded by 32 U.S.C. 709(e)(4) from coverage of chapter 75, U.S.C. This statutory exclusion is correctly reflected in Subpart D of Part 752, 5 CFR, covering adverse actions other than suspensions for fourteen days or less. The revision to reflect this statutory exclusion is being issued as an interpretive rule and is therefore being made effective under 5 U.S.C. 553(b)(A) and 553(d)(2) which provide exceptions to the general notice of proposed rulemaking and to prior publication. Pursuant to section 553(d)(3) of title 5 of United States Code, the Director finds that good cause exists for making this amendment effective in less than thirty days. The amendment is needed to show a conforming and parallel exclusion in subpart B of Part 752, which covers suspensions for fourteen days or less.

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

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is revising 5 CFR 752.201 by adding (d)(3) to read as follows:

§ 752.201 Coverage

* * * * *

(d) Exclusions. This subpart does not apply to action excluded by 5 U.S.C. 7502, or to a suspension for fourteen days or less:

* * * * *

(3) Of a National Guard Technician.

(5 U.S.C. 7504)

[FR Doc. 81-5080 Filed 2-12-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2424

Expedited Review of Negotiability Issues

Correction

In FR Doc. 80-21718, published at page 48575, on Monday, July 21, 1980, and corrected on page 49905, on Monday, July 28, 1980, is further corrected by revising § 2424.10(c) to read as follows:

§ 2424.10 [Amended]

* * * * *

(c) When an order is issued as provided in paragraph (b) of this section, the agency or exclusive representative shall report to the appropriate Regional Director within a specified period failure to comply with an order that the agency shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter. If the Authority finds such a failure to comply with its order, the Authority shall take whatever action it deems necessary, including enforcement under 5 U.S.C. 7123(b).

(5 U.S.C. 7134)

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Lemon Reg. 292]

7 CFR Part 910

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period February 15-21, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: February 15, 1981.

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

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

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

The committee met again publicly on February 10, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of

lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons has improved somewhat over last week.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 910.592 is added as follows:

§ 910.592 Lemon Regulation 292.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period February 15, 1981, through February 21, 1981, is established at 195,000 cartons.

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

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

Dated: February 11, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-5383 Filed 2-12-81; 11:43 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Rules of Practice for Domestic Licensing Proceedings; Administrative Appellate Briefs

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding a new subsection to its rules of practice to limit the length of administrative appellate briefs to 70 pages.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Alan S. Rosenthal, Chairman, Atomic Safety and Licensing Appeal Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301-492-7662.

SUPPLEMENTARY INFORMATION: The Commission's Rules of Practice do not now impose a limitation on the length of briefs filed on appeals from initial decisions. Section IX(d)(2) of Appendix A to those Rules (10 CFR Part 2) acknowledges that fact but then goes on to state that "in most cases the issues raised by the exceptions should be susceptible of full treatment in a brief which does not exeed 70 pages." That guidance had generally followed the rule applied in courts of appeals. In this connection, Rule 28(g) of the Federal Rules of Appellate Procedure now provides that "[e]xcept by permission of the court, or as specified by local rule of the court of appeals, principal briefs shall not exceed 50 pages * * * exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations, etc." Until amendment in 1979, that rule provided a 70-page limit and at least one court, the District of Columbia Circuit, has seen fit to increase the limitation to 70 pages. *See* D.C. Circuit Local Rule 8(g).

Over the years, the Appendix A guideline has frequently been ignored. As a consequence, in September 1978, the Appeal Board put the Bar "on notice * * * that, unless there is a greater general effort to adhere to the Section IX(d)(2) guideline, it likely will be considered necessary to convert that guideline into a limitation." *Public Service Co. of Oklahoma* (Black Fox Station, Units 1 and 2), ALAB-498, 8 NRC 315, 316 (1978). Despite this admonition, the Board still receives excessively long briefs from time to time.

In these circumstances, the Commission has accepted the Appeal Panel's recommendation to convert the Section IX(d)(2) "guidance" into a limitation akin to that enforced by the District of Columbia Circuit. This would not absolutely preclude, of course, briefs in excess of 70 pages. What it would mean is that, before filing such a brief, the litigant would be required to seek the Appeal Board's permission. In granting that permission where there appeared to be sufficient cause to do so, the Appeal Board would be free to set a specific new page limitation. For example, although the litigant might seek to file a 130-page brief, the Appeal Board might decide to allow a brief of 90 pages.

Section 2.762 will be amended to add a new subsection (e) containing the page limitation on appellate briefs. The existing subsection (e) will be redesignated subsection (f). Part 2, Appendix A, section IX(d)(2) will be modified to conform to this amendment.

Because this amendment relates solely to matters of agency procedure, notice of proposed rulemaking and public procedure thereon are not required by section 553 of Title 5 of the United States Code and shall be omitted from this proceeding. These final rules will become effective for all appellate briefs filed thirty days after publication in the **Federal Register.**

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 2, is published as a document subject to codification:

1. Section 2.762 is amended by redesignating paragraph (e) as (f) and adding a new paragraph (e) as follows:

§ 2.762 Appeals to the Commission from initial decisions.

* * * * *

(e) Briefs shall not exceed seventy (70) pages in length, exclusive of pages containing the table of contents, table of citations and any addendum containing statutes, rules, regulations, etc. A party may request for good cause an enlargement of this page limitation. Such a request shall be made by motion submitted at least seven (7) days before the date upon which the brief is due for filing and shall specify the enlargement required.

* * * * *

2. Part 2, Appendix A, section IX(d)(2) is amended by revising the sixth sentence to read as follows:

IX. Licensing Proceedings Subject to Appellate Jurisdiction of Atomic Safety and Licensing Appeal Board.

* * * * *

(d)(1) * * *

(2) * * * No brief is to exceed 70 pages in length unless leave to file a brief of a specified greater length has been previously sought and granted (10 CFR 2.762(e)). * * *

(Sec. 161(p), Pub. L. No. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. No. 93-438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C., this 6th day of February 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-5116 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Parts 70 and 73

Transient Shipments of Strategic Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to withdraw the exemption from licensing requirements for carriers who possess formula quantities of strategic special nuclear material in the course of a transient shipment and require them to be responsible for assuring that the strategic special nuclear material is protected against theft and radiological sabotage. These carriers will be required, during stopovers at United States ports, to provide physical protection in accordance with a security plan. This amendment will bring carriers who possess formula quantities of strategic special nuclear material in the course of a transient shipment directly under NRC physical protection regulations. A transient shipment is defined as a shipment of special nuclear material originating and terminating in foreign countries, on a vessel or aircraft which stops at a United States port. These amendments are intended to assure that any transient shipments which may occur are provided physical protection equivalent to that currently required of domestic, import and export shipments. Consequently, physical protection requirements for all shipments of formula quantities of strategic special nuclear material within United States territory will be uniform.

EFFECTIVE DATE: October 13, 1981

FOR FURTHER INFORMATION CONTACT: Mr. C. K. Nulsen, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Phone (301) 427-4181.

SUPPLEMENTARY INFORMATION: In accordance with the Commission's position that shipments of formula quantities of strategic special nuclear material (SSNM) should be protected in the interest of the common defense and security and public health and safety, the Commission published proposed amendments on January 8, 1980 (45 FR 1625) to 10 CFR Parts 70 and 73 of its regulations that would require carriers possessing formula quantities of strategic special nuclear material in the course of a transient shipment to provide physical protection for the material during stopovers at United States ports. Interested persons were given until March 10, 1980, to comment on the proposed amendments.

The proposed amendments have been adopted in effective form without significant changes and will become effective 240 days after publication of this notice (October 13, 1981). In the interim period, the NRC will publish a regulatory guide in draft form entitled, "Physical Protection of Transient Shipments of Formula Quantities of Strategic Special Nuclear Material." This document has been prepared to provide guidance to persons covered by the general license issued by these amendments and will be published for a public comment period of sixty days. It is expected that the final regulatory guide will be published prior to the time the final rule becomes effective.

With respect to the proposed amendments, the resolution of the comments received is as follows:

(1) A comment received from the Department of State noted that § 70.20(d)(7) of the proposed amendments would require the use of armed personnel to protect transient shipments at United States ports and questioned the legal standing of foreign nationals to act as guards or escorts for the shipments.

A number of different avenues are available to licensees for obtaining the services of armed personnel to serve as escorts for transient shipments at a United States port. These are outlined in the draft guidance referred to above. The regulation neither requires nor prohibits the use of foreign nationals to provide the required escort services at the United States port. However, there are several factors which should be taken into consideration in determining whether or not foreign nationals could effectively protect a transient shipment. Language difficulties and lack of familiarity with local communications systems could possibly detract from the ability of foreign nationals to rapidly and effectively communicate with local law enforcement agencies or with those elements of the guard force who may be of local origin for purposes of requesting assistance when needed or for coordinating response activities. Local jurisdictions in the United States generally exercise control over the use and possession of hand guns or other firearms. If required permits for carrying weapons are not obtained in advance of the shipment, foreign nationals could not legally carry weapons off the shipment vessel or aircraft. Licensees intending to include foreign nationals in a guard force provided to protect a transient shipment would be expected, just as would any other licensee, to be able to demonstrate that the physical protection system provided meets the requirements of 10 CFR Part 73 (specifically, §§ 73.20 and 73.25, and the portions of the guard qualifications and training requirements of Appendix B corresponding to the guard duties required for transient shipments).

The draft guidance document referred to above has been revised to specifically reflect the foregoing considerations.

(2) Another State Department comment raised the question of classification of written security plans and proper access to the resultant classified information and urged the NRC to take steps to assure that plans are properly protected. Since the publication of the proposed amendments, new regulations in 10 CFR Part 95 have been promulgated under which the NRC has determined that certain information contained in physical protection plans and advance shipment notifications is classified Confidential National Security Information (CNSI) and must be protected accordingly.

Since some of the information contained in physical protection plans and advance shipment notifications generated by potential general licensees under the proposed amendments would be of a safeguards-sensitive nature, it is expected that potential general licensees would seek to protect the information from unauthorized disclosure on their own initiative since it is in their best interest to do so. This information, in the hands of the U.S. Government or a person in the United States, would be considered classified as CNSI, and thus, subject to the provisions of 10 CFR Part 95.

Plans generated by a foreign firm for the protection of its nuclear material while it is in the United States are treated as classified by NRC while the material is under U.S. control and those plans would probably be protected, in the interest of the owners of the SSNM, while under foreign control. The U.S. Government has no jurisdictional basis to classify information originated by and in the custody of a foreign firm until it reaches the United States. At that point, although classifiable, it would be declassified as necessary for the carrier to carry out the plan. Appropriate language has been included in the draft guidance referred to above regarding approaches for protection of classified information.

(3) A third comment questioned the Commission's finding that neither an environmental impact statement nor an environmental appraisal to support a negative declaration was required for the proposed amendments. The commenter cited a number of possible

economic impacts and environmental hazards which he foresaw resulting from the proposed amendments (e.g., lost opportunities for commerce due to cargo ships avoiding U.S. ports, increase in freight charges to receivers of nonnuclear merchandise, and environmental risk of at-sea transfers attempted in order to avoid increased docking costs). The Commission has examined these stated impacts and hazards and determined that it is unrealistic to expect any of them to materialize as a result of the amendments, especially in consideration of the very low number of transient shipments known to have taken place in the past or projected to take place in the future. The Commission, therefore, finds no basis for changing its position on the need for environmental impact statements or environmental appraisals.

(4) The State Department also suggested that the proposed amendments be extended in scope to require protection for categories of material other than formula quantities of strategic special nuclear material (e.g., special nuclear material of moderate and low strategic significance, irradiated reactor fuel, etc.). This action was suggested in anticipation of the U.S. Senate ratification of the Convention on the Physical Protection of Nuclear Material, of which the U.S. is a signatory. Such an extension of the scope of the proposed rule would appear to be premature since the Convention has not yet been ratified. Also, an additional public comment period would be required if such a major change were made in the proposed amendments. Therefore, this suggestion will be addressed in a separate action.

Minor changes have been made in the amendments which follow for purposes of clarification and to maintain consistency with other NRC regulations. Some of the more significant changes are:

(1) The definition of "transient shipment" has been changed and a new section (§ 70.13a) added to 10 CFR Part 70 to clarify the nature of the exemption extended to persons carrying transient shipments of special nuclear material in foreign military aircraft. The previous definition was intended to indirectly exempt from the proposed regulations those persons carrying transient shipments of formula quantities of special nuclear material intended for military use. It was determined that it would be difficult for NRC inspectors to ascertain the intended future use of the material being shipped. Also, it was determined that the intended exemption should appear in a separate section of Part 70 with other exemptions. The revised amendment exempts persons carrying transient shipments who are subject to provisions of 49 U.S.C. 1508(a) (which requires State Department authorization to navigate aircraft of the armed forces of a foreign nation within the United States). This exemption, however, does not apply to plutonium since Public Law 94-79 restricts the NRC's authority to license, or exempt from licensing requirements, the air transport of plutonium in any form (except for certain medical applications and when in a container that has been certified as crash-proof). Since a transient shipment is the only situation contemplated under which a foreign military aircraft would enter the United States carrying special nuclear material, and since these shipments would be infrequent, of short duration, and under the direct control of the Department of State, the Commission has found that this exemption is not inimical to the common defense and security and does not constitute an unreasonable risk to the health and safety of the public.

(2) The wording of revised § 70.20a(a) and new § 70.20b have been changed to reflect recent changes made in § 70.20a by another rulemaking action.

(3) The notification procedures included in § 70.20b(d) have been changed to more closely conform to the corresponding requirements presently imposed on domestic shippers of similar types and quantities of material. Appropriate corresponding changes have also been made in the draft guidance.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 70 and 73, are published as a document subject to codification.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

1. A new paragraph (v) is added to § 70.4 to read as follows:

§ 70.4 Definitions.

As used in this part:

* * * * *

(v) "Transient shipment" means a shipment of nuclear material, originating and terminating in foreign countries, on a vessel or aircraft which stops at a United States port.

2. Section 70.12 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport special nuclear material in the regular course of carriage for another or storage incident thereto. This exemption does not apply to the storage in transit or transport of material by persons covered by the general licenses issued under § 70.20a and § 70.20b.

3. A new § 70.13a is added to read as follows:

§ 70.13a Foreign military aircraft.

The regulations in this part do not apply to persons who carry special nuclear material (other than plutonium) in aircraft of the armed forces of foreign nations subject to 49 U.S.C. 1508(a).

4. Paragraph 70.20a(a) is revised to read as follows:

§ 70.20a General license to possess special nuclear material for transport.

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of §§ 73.20, 73.25, 73.26 and 73.27 of Part 73 of this chapter, and irradiated reactor fuel, except for United States Department of Energy shipments, containing material of the types and quantities subject to the requirements of § 73.37 of Part 73 of this chapter, in the regular course of carriage for another or storage incident thereto. Carriers generally licensed under § 70.20b are exempt from the requirements of this section. Carriers of irradiated reactor fuel for the United States Department of Energy are also exempt from the requirements of this section. The general license is subject to the applicable provisions of §§ 70.32(a) and (b), 70.42, 70.52, 70.55, 70.61, 70.62, and 70.71.

* * * * *

5. A new § 70.20b is added to read as follows:

§ 70.20b General license for carriers of transient shipments of formula quantities of strategic special nuclear material.

(a) A general license is hereby issued to any person to possess transient shipments of formula quantities of special nuclear material of the types and quantities subject to the requirements of §§ 73.20, 73.25, 73.26, and 73.27 of this chapter from the time the shipment enters a United States port until it exits that port.

(b) Persons generally licensed under this section are exempt from the requirements of Parts 19 and 20 of this chapter, and the requirements of this

part, except §§ 70.32 (a) and (b), 70.52, 70.55, 70.61 70.62, and 70.71.

(c) Persons generally licensed under this section shall provide physical protection for transient shipments of strategic special nuclear material, as defined in § 73.2(aa) of this chapter, in accordance with or equivalent to §§ 73.20(a), 73.20(b), and 73.25 of this chapter and comply with the requirements of §§ 73.70(g) and 73.71(b) of this chapter.

(d) Persons generally licensed under this section, who plan to carry transient shipments with scheduled stops at United States ports, shall notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of Part 73 by U.S. Mail. The notification is to be received by the appropriate Director's office at least seven (7) calendar days before the first scheduled stop in the United States. The Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office shall also be notified by telephone 7 days in advance of the shipping date that an advance shipping notice has been sent by mail, and of any changes to the shipment itinerary prior to the shipment date. The written notification must include the following information:

(1) Location of all scheduled stops in Unites States territory.

(2) Arrival and departure times for all scheduled stops in United States territory.

(3) The type of transport vehicle.

(4) The special nuclear material in the shipment (elements, isotopes, enrichments, etc.).

(5) The number and types of containers.

(6) The name and telephone number of the carrier's representative at each stopover location in United States territory.

(7) A physical protection plan for implementing the requirements of § 70.20b(c), which will include the use of armed personnel to protect the shipment during the time the shipment is in a United States port.

(e) Persons generally licensed under this section making unscheduled stops at United States ports, immediately after the decision to stop, shall:

(1) Provide to the Commission the information required under paragraph (d) of this section; and

(2) Arrange for local law enforcement authorities or trained and qualified private guards to protect the shipment during the stop.

(3) Implement these arrangements within a reasonable time after the arrival of the shipment at a United States port to remain in effect until the shipment exits the port.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

6. Paragraph 73.71(b) is revised to read as follows:

§ 73.71a Reports of unaccounted for shipments, suspected theft, unlawful diversion, or radiological sabotage.

* * * * *

(b) Each licensee shall report immediately to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A, by telephone, any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which he is licensed to possess, or to commit an act of industrial sabotage against his plant or transportation system. The initial report shall be followed within a period of fifteen (15) days by a written report, submitted to the appropriate NRC Regional Office shown in Appendix A of this Part setting forth the details of the incident. Copies of the written report are to be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Subsequent to the submission of the written report required by this paragraph, a licensee shall immediately inform the Director of the appropriate Inspection and Enforcement Regional Office by means of a written report of any substantive additional information which becomes available to the licensee concerning the incident.

(Secs. 53, 161 i., 161 o., Pub. L. 83-703, 68 Stat. 930, 949, 950, sec. 5, Pub. L. 88-489, 72 Stat. 602 (42 U.S.C. 2073, 2201(i), (o))

Dated at Washington, D.C. this 10th day of February 1981.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-5119 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6286]

Resales of Securities

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending Rule 144, which provides a safe harbor for the resale of securities to the public. The new amendments will permit persons who have held securities covered by the rule for a period of three years to sell such securities without compliance with the provisions of the rule relating to volume limitation, manner of sale and notice, provided such persons are not affiliates of the issuer and there is current information available to the public concerning the issuer. The purpose of the amendments is to relax restrictions on resales of securities that are more burdensome than necessary.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Ann Glickman or William E. Toomey at (202) 272-2573, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: As a part of its continuing program of reviewing existing regulations, the Commission today is adopting amendments to Rule 144 (17 CFR 230.144) under the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.]. The general purpose of these amendments is to relax certain provisions of the rule which may be unnecessarily burdensome.

Background

Rule 144 provides a safe harbor for the resale of "restricted securities" [1] and securities held by affiliates [2] of an issuer. The rule sets forth specific standards which, if met, permit persons who hold such securities to sell them publicly without the need for registration and without being deemed underwriters [3] under the Securities Act. At the time of its adoption in 1972, Rule 144 represented a significant departure in the effort to regulate resales of restricted securities, and the resale provisions of the original rule were relatively strict. However, as the Commission has gained experience, it has relaxed the requirements of the rule in a manner consistent with the goal of investor protection. The amendments

[1] The term "restricted securities" includes securities acquired in nonpublic offerings, such as those under Section 4(2) of the Securities Act, as well as securities acquired in offerings made in reliance upon Rule 240 [17 CFR 230.240] under the Act.

[2] An "affiliate" of an entity is defined in Rule 405 (17 CFR 230.405) under the Securities Act as "a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the [entity]."

[3] The term "underwriter" is defined in Section 2(11) of the Securities Act and includes persons who acquire securities "with a view to * * * distribution."

being adopted today represent an appropriate next step in this process.

In Release No. 33-6252 (October 24, 1980) [45 FR 72685], the Commission solicited public comment on a proposal to adopt additional amendments to Rule 144. The proposed amendments would have permitted persons who held securities covered by the rule for periods of three or four years, depending on the nature of the market for the securities, to sell such securities without compliance with the provisions of the rule relating to volume limitation, manner of sale and notice, provided such persons were not affiliates of the issuer of the securities and provided there was current information available to the public concerning the issuer. The Commission also invited public comment on the utility of the notice provision of Rule 144 to issuers, the investment community, the Commission and the general public, and sought suggestions regarding the content and format of the Form 144 notice. The comments received in response to the release were very helpful. This release will discuss separately the final Commission actions on each of the proposed changes.

I. Removal of Volume Limitations

Paragraph (e)(2) of Rule 144 specifies the amount of restricted securities which may be sold by a non-affiliate within a three-month period.[4] In Release No. 33-6032 (March 5, 1979) [44 FR 15610] the Commission adopted changes in Rule 144 which permitted sales of securities by non-affiliates without regard to the volume limitations of the rule, provided that the seller had held the securities for at least three years, if the securities to be sold were of a class listed on a national securities exchange or quoted on NASDAQ[5]; or after a four-year holding period if the issuer filed periodic reports under Sections 13 or 15(d) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq.]. The proposed amendments would have extended this relief from the volume limitations of the rule to non-affiliates selling securities of a non-reporting issuer which fulfilled the requirements of paragraph (c)(2) of the rule regarding current public information,[6] provided such non-affiliates held the securities for a period of four years.

Aside from one letter which opposed the adoption of the proposed amendments in general, the commentators supported the proposed relaxation of the volume limitations. Accordingly, the Commission has decided to extend relief from the volume limitations of the rule to eligible non-affiliates selling restricted securities of an issuer which fulfills the requirements of paragraph (c)(2) of Rule 144.

The Commission has also determined that it is now appropriate to set a uniform time for termination of volume limitations on resales of restricted securities by non-affiliates. Several comment letters urged that a uniform test be adopted. The uniform test would provide relief from the volume limitations of the rule after three years, regardless of the manner in which the issuer satisfies the current public information requirement of the rule. The Commission has in the past favored the use of a longer period for the application of volume limitations on resales of restricted securities not listed on an exchange or quoted on NASDAQ. In light of the extensive successful experience under the rule, the Commission believes that differentiation among issuers as to holding period is no longer warranted. Further, the basic purpose of a holding period for application of volume limitations is to provide a useful, simple test of probable underwriter status—that is, whether the original purchase was made for purposes of investment as opposed to distribution. Underwriter status does not depend on the nature of the market for the issuer's securities or the availability of public information. Rule 144 embodies its own public information standard for purposes of sales under the rule. Once that standard has been met, in a manner acceptable under the rule, the underwriter holding period test should not vary with the informational status of the issuer. Accordingly, the amendments will permit sales of restricted securities by non-affiliates without regard to the volume limitations of the rule, provided that the seller has held the securities for a period of three years and provided the issuer of the securities satisfies the relevant current public information requirement of the rule.

II. Removal of Restrictions Regarding Manner of Sale

Paragraph (f) of Rule 144 specifies that all securities sold pursuant to the provisions of the rule must be sold in "brokers' transactions" within the meaning of Section 4(4) of the Securities Act, or in transactions directly with a "market maker" as defined in Section 3(a)(38) of the Exchange Act. Paragraph (f) also requires the seller of securities not to solicit or arrange for the solicitation of orders to buy the securities in anticipation of or in connection with the transaction, or to make any payment in connection with the offer and sale of the securities to any person other than the broker who executes the order to sell the securities. By its terms, paragraph (f) is not applicable to sales of securities for the account of a decedent's estate or the beneficiary of such an estate, if the estate or the beneficiary is not an affiliate of the issuer. The proposed amendments would have provided relief from the requirements of paragraph (f) for non-affiliates who held restricted securities for three years, if such securities were of a class listed on a national securities exchange or quoted on NASDAQ; or four years, if the issuer filed periodic reports under Section 13 or 15(d) of the Exchange Act or met the requirements of paragraph (c)(2) of the rule regarding current public information.

In proposing this amendment the Commission noted that, in Release No. 33-5979 (September 27, 1978) [42 FR 43709], it had amended Rule 144 to permit persons selling restricted securities to deal directly with a market maker as an alternative to the unsolicited brokers' transaction originally required by the rule and that, as a consequence, significant amounts of securities have been sold through market makers in transactions involving some degree of solicitation. The Commission stated it was unaware that this relaxation had resulted in any significant adverse effect on the securities markets or the investing public, and that a further easing of this restriction seemed appropriate. Apart from the letter opposing the adoption of the amendments, comment on the proposal to relieve eligible non-affiliates from the manner of sale requirement of Rule 144 was favorable. Commentators specifically supporting this relief argued that the current public information requirement of the rule and the Exchange Act's antifraud provisions would provide adequate protection for purchasers of securities if the proposal were adopted. Accordingly, the

[4] In general, a person may sell during any three-month period an amount equal to the greater of the average weekly trading volume (if available), or one percent of the outstanding securities of the class. See, in this regard, paragraph (e)(1) of Rule 144.

[5] NASDAQ refers to the National Association of Securities Dealers Automated Quotation Systems, an electronic interdealer quotation system which is owned and operated by the National Association of Securities Dealers, Inc.

[6] Paragraph (c)(2) provides that there be publicly available concerning the issuer the information specified in clauses (1) to (14), inclusive, and clause (16) of paragraph (a)(4) of Rule 15c2-11 (17 CFR 240.15c2-11) under the Exchange Act or, if the issuer is an insurance company, the information specified in Section 12(g)(2)(G)(i) of that Act.

Commission is adopting an amendment to provide the relief proposed. However, consistent with the treatment of volume limitations discussed in Part I above, the Commission is conditioning this relief for eligible non-affiliates upon the satisfaction of a uniform minimum three-year holding period. Accordingly, the amendments will permit sales of restricted securities by non-affiliates without regard to the provisions of the rule regarding manner of sale, provided that the seller has held the securities for a period of three years.[7]

III. Modification of Notice of Sale Requirement

Paragraph (h) of Rule 144 requires that notice of proposed sales pursuant to the provisions of the rule be filed with the Commission, unless the number of shares or other units being sold is less than 500 and the aggregate sale price is less than $10,000. The Form 144 notice is to be transmitted for filing at the time an order is placed with a broker to execute a sale of securities pursuant to the rule, or at the time such a sale is executed with a market maker.

In Release 33-6252, the Commission proposed that non-affiliates be relieved from compliance with paragraph (h) if they held the securities to be sold for three years, if such securities were of a class listed on a national securities exchange or quoted on NASDAQ; or four years, if the issuer filed periodic reports under Sections 13 or 15(d) of the Exchange Act or met the requirements of paragraph (c)(2) of the rule regarding current public information. In proposing this amendment, the Commission observed that the notice requirement of Rule 144, which had been considered valuable at the time of adoption of the rule, might no longer be essential, at least for transactions by certain nonaffiliates, particularly in light of the Commission's successful experience wth the rule. However, the Commission specifically requested comment on the utility of the information now provided by the form, and suggestions for amendments to make the notice more useful.

Virtually all commentators favored the proposed relief from the requirements of paragraph (h) of Rule 144. The most often cited reason for adopting the proposal was that it would reduce costly paperwork and avoid delays for sellers (which might result in missing a favorable market). Commentators also stated that the notice requirement can lead to inadvertent violations of the rule which may necessitate breaking trades to the seller's detriment. Some commentators saw disadvantages to the public information provided by the notice, and one letter stated that the Form 144 alerts market makers and specialists as to when blocks of stock are to be placed on sale, enabling them to lower their bid prices to the seller's detriment. Two letters stated that the notice requirement apprised brokers of sellers' shareholdings, which led to unwanted future solicitations by aggressive brokers. (One broker, however, argued that this was to the seller's advantage if the seller had not received the best price in his Rule 144 transaction.)

Some commentators expressed reservations about the usefulness of Form 144 as an enforcement tool. They argued that since Rule 144 sales generally do not have significant market impact, the Commission should not use its scarce resources in examining the form; and that since non-affiliates in particular do not have access to special information, the Commission should have little interest in their sales. One letter pointed out that persons making illegal distributions would be unlikely to file a Form 144 in any event. Two letters questioned the usefulness of the required representation regarding material adverse information as an enforcement tool.

Only two letters opposed the elimination of the notice requirement for eligible non-affiliates. One stated that the information provided by Form 144 facilitated market efficiency; the other letter expressed the view that the notice was useful to the issuer as an indication that the conditions of the rule had been met.

Considering the commentators' overwhelming support for the proposed elimination of the notice requirement for sales by certain non-affiliates and the cogent reasons advanced by many commentators in favor of such relief, the Commission has determined to adopt an amendment relieving eligible non-affiliates from the requirement of filing a Form 144 notice pursuant to paragraph (h) of the rule. This relief is also conditioned upon a holding period of at least three years. While the Form 144 notice filing requirement may have served limited informational and regulatory functions in the past, the Commission is of the opinion that the costs and burdens of the requirement outweigh its usefulness, at least in this area. Accordingly, the amendments being adopted will permit sales of restricted securities by non-affiliates without regard to the provisions of the rule regarding notice, provided that the seller has held the securities for a period of three years.

IV. Other Matters

In addition to commenting on the proposed rule amendments, the letters received made various suggestions for further action by the Commission. The Commission appreciates such suggestions and will consider whether some of them may be appropriate for action in the future. In view of the significance of the rule changes being adopted, however, the Commission is making no further proposals in this area at this time.

Text of the Amendments

17 CFR Part 230 is amended by revising paragraphs (e)(2), (f) and (h) of § 230.144 and adding paragraph (k) thereto to read as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

* * * * *

(e) * * *

(2) *Sales by persons other than affiliates.* The amount of restricted securities sold for the account of any person other than an affiliate of the issuer, together with all other sales of restricted securities of the same class for the account of such person within the preceding three months, shall not exceed the amount specified in paragraphs (e)(1)(i), (1)(ii) or (1)(iii) of this section, whichever is applicable, unless the conditions of paragraph (k) of this rule are satisfied.

* * * * *

(f) *Manner of sale.* The securities shall be sold in "brokers' transactions" within the meaning of section 4(4) of the Act or in transactions directly with a "market

[7] The manner in which a non-affiliate resells his securities may raise questions as to whether he is engaged in a distribution for purposes of Rule 10b-6 [17 CFR 240.10b-6] under the Exchange Act. The traditional test of a Rule 10b-6 distribution involves analysis of such factors as (i) the magnitude of the offering, (ii) the selling efforts, and (iii) the selling methods used. *See Bruns, Nordeman & Co.*, 40 S.E.C. 652, 660 (1961). These criteria also are used to determine whether sales pursuant to the liberalized volume limitations under Rule 144, effective as of September, 1978 (Release No. 33-5979 (September 27, 1978)), constitute a distribution for purposes of Rule 10b-6. See Release No. 33-6099 (August 14, 1979), Question 57. If sales pursuant to Rule 144 constitute such a distribution, Rule 10b-6 prohibits, among other things, purchases of the class of securites to facilitate the distribution by a participant in the distribution until his participation has been completed. In its comments on the amendments as proposed (Release No. 33-6252 (October 24, 1980)), the American Bar Association's Section of Corporation, Banking and Business Law suggested that the Commission amend Rule 10b-6 if certain conditions are met. The staff is currently considering whether to recommend such an amendment to the Commission.

maker," as that term is defined in section 3(a)(38) of the Securities Exchange Act of 1934, and the person selling the securities shall not (1) solicit or arrange for the solicitation of orders to buy the securities in anticipation of or in connection with such transaction, or (2) make any payment in connection with the offer or sale of the securities to any person other than the broker who executes an order to sell the securities. The requirements of this paragraph, however, shall not apply to securities sold for the account of the estate of a deceased person or for the account of a beneficiary of such estate provided the estate or beneficiary thereof is not an affiliate of the issuer; nor shall they apply to securities sold for the account of any person other than an affiliate of the issuer provided the conditions of paragraph (k) of this rule are satisfied.

* * * * *

(h) *Notice of proposed sale.* If the amount of securities to be sold in reliance upon the rule during any period of three months exceeds 500 shares or other units or has an aggregate sale price in excess of $10,000, three copies of a notice on Form 144 shall be filed with the Commission at its principal office in Washington, D.C.; and if such securities are admitted to trading on any national securities exchange, one copy of such notice shall also be transmitted to the principal exchange on which such securities are so admitted. The Form 144 shall be signed by the person for whose account the securities are to be sold and shall be transmitted for filing concurrently with either the placing with a broker of an order to execute a sale of securities in reliance upon this rule or the execution directly with a market maker of such a sale. Neither the filing of such notice nor the failure of the Commission to comment thereon shall be deemed to preclude the Commission from taking any action it deems necessary or appropriate with respect to the sale of the securities referred to in such notice. The requirements of this paragraph, however, shall not apply to securities sold for the account of any person other than an affiliate of the issuer, provided the conditions of paragraph (k) of this rule are satisfied.

* * * * *

(k) *Termination of certain restrictions on sales of restricted securities by persons other than affiliates.* The requirements of paragraphs (e), (f) and (h) of this rule shall not apply to restricted securities sold for the account of a person who is not an affiliate of the issuer at the time of the sale and has not been an affiliate during the preceding three months, provided the securities have been beneficially owned by the person for a period of at least three years prior to their sale. In computing the period for which securities have been beneficially owned for purposes of this provision, reference should be made to paragraph (d) of this section.

(Secs. 2(11), 4(1), 4(4), 19(a), 48 Stat. 74, 85, 86; secs. 201, 203, 209, 210, 48 Stat. 904, 906, 908; secs. 1–4, 5, 68 Stat. 683, 684; sec. 12, 78 Stat. 580; (15 U.S.C. 77b(11), 77d(1), 77d(4), 77s(a)))

Statutory Basis

The amendments to Rule 144 have been adopted by the Commission pursuant to the Securities Act of 1933, particularly Sections 2(11), 4(1), 4(4) and 19(a) thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 6, 1981.

[FR Doc. 81-5121 Filed 2-12-81; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 270 and 273

[Docket No. RM80-54; Order No. 131]

Amendments to Part 273 Regulations Under the Natural Gas Policy Act

Issued: February 9, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: Section 503(e)(2)(A) of the Natural Gas Policy Act of 1978 (NGPA), (15 U.S.C. 3414) directs the Federal Energy Regulatory Commission (Commission) to adopt rules or orders to permit collection of the maximum lawful price applicable to the first sale of natural gas for which an application for a determination has been filed and is pending. Section 503(e)(2)(B) also requires that any such collections be subject to refund and directs the Commission to prescribe regulations providing assurance that funds are available for any refunds if a determination results in qualification for a lower maximum lawful price than the one collected through the interim collection process.

The Commission is amending its regulations which implement section 503(e)(2)(A) under Parts 154, 270 and 273 of its regulations. Interim and retroactive collection filings with the Commission have been eliminated except where natural gas is subject to jurisdiction under the Natural Gas Act and a rate schedule on file with the Commission. All sellers will be required to notify their purchasers of their intent to make interim collections. An interim collection will constitute a general undertaking to comply with the refund provisions of Part 273. A successive interim collection will be allowed for a new application for determination where a well previously has received an affirmative eligibility determination. The information to be required in refund reports has been revised.

EFFECTIVE DATE: The amendments to §§ 273.202, 273.203 and 273.204 are effective February 9, 1981. All other amendments shall be effective March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Dan White, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 6112D, Washington, D.C. 20426 (202) 357-8577.

SUPPLEMENTARY INFORMATION:

I. Background

Section 503(e)(2)(A) of the Natural Gas Policy Act of 1978 (NGPA), (15 U.S.C. 3414) directs the Federal Energy Regulatory Commission (Commission) to adopt rules or orders to permit collection of the maximum lawful price for which an application for a determination has been filed and is pending. Section 503(e)(2)(B) also requires that any such collections be subject to refund and directs the Commission to prescribe regulations providing assurance that funds are available for any refunds if a determination results in qualification for a lower maximum lawful price than the one collected through the interim collection process.

The Commission has implemented section 503(e) in Part 273 of its regulations. Part 273 was issued as an interim rule on December 1, 1978, 43 FR 56448 (1978). It was reissued with modifications as a final regulation on June 19, 1979, in Order No. 36, Docket No. RM79-53, 44 FR 37491 (1979).

The previously existing regulations at §§ 273.202 and 273.203 prescribed requirements for interim collections of the maximum lawful price for which a sale is claimed to be eligible while the related final eligibility determination is pending. Sellers were required to submit certain information to the Commission prior to making interim collections. If the maximum lawful price for a particular first sale was finally determined to exceed the price collected for any period between the date of filing for the determination and the date on which the

eligibility determination became final, § 273.204 provided that the seller could retroactively collect the difference to the extent contractually authorized. Any seller who made a retroactive collection was obligated to make a retroactive collection filing with the Commission. If the final eligibility determination disqualified the sale of the gas for as high a rate as was collected pursuant to Part 273, § 273.302 required refund of the difference and the filing of a refund report.

The Commission designed the filing requirements in Part 273 partly to ensure that the requirements of section 4(d) of the Natural Gas Act (15 U.S.C. 717c) were met. That section requires that a producer provide notice to the Commission and the public of any proposed change in existing rates for sales of natural gas subject to the Natural Gas Act. In Order No. 15, Docket No. RM79-4, issued November 17, 1978 (43 FR 55756 (1978)), the Commission concluded that the filing and notice requirements of the Natural Gas Act are deemed satisfied if a producer has fulfilled the interim and retroactive collection filing requirements of Part 273. That policy is expressed in § 154.94(i) of the regulations.

On May 7, 1980, the Commission issued a Notice of Proposed Rulemaking in the present docket to amend the interim and retroactive collection and refund reporting requirements. Written comments were to be submitted by June 16, 1980. The proposal would have amended the regulations to provide that (1) a filing with the Commission is required for making interim or retroactive collections only if the sale is subject to a producer rate schedule and (2) such a filing is required only if a notice of intent to make interim or retroactive collection of the price authorized by the NGPA category has not been previously filed under the applicable rate schedule. The proposal would have also modified the referred reporting requirements. Sixteen written comments were received. In addition, a public hearing was held on July 16, 1980, at the Commission in Washington, D.C.

These amendments are issued largely as proposed. They amend the previously existing regulations to eliminate interim and retroactive collection filings with the Commission unless the gas is subject to the Commission's jurisdiction and subject to a rate schedule on file with the Commission.[1] Additional amendments have been included which, among other things, modify the restriction against making interim collections if collections have been made under a previous application.

II. Discussion of the Comments

(A) *Sections 273.202(d), 273.203(c) and 273.204(c)(3).*

(1) *Filing and Notice Requirements.* Prior to the issuance of these amendments, the regulations required that an interim collection filing be submitted on a well-by-well basis (see §§ 273.202(d) and 273.203(c)). Similarly, § 273.204(c)(3) required a retroactive collection report. In the Notice of Proposed Rulemaking, the Commission proposed to eliminate interim and retroactive collection filings except where required under section 4(d) of the Natural Gas Act. Where required under section 4(d) the Commission proposed to require only one interim collection filing for each NGPA category under a particular rate schedule regardless of the number of wells in each category. For retroactive collections, the Commission proposed to require one filing for each NGPA category under a given rate schedule if the provisions of the Natural Gas Act continue to apply after the determination by the jurisdictional agency has become final. The Commission also stated it would consider comments on whether producers should be permitted to make a blanket filing indicating an intent to make all NGPA interim and retroactive collections under a rate schedule filed under the Natural Gas Act, or whether, under the Natural Gas Act, producers with rate schedules on file with the Commission may be relieved of the obligation to make any interim and retroactive collection filings.

As amended by this rule the regulations now require sellers to serve each purchaser with notice of all interim collections for the sale of gas. This is required with respect to gas not subject to a rate schedule on file with the Commission under the Natural Gas Act as well as gas covered by such a rate schedule. With respect to gas which is subject to a rate schedule on file with the Commission, the seller must also submit a filing with the Commission. This filing is required even if section 601 of the NGPA removes from Natural Gas Act jurisdiction gas which qualifies under the category for which the application was filed. Such removal does not occur until the final determination is obtained. For retroactive collection, a seller is required to serve any purchaser with a notice of retroactive collection and make a filing with the Commission for gas which remains subject to the provisions of the Natural Gas Act after a determination has become final.

Only one comment argued that the Commission should relieve all producers of submitting interim or retroactive collection filings. This position was advocated because section 4(d) of the Act states, *"Unless the Commission otherwise orders,* no change shall be made by a natural gas company in any such rate, change, classification, or service, or in any rule, regulations or contract relating thereto, except after thirty days' notice to the Commission and to the public." [Emphasis added.] While the Commission may have the authority to eliminate the notice, such a decision would adversely affect protest procedures, discussed below. Therefore, for policy reasons we have chosen not to eliminate the notice to the Commission and the public. Moreover such a decision would undermine the regulations in § 154.94(i) since decisions made in Order No. 15, which amended the regulation at § 154.94(i), were based upon the continued requirement of interim and retroactive collection filings.

Most comments advocated a blanket filing whereby a seller indicates its intent to make all authorized interim and retroactive collections, rather than a filing for each NGPA price category in each rate schedule. These comments asserted that the filing burden on producers would be reduced, the information filed would be more manageable, and the statutory requirement of notice would still be met.

One pipeline commenter opposed a blanket filing procedure because of the ramifications blanket filings would have on the protest procedure. (See § 154.941 (i) and (j)). The comment maintained that interstate pipeline purchasers must receive notice of a producer's assertion of the right to collect a maximum lawful price under the NGPA in a form which would be adequate to identify the well and category for which an interim or retroactive collection is being made. Without such an ability to identify this specific information, the pipeline asserted that it would not be able to ascertain whether an evidentiary submission and a protest should be made. Without adequate information duplicative and unnecessary protests and evidentiary submissions might be filed.

The Commission agrees that purchasers should have available enough specific information to permit them to ascertain whether an evidentiary submission or a protest should be made. The blanket filing suggested by other commenters will not provide that information. As a result, the Commission believes that a pipeline

[1] Gas subject to the Commission's jurisdiction remains subject until the final determination is obtained even if the category for which the application is filed is section 107(c) (1) through (4), 102(c), or 103(c).

should receive notice of an interim or retroactive collection for each NGPA category for each rate schedule as proposed in the Notice of Proposed Rulemaking.

The Commission is concerned that interim and retroactive collection filing requirements impose only the minimum regulatory burden on producers necessary to satisfy the requirements of section 4(d) of the Natural Gas Act. Therefore, a particular interim or retroactive collection filing which is filed for gas in an NGPA category in a particular rate schedule will satisfy the filing requirements for all future interim and retroactive collections covering gas in that category and rate schedule. No additional filing with the Commission is required to satisfy section 4(d) of the Natural Gas Act for subsequent interim or retroactive collections. These requirements should impose even less filings than would occur if we implemented a blanket filing procedure. As the regulations are being implemented, we predict very few additional filings will be required since interim and retroactive collection filings have already been made for most gas subject to a rate schedule.

Comments were received questioning the applicability of the filing requirements under Part 273 to intrastate sales and sales under small producer certificates. Under the amendments contained in this order, only when a producer is selling gas subject to the jurisdiction of the Natural Gas Act, and has a rate schedule on file with the Commission, are interim or retroactive collection filings required. Small producers are not required to file rate schedules under the Natural Gas Act and intrastate sales were never covered by the Natural Gas Act. Therefore, the interim and retroactive collection filing provisions in Part 273 do not extend to sales of intrastate gas and sales under small producer certificates. The Commission stresses, however, that the record keeping and filing requirements for possible refunds under § 273.302, the escrow provisions of the amended § 273.202(d)(2), and the notice provisions of §§ 273.202, 273.203 and 273.204 apply to all first sales.

(2) *Retention of the Requirement to File a Form No. 121 as Part of an Interim Collection Filing and Notice to Each Purchaser.* The present interim collection regulations require Form No. 121 to be filed with the Commission and served on each purchaser. Commenters pointed out that this form is already served on purchasers under § 274.201(d) when an application for determination is filed with a jurisdictional agency. The commenters claimed that requiring a copy of this form to be served on purchasers a second time is unnecessary and duplicative.

One pipeline commenter asserted that Form No. 121 should continue to be required as part of the notice to the purchaser because the form is a significant time-saving aid in identifying the wells and rate schedules subject to an interim collection. The Commission has decided to retain Form No. 121 as part of both an interim collection filing and of the notice to the purchaser. The Commission believes that to continue to require a photocopy of this very short form in interim collection filings and notices does not impose an unreasonable burden on producers and provides purchasers with needed information. The Commission will permit a seller to serve notice to a purchaser concurrently under Parts 273 and 274. This type of notice would require the inclusion of only one Form No. 121.

(B) *New Exceptions to the Rule in Section 273.202(e) Which Limit Interim Collection to Only One Per Well.*

Section 273.202(e) presently permits interim collections to be made only one time per well. For instance, if an application for a section 103 determination is filed and interim collections are made, no interim collections could be made if a subsequent application to qualify the gas under section 108 is filed. Many comments received urged modification of the restriction, arguing that this limitation is unfair and unduly restrictive where a well previously had received an affirmative jurisdictional agency determination under a different NGPA price category, or the new application seeks another section 108 stripper well determination after the well had lost that status because of a temporary increase in production.

The prohibition against more than one interim collection for the same well was promulgated by the Commission to prevent successive interim collections for an NGPA price category where the first jurisdictional agency determination was negative. The concern was that successive filings might enable a producer to charge higher prices in multiple interim collections where no good faith reasonable grounds existed to conclude that the gas qualifies under the price category for which application is made. The Commission also believed that the retroactive collection provisions adequately protected the seller.

The Commission no longer feels these considerations have merit where an affirmative jurisdictional agency determination under an NGPA category has previously been made. The Commission's experience since enactment of the NGPA indicates the interim collection process has not been abused. A purchaser can obtain adequate protection by requiring escrow of amounts received in an interim collection in excess of the otherwise applicable maximum lawful price. The present limitation in § 273.202(e) is revised to permit more than one interim collection where a well has previously received an affirmative eligibility determination. This amendment will, probably, most affect section 108 stripper wells that have lost that status because of a temporary increase in production. When the production falls back to qualifying levels the producer will be able to make interim collections when a new application is filed.

(C) *Designation by a Seller or Reseller for Notification Requirements for Interim Collection.*

A seller's designee under § 273.103 presently can make filings with the Commission on behalf of the seller. One comment noted that the regulations do not permit a seller's designee to serve similar notice to purchasers. The comment suggested the burden of excess paperwork would be eliminated on co-owners of a well by allowing an operator to serve notice on behalf of more than one co-owner. The Commission agrees and therefore is amending § 273.103 to allow a seller's designee to serve notices of intent to make interim collections. In addition, a corresponding revision is being made to § 270.202(b)(2)(ii) to waive the obligation of a reseller to notify a purchaser when a reseller's designee under § 273.103 has served a purchaser with such a notice of intent. These revisions maintain the Commission's existing policy of allowing a seller's designee to make filings and notices required by Part 273.

(D) *Refund Requirements of § 273.302.*

(1) *Refund Obligations.* The present § 273.302(b) provides that any filing for an interim collection under Part 273 shall have the effect of a general undertaking to comply with the refund provisions of that part. In the Notice of Proposed Rulemaking, the Commission proposed to amend the rule by making an interim collection itself (and not the interim collection filing with the Commission) constitute the general undertaking to comply with the refund provision. Since under the new rule an interim collection filing will be required only for gas subject to Natural Gas Act rate schedules, it is necessary to impose the refund obligation on interim collections themselves for all gas, rather than on interim collection filings. Comments raised no objection to the

proposed change. The Commission therefore revises § 273.302(b) accordingly.

(2) *Refunds and refund reports.* Section 273.302 presently requires a refund to be made to the purchaser within forty-five (45) days of a final determination that a well is not eligible for the price collected in an interim collection, and a refund report to be submitted to the Commission within thirty (30) days after the making of the refund. The Notice of Proposed Rulemaking proposed to require a filing of a refund report within seventy-five (75) days of the date of an unfavorable determination or the date of withdrawal of an application for an eligibility determination.

One comment advocated exempting small producers from the refund reporting requirements of § 273.302. Producers selling under small producer certificates are subject to the requirements of these sections, including the reporting provisions. The filing of refund reports is necessary to ensure compliance with the NGPA and the correct refunding of amounts which were paid in the interim collection process. No distinction between large and small producers is appropriate.

Comments asserted that both the forty-five (45) and seventy-five (75) days time periods were insufficient to compile the information required to make appropriate refunds and submit reports. To reduce these time pressures the Commission is extending both deadlines. Appropriate refunds will not have to be made within sixty (60) days after the date of a final determination that a well is not eligible for the price category stated in the application for determination, or the date of a withdrawal of an application for an eligibility determination. A refund report will be due ninety (90) days from either of these two events.

The proposal also included a new requirement to file a statement that no refunds are due if such is the case. Comments contested this requirement. The Commission, however, believes that such a statement is necessary to the compliance program. Therefore, when no refund is due following a determination that a well is not eligible for the price category stated in the application for determination, or where an application for a determination has been withdrawn from before the Commission or a jurisdictional agency, sellers will be required to file a statement to that effect.

The present regulations require the refund report to state separately the principal amount of overpayment required to be refunded and the appropriate interest paid on this amount. As amended, § 273.302(f)(1) (iii) and (iv) requires the following additional information to be included: the well name, the American Petroleum Institute Well Number if existent, the jurisdictional agency with which the application for determination was filed, and, if applicable, the date of withdrawal of the application. The report also must specify the due dates for any refunds, the actual dates of payment of any refunds, and the time period covered by each refund. The report must state separately the amount that must be refunded, and the appropriate amount of interest attributed to the refund. Submission of such information is necessary to enable the Commission to fulfill its obligations under the NGPA to ensure proper refund payments. A refund report will be allowed to contain information for more than one well so long as the information is submitted on a well-by-well basis.

(3) *Refund Payment by Cash or Check.* Section 273.202(e) presently provides that refunds shall be paid by cash or check. This provision was retained in the Notice of Proposed Rulemaking. Comments were received urging that amounts due as refunds should be credited to current billings if purchasers agree, in order to reduce paperwork for both sellers and purchasers.

The Commission has decided to retain the present rule. Working off a refund through credits to current billings would be harder to verify for compliance purposes than would be a lump sum payment. The Commission desires to maintain its policy as stated in Order No. 36 of attempting to ensure that overcharges be returned to purchasers as quickly as possible.

(4) *Concurrence of the Purchaser.* Section 273.302(e)(3)(ii) presently requires that a refund report contain a release from the purchaser showing that refunds have been paid. The Notice of Proposed Rulemaking contained a similar provision which would require a statement of concurrence in the filing by the purchaser. Various comments stated that pipelines often do not give their written concurrence to producers in an expedited manner. These comments proposed that a deadline should be imposed on a pipeline to register its concurrence or nonconcurrence. The Commission will alleviate this problem by altering the filing requirements in the new § 273.302(f)(3). A refund report will be permitted to be filed by a seller with a statement that a purchaser's concurrence has not been received. In this circumstance, the amendments now require the purchaser to submit to the Commission the concurrence, or the reason for its refusal to submit its concurrence to a seller. This submission will be due within thirty (30) days of a seller's filing a refund report or statement with the Commission which does not include the purchasers concurrence. A duplicate of the submission shall be served upon the seller.

(E) *Reseller Rules.*

Section 270.202(b)(1)(ii) presently provides that a reseller is subject to the same refund conditions under Part 273 as the person who sold the natural gas to the reseller.

However, the present § 270.202(b)(2) waives the reseller's filing obligations under Part 273 if the filings have been made by certain other persons or entities, including the person or entity who sold the gas to the reseller. This provision by implication was interpreted by some commenters to refer to the refund filing requirements of § 273.302.

The Commission believes that because the reseller is responsible for making the refund the reseller also should be required to file a refund report under § 273.302 regardless of whether a refund report is also filed by another person or entity, including the person or entity who sold the gas to the reseller. The Commission did not intend the refund report requirement to be waived by §270.202(b)(2). Therefore, to clarify the regulations, the waiver of § 270.202(b)(2) is amended to be limited specifically to interim collection filings required under §§ 273.202 and 273.203.

The nature of several of the comments indicated that many parties are confused regarding a reseller's obligations where the reseller has purchased gas under a percentage-of-proceeds contract. In certain circumstances, a sale to reseller in a percentage-of-proceeds sale is not treated as a first sale for purposes of Subchapter H (other than Part 276). (*See*, § 270.202(h).) In such circumstances the person who sold the gas to the reseller would have no obligation to make any interim collection filings or serve any notices required in §§ 273.202(d) and 273.203. Those obligations therefore would rest with the reseller. Section 270.202(b)(1)(ii) subjects the reseller to all refund obligations including any refund report or statement that must be made.

Interim and retroactive collection filing requirements apply only to first sales. Since a percentage-of-proceeds sale to a reseller is not treated as a first sale by § 270.202(h), the person selling to the reseller is not subject to the refund conditions in §§ 270.202(b)(1)(ii) and

270.302. Therefore, where a percentage-of-proceeds sale to a reseller occurs, and the reseller subsequently makes a first sale and undertakes interim collections, the reseller will incur the refund obligation and reporting requirements.

One comment suggested the Commission state that a reseller and a behind-the-plant seller may contractually agree that the reseller shall distribute proceeds attributable to interim collections to the behind-the-pipe seller prior to the rates in the application for determination becoming final. No amendment is necessary since this suggestion presently is permitted in the current regulations.

(F) *Waiver of Pending Reports.*

One comment suggested that the proposed retroactive collection filing and notice provisions should be made applicable immediately upon issuance of the rule. If the regulations amended by this rule remain in effect for thirty days, reports the Commission has decided are unnecessary will continue to be filed during those thirty days. The comment applies equally to certain interim collection filings. The Commission agrees with this suggestion. The reduction of interim and retroactive filing requirements shall become effective immediately.

(G) *Evidentiary Submissions by Pipelines.*

Section 154.94(j)(2)(ii) requires an evidentiary submission by a pipeline within sixty (60) days of a pipeline's receipt of service of a change in rate by a jurisdictional producer through either an interim collection under Part 273 or a blanket affidavit under § 154.94(h)(6) for collection of a maximum lawful price under certain enumerated sections of the NGPA. This requirement only applies where the gas is subject to the Natural Gas Act. One comment pointed out that § 154.94 should be amended to reflect that alternatively, an evidentiary submission must be filed within sixty (60) days from the day of receipt of service of a copy of a retroactive collection report. The comment urges this clarification to clear up any uncertainty regarding the time deadline.

The Commission agrees. Failure to mention retroactive collections was inadvertent. Section 154.94 has been amended to require a pipeline to file an evidentiary submission within sixty (60) days of receipt of service of a retroactive collection filing.

(H) *Miscellaneous Comments.*

One comment questioned whether a pipeline is permitted to pay a producer pursuant to a notice of interim collection without first verifying that a producer made an appropriate filing with the Commission. The Commission believes the regulations allow a pipeline or other purchaser to rely solely on the notice from a seller to commence interim collection payments.

One comment requested that the thirty (30) day notice requirement for a change in rate under section 4(d) of the Natural Gas Act be waived to allow immediate interim collection for the price filed in the application for determination before a jurisdictional agency. The Commission already has established this waiver of § 154.94(i)(1) of the regulations.

Other miscellaneous suggestions were made regarding such issues as the interim collection time period limitation at § 273.202, the period a seller must wait after obtaining a final determination of eligibility before initiating retroactive collections at § 273.204, collections for deliveries which occurred prior to the date the application was filed, and the **Federal Register** notice of applications. These suggestions were considered in prior rulemakings and were not adopted. No new information was submitted which convinces us to amend the regulations as suggested.

III. Summary of Amendments

The following amendments and clarifications have been made to the final regulations:

Section 154.94(j) has been amended to provide that an evidentiary submission must be submitted within sixty (60) days of the latest of an interim collection or retroactive collection notice, or receipt of a filing pursuant to § 154.94(h)(6).

Section 270.202(b)(2) has been amended to provide that a reseller is not obligated to make an interim or retroactive collection filing or notify a purchaser of an intent to make an interim collection if either such filing or notice has been made by the person who sold the gas to the reseller, or by the reseller's designee. However, a reseller must file a refund report even if a report was filed by either of these parties.

Section 273.103(d)(1) has been amended to provide that a seller's designee will be allowed to serve any notice required by Part 273 in lieu of the seller serving such notice.

New cross references are listed under § 273.104(b) for a special interim collection rule for certain applications for stripper well determinations and for a special rule ceasing the right to make an interim collection upon withdrawal of an application for determination before the Commission.

A seller making an interim or retroactive collection for gas subject to the Commission's jurisdiction and subject to a Natural Gas Act rate schedule on file with the Commission must file with the Commission notice of such collection for each category of gas sold in each rate schedule.

Section 273.202(e) has been amended to provide that interim collections can be made for the sale of gas which has already been subject to interim collections so long as the gas has previously received an affirmative determination from a jurisdictional agency.

The undertaking of an interim collection shall give rise to an obligation to make any appropriate refund under § 273.302(b).

Escrow provisions for refund assurance in § 273.302(c) have been redesignated as § 273.202(d)(2).

Under § 273.302(e), a refund report will now be due within 90 days from the day a negative determination becomes final or an application for determination is withdrawn. Refunds must be paid within 60, rather than 45 days, of the final negative determination or withdrawal.

New detailed information required in a refund report is enumerated in § 273.302(f)(1). A single report under § 273.302(f)(2) may contain refund data for more than one well, if identified on a well-by-well basis.

A seller may indicate a purchaser's nonconcurrence in a refund report if a statement of concurrence is not received by the seller that all proper refunds have been made. In such an instance, the purchaser shall submit to the Commission, within 30 days of receipt of a copy of a seller's refund report or statement, its reason for refusing to submit its concurrence to the report with the seller.

IV. Public Procedure and Effective Date

Amendments to Part 273 were initially proposed for comment on May 7, 1980, 45 FR 31418 (1980). Comments were received until June 16, 1980. A public hearing on the proposed rulemaking was held on July 16, 1980. By this process the Commission complied with the provision of section 502(b) of the NGPA which requires that "[t]o the maximum extent practicable, an opportunity for oral presentation of data, views, and arguments" to be afforded for certain regulations under the NGPA. The amendments to Parts 154, 270, and 273 contained in this order rest upon consideration given to the information received during the comment and hearing process. Therefore, the Commission believes that no further notice of public procedure is required under 5 U.S.C. 553.

The amendments to §§ 273.202, 273.203 and 273.204 relieve restrictions and pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 552), shall be made effective immediately. All other amendments shall be effective March 16, 1981.

[Natural Gas Act, as amended, 15 U.S.C. § 717, et seq., Department of Energy Organization Act, 47 U.S.C. §§ 7701–7352; E.O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301–3432, Administrative Procedure Act, 15 U.S.C. § 553.]

In consideration of the foregoing, the final regulations of Parts 154 of Subchapter E, and Parts 270 and 273 of Subchapter H, Chapter I of Title 18, Code of Federal Regulations, are amended as set forth below. The amendments to §§ 273.202, 273.203 and 273.204 are effective immediately. All other amendments shall be effective March 16, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 154.94(j)(2) is amended by revising the first two sentences in subparagraph (i) to read as follows:

§ 154.94 Changes in rate schedules.

* * * * *

(j) *Evidentiary submission by pipeline, protest procedure.* * * *

(2) *Filing.* (i) The evidentiary submission required by subparagraph (1) of this paragraph shall be filed with the Commission, and, if requested, served on the seller in the sale, and any state Commission, interstate pipeline or local distribution company. In the case of all contracts except small producer contracts, the evidentiary submission shall be filed by the later of:

(A) August 15, 1979, or

(B) 60 days from the date the pipeline received notice of:

(*1*) An interim collection to be made pursuant to § 273.202(d)(1);

(*2*) A retroactive collection to be made pursuant to § 273.204(c)(3)(iii); or

(*3*) A filing pursuant to paragraph (h)(6) of this section. * * *

* * * * *

2. Section 270.202 is amended by revising the introductory text of paragraph (b)(2) and paragraph (b)(2)(ii) to read as follows:

§ 270.202 Resales.

* * * * *

(b) *Special rule for interim collections.* * * *

(2) The reseller is not obligated by § 273.202(d) or by § 273.203 to make any filings with the Commission, or to serve notice to a purchaser, if such filings or notice have been made by:

* * * * *

(ii) A person designated under § 273.103(b) by the person in clause (i) of this subparagraph to make such filings or notice.

3. Section 273.103 is revised to read as follows:

§ 273.103 General provisions relating to filing and notice.

(a) *Who must file.* Except as provided in paragraph (b) of this section, any seller making an interim collection under this part shall make the filings and serve the notices required by this part. Sellers include persons owning a working interest in a well and royalty interest owners who take the royalty in kind and sell the natural gas taken in kind; other royalty owners are not required to make filings and serve notices under this part.

(b) *Persons designated to file and serve notice.* A seller required to make filings and serve notices under this part may, with respect to any well for which filings and notices are made, designate any other working interest owner of the well, the operator of the well (whether or not such operator is a working interest owner), or a royalty interest owner in the well, to make the filings and serve the notices required by this part. Such designation shall not relieve the seller of the obligation to make the filings and serve the notices required by this part unless a filing is made or notice is served on behalf of such seller by the person designated under this paragraph.

(c) *Content of filing or notice.* Any person making a filing or serving a notice on behalf of any seller shall identify by name and address each seller on whose behalf the filing is made or the notice is served.

4. Section 273.104 is amended by designating the present provision as paragraph (a) and adding paragraphs (b) and (c) to read as follows:

§ 273.104 Cross references.

* * * * *

(b) For special rule applicable to certain jurisdictional applications for stripper well determination, see § 271.807(e).

(c) For special rule applicable to withdrawal of an application for a well determination before the Commission, see § 275.202(d)(4).

5. Section 273.202 is amended by revising paragraphs (d) and (e) to read as follows:

§ 273.202 Collection pending jurisdictional agency determination of eligibility.

* * * * *

(d) *Conditions and filings.* In order to make an interim collection under this section with respect to a first sale of natural gas a seller must meet the following conditions:

(1) If the natural gas was committed or dedicated to interstate commerce on November 8, 1978, and subject to a rate schedule on file with the Commission under the Natural Gas Act, the seller shall file with the Commission a notice of intent to make interim collection under this section. The notice shall specify the category under Part 271 and the applicable rate schedule on file with the Commission for the natural gas for which an application has been filed under Part 274 and for which interim collection is intended to be made. The notice shall also include the just and reasonable rate applicable to such natural gas under the Natural Gas Act on November 8, 1978, and a copy of the FERC Form No. 121 submitted to the jurisdictional agency. If a notice is filed with the Commission under this subparagraph, no filing shall be required for any subsequent interim collection for gas under the same category and rate schedule contained in the filing.

(2) The seller shall serve each purchaser a notice of intent to make interim collection pursuant to this section. The notice shall include a copy of the FERC Form No. 121 submitted to the jurisdictional agency, and a duplicate of any items filed with the Commission under subparagraph (d)(1) of this paragraph.

(3) If requested by a purchaser, the seller must secure by a surety bond or hold in escrow any amount collected under this section which, in the case of a new well, is in excess of the price specified in § 273.201(a)(1), or in the case of any other well, is in excess of the otherwise applicable maximum lawful price. Such surety bond or escrow shall be in a form satisfactory to the purchaser.

(e) *Limitation.* Upon termination of the interim collection authority for any first sale, no further interim collections can be made for any first sales of natural gas from the same well unless any previous affirmative determination qualified gas from the well to be eligible under Subpart B, C, G, or H of Part 271.

6. Section 273.203 is amended by revising paragraph (c) to read as follows:

§ 273.203 Collection pending review of jurisdictional agency determination.

* * * * *

(c) *Conditions and filings.* Unless the seller previously has complied with the conditions and filings set forth in § 273.202(d), in order to make an interim

collection under this section with respect to a first sale of natural gas, the seller shall undertake the conditions and filings described in § 273.202(d).

7. Section 273.204 is amended by revising the introductory text of paragraph (c) and paragraphs (c)(3) and (c)(5) to read as follows:

§ 273.204 Retroactive collection of the final determinations.

* * * * *

(c) *Conditions and filings.* In order to make a retroactive collection under this section with respect to a first sale of natural gas a seller must satisfy the following conditions and filings:

* * * * *

(3) If the natural gas was committed or dedicated to interstate commerce on November 8, 1978, is subject to a rate schedule on file with the Commission, and if the provisions of the Natural Gas Act continue to apply after a determination has become final, within fifteen (15) days after a retroactive collection begins for any first sale, the seller shall file with the Commission, and shall serve concurrently each purchaser of the gas, a notice of retroactive collection under this section. The notice shall specify:

(i) the category under Part 271 and the applicable rate schedule on file with the Commission for gas for which retroactive collection is undertaken and

(ii) the just and reasonable rate applicable to such natural gas under the Natural Gas Act on November 8, 1978.

* * * * *

(5) Carrying charges may be collected only to the extent provided by a written agreement of the parties to the applicable sales contract (or amendment thereto). The carrying charges shall be computed at an interest rate which does not exceed the rate specified in § 154.102(d).

8. Section 273.302 is amended by revising paragraphs (b), (c), (d), (e), (f), and (g) and adding a new paragraph (h) to read as follows:

§ 273.302 Refunds of interim collections.

* * * * *

(b) *Refund obligations.* (1) Any interim collection under this part, whether made by a seller or any person designated by a seller pursuant to § 273.103(b), shall constitute a general undertaking to comply with the refund provisions of this subpart by the designee and any seller on whose behalf the collection is made.

(2) Additional refund assurance may be required at any time by order of the Commission.

(c) *Escrow.* For special rule applicable to escrow of amounts received during interim collections, see § 273.202(d)(3).

(d) *Records.* (1) If any interim collection is made under Subpart B, for each billing period and for each purchaser the seller shall keep accurate accounts of:

(i) The price charged pursuant to Subpart B of this part;

(ii) Resulting revenues as computed under the price being charged pursuant to this part;

(iii) The maximum lawful price that would have been applicable if interim collections under Subpart B of this Part had not been made;

(iv) The revenues that would have been collected under the maximum lawful price described in clause (iii) of this subparagraph; and

(v) The difference in revenues described in clause (iv) and clause (ii).

(2) Such books and records shall be retained for a period of three (3) years after the termination of the interim collection period. Any contract under which any interim collections have occurred must be preserved for three (3) years after its expiration.

(e) *Refund payments.* (1) Within sixty (60) days after a determination becomes final denying a first sale at least eligibility for the price collected under this part, or within sixty (60) days after the date on which an application for determination is withdrawn by the applicant while it is before the Commission or the jurisdictional agency, the seller shall refund to the purchaser by cash or check the refund amount computed under paragraph (h) of this section together with interest determined in accordance with § 154.102(d) on the excess charges that have been collected from the date of payment until the date of refund.

(2) No interest is required to be paid on any portion of a refund:

(i) Which represents payments of royalties of taxes of Federal or State governmental authorities, except to the extent that such authorities pay interest to the seller when refunding overpayments of royalties or taxes; or

(ii) Which is paid from escrow except that interest which accrued in the escrow account on the amount required to be refunded shall be paid at the time of refund.

(f) *Filing requirements.* Within ninety (90) days of either the date a final determination of eligibility is obtained that a sale is not at least eligible for the price category stated in the application for determination, or the date an application is withdrawn by the applicant while the application is before the Commission or a jurisdictional agency, the seller shall file with the Commission:

(1) Either:

(i) an original and two copies of a refund report showing for each purchaser:

(A) the amount of overcharges and interest to be refunded as determined in accordance with paragraph (e);

(B) the dates on which any refunds were due; and

(C) the dates on which refunds were paid; or

(ii) a statement certifying that no refund is required under this section.

(2) The following information:

(i) the well name;

(ii) the American Petroleum Institute Well Number, if existent;

(iii) the jurisdictional agency with which the application for determination was filed; and,

(iv) if applicable, the date of withdrawal of the application.

(3) A statement of concurrence by the purchaser that all proper refunds have been made. If a purchaser does not submit a statement of concurrence to the seller, the seller shall so indicate. When a filing does not include the purchaser's statement of concurrence, the purchaser shall submit to the Commission such concurrence or a statement indicating the reason for its refusal to submit its concurrence with the seller. The purchaser's submission shall be due within 30 days of the date of filing a refund report or statement by a seller which does not include a statement of concurrence by the purchaser. A duplicate of the submission shall be served upon the seller.

(g) *Satisfaction and discharge of obligation.* If a determination becomes final that natural gas is eligible for at least the price stated in the application filed with the jurisdictional agency, then at such time the bond, escrow or other security undertaking shall become discharged to the extent it applies to first sales from the well for which the determination was made. If any refunds required by this section are made in conformity with the terms of the bond, escrow or other security undertaking, any remaining amounts of the bond, escrow or other security undertaking not used in satisfying the refund obligations shall be returned to the seller.

(h) *Refund computation.* (1) Where the final eligibility determination that the sale is not eligible for at least the price collected under Subpart B also includes a final eligibility determination of the maximum lawful price for that sale, that finally determined price, to the extent permitted by the applicable sales contract, shall be used to compute the

excessive interim collections and refund amount.

(2) In any other case, the appropriate maximum lawful price specified under Subpart D, E, F, or I of Part 271, to the extent permitted by the applicable sales contract, shall be used to compute the excessive interim collections and refund amount.

[FR Doc. 81-5195 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF LABOR

Employment and Training Administration

Office of the Secretary

Employment Standards Administration

Wage and Hour Division

Occupational Safety and Health Administration

Pension and Welfare Benefits Program Office

Office of Federal Contract Compliance Programs

20 CFR Parts 655, 676, 677, 678, and 679

29 CFR Parts 1, 5, 6, 1903, 1910, 1952, 1955, 1990, 2520, 2550 and 2560

41 CFR Part 60-1

Notice of Deferral of Effective Dates of Regulations

Correction

In FR Doc. 81-4344 appearing on page 11253 in the issue of February 6, 1981, make the following correction:

In the middle column of page 11254, the line below the signature now reading:

"[FR Doc. 81-4344 Filed 2-5-81; 8:45 am]"

should have read:

"[FR Doc. 81-4344 Filed 2-3-81; 1:15 pm]"

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Antimicrobial Panel; Termination

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) announces the termination of the Panel on Review of Antimicrobial Agents and amends the regulations to remove it from the list of standing advisory committees. The Panel was terminated because it had completed its work.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Lee Geismar, Bureau of Drugs (HFD-512), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6057.

SUPPLEMENTARY INFORMATION: The Panel's functions were to review and evaluate available data on the safety, effectiveness, and adequacy of labeling of nonprescription antimicrobial drug products. The Panel has submitted its conclusions and recommendations on the safety, effectiveness, and labeling of these products to the Commissioner of Food and Drugs. The Panel's conclusions and recommendations to the Commissioner will be published in a future issue of the **Federal Register.**

Accordingly, the purpose of the Panel has been served, and the Panel is no longer needed. On January 13, 1981, the Secretary of Health and Human Services approved the termination of the Panel.

§ 14.100 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 14 is amended in § 14.100 *List of standing advisory committees* by removing paragraph (c)(16).

Effective date. Because this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the **Federal Register,** February 13, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-4005 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 19, 240, 245, 250, 270, and 275

[T.D. ATF-77]

Electronic Fund Transfer for Certain Alcohol and Tobacco Products Excise Taxpayments and Other Provisions; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects the effective-date provisions contained in the final regulations which implement the electronic-fund-transfer method of paying certain alcohol and tobacco products excise taxes. The action is necessary to correct an unintentional error in the time period by which taxpayers are to determine whether they are required to pay their excise taxes electronically, as well as to correct some typographical errors, that appeared in the **Federal Register** of Tuesday, January 13, 1981 (46 FR 2999).

FOR FURTHER INFORMATION CONTACT: A. N. Stickney at (202) 566-7626.

G. R. Dickerson,

Director.

SUPPLEMENTARY INFORMATION:

Accordingly, the following corrections are made in FR Doc. 81-1177 appearing on 2999 in the issue of January 13, 1981:

1. On page 3001, at the bottom of column 2, appearing in § 19.519, the words "on Form 5110.35," are corrected to read "on Form 5110.32 or on Form 5110.35,".

2. On page 3002, in column 1, in § 19.523a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

3. On page 3002, in column 3, first paragraph to Part 240—Wine, "Subpart AA—Tax Payment of Wine" is corrected to read "Subpart AA—Taxpayment of Wine".

4. On page 3003, in column 1, the word "though" appearing in the term *"Electronic fund transfer or EFT"* of § 240.10 is corrected to read "through".

5. On page 3003, in column 3, in § 240.591a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980;" is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

6. On page 3004, in column 2, first

paragraph to Part 245—Beer, "245.112 Method of tax payment" is corrected to read "245.112 Method of taxpayment".

7. On page 3005, at the bottom of column 1, "§ 245.112 Method of tax payment" is corrected to read "§ 245.112 Method of taxpayment".

8. On page 3005, at the bottom of column 1, in § 245.117(f)(2), "registery" is corrected to read "registry".

9. On page 3005, in column 3, in § 245,117a(e), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

10. On page 3006, in column 1, (1) the phrase "form 1566" in paragraph (a) of § 245.117d is corrected to read "Form 1566"; (2) the phrase "to effect Payment of Tax by Electronic Fund Transfer" appearing in paragraph (b)(2) of § 245.117d is corrected to read "to effect payment of tax by electronic fund transfer"; and (3) the word "on" appearing in paragraph (b)(3) of § 245.117d is corrected to read "or".

11. This correction refers to § 250.112a appearing on page 3006, at the bottom of column 3: In T.D. ATF-62 (44 FR 71613; FR Doc. 79-37532, December 11, 1979), § 250.112a was revoked. In T.D. ATF-64 (45 FR 7528; FR Doc. 80-3660, February 1, 1980), § 250.112a was added and entitled "Additional deferral of tax for products containing wine". The applicability of that section, however, ended March 21, 1980. Therefore, the provisions of § 250.112a which appeared in FR Doc. 80-3660 in the issue of February 1, 1980, are removed. Section 250.112a which appears on page 3006 and which is entitled "Payment of tax by electronic fund transfer" remains.

12. On page 3007, in column 2, in § 250.112a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

13. On page 3008, in column 3, in § 270.165a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

14. On page 3010, at the bottom of column 1, in § 275.115a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

[FR Doc. 81-5193 Filed 2-12-81; 8:45 am]

BILLING CODE 4610-31-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts

Note.—This document originally appeared in the **Federal Register** for Thursday, February 12, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective dates of regulations stayed.

SUMMARY: On January 16, 1981, the Department issued a final rule to take effect on February 17, 1981 revising 29 CFR Part 4, Labor Standards for Federal Service Contracts (46 FR 4320–4378). On January 19, 1981, the Department issued a second final rule regarding the treatment of concession contracts to take effect on February 18, 1981 revising § 4.133 of Part 4 (46 FR 4886). The effective dates of these two regulations are stayed until April 17, 1981 to permit the Department to conduct a regulatory analysis and to review the rules fully before they take effect. It is the Department's intention to repropose appropriate modifications to Part 4 after this is done and to hold public hearings on the proposal.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: 202-523-8305.

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

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-4943 Filed 2-10-81; 4:00 pm]

BILLING CODE 4510-27-M

Office of Assistant Secretary for Labor Management Relations

29 CFR Parts 207, 208 and 209

Standards of Conduct for Labor Organizations Under the Foreign Service Act; Applicability of Civil Service Reform Act Procedures

AGENCY: Office of the Assistant Secretary for Labor-Management Relations, Department of Labor.

ACTION: Notice of Applicability of Procedures.

SUMMARY: The Assistant Secretary for Labor-Management Relations gives notice of the interim procedures which are applicable to the labor organization standards of conduct provisions of the Foreign Service Act of 1980 (FSA). (The standards of conduct provisions deal with matters such as labor organization reports, election of officers and rights of members.) The interim procedures applicable to labor organizations subject to the FSA are those set forth in the regulations implementing the standards of conduct provisions of the Civil Service Reform Act of 1978 (Parts 207–209 of Title 29 of the Code of Federal Regulations) which are applicable to other labor organizations in the Federal sector. This notice advises affected parties of the procedures to be followed after the effective date of the FSA (February 15, 1981) pending the issuance of implementing regulation.

DATE: The interim procedures are effective February 15, 1981.

ADDRESS: Assistant Secretary for Labor-Management Relations, Room S-2307, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Herbert Raskin, 202-523-7373.

(Section 1017 of the Foreign Service Act of 1980, Pub. L. 96-465, 22 U.S.C. 4117.)

Signed at Washington, D.C. on February 11, 1981.

Hilary M. Sheply,

Acting Deputy Assistant Secretary for Labor-Management Relations.

[FR Doc. 81-5255 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-29-M

Wage and Hour Division, Employment Standards Administration

29 CFR Part 541

Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity (Including any Employee Employed in the Capacity of Academic Administrative Personnel or Teacher in Elementary or Secondary Schools), or in the Capacity of Outside Salesman."

Note.—This document originally appeared in the **Federal Register** for Thursday, February 12, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective date of regulation stayed; comment period reopened.

SUMMARY: Final regulations effective February 13, 1981, increasing the salary levels used to determine eligibility for exemption from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act were published in the **Federal Register** of January 13, 1981 (46 FR 3010). The effective date of these regulations is stayed indefinitely. The purpose of this action is to allow the Department to review the rule fully before it takes effect. The comment period is reopened. Pending final determination in this rulemaking, the interim salary tests which became effective April 1, 1975 are continued.

DATES: Effective date: February 12, 1981. Comments are invited from other Federal agencies and the public. They must be received on or before April 6, 1981.

ADDRESS: Send written comments to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523-8305.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone (202) 523-8305.

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

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-4945 Filed 2-10-81; 4:00 pm]

BILLING CODE 4510-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 262 and 263

[SW FRL 1701-2]

Availability of Provisional EPA Identification Numbers

Correction

In FR Doc. 80-40176, appearing on page 85022, in the issue of Wednesday, December 24, 1980, make the following correction.

On page 85022, third column, under **"For Further Information Contact:"**, the telephone number given for "Region V" reading "(312) 353-2917" should be corrected to read "(312) 353-2197".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5811

[C-25845]

Colorado; Withdrawal of Lands for the Dolores Project

Correction

In FR Doc. 81-2265, published on page 6944, on Thursday, January 22, 1981, in the second column, in the first line "Sec. 3, lot 2, E½NE¼SE¼, SW¼NE¼" should be corrected to read "Sec. 3, lot 2, E½NE¼SE¼, SW¼NE¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5818

[ORE-016183-A]

Oregon; Partial Revocation of Public Land Order No. 3869

Correction

In FR Doc. 81-2269, published on page 6946, on Thursday, January 22, 1981, in the third column, under "*Revested Oregon and California Railroad Grant Land*", in the second line "Sec. 19, W½SE¼SW¼" should be corrected to read "Sec. 19, W½SE¼SW¼", and in the fourth line "Sec. 19, N½SE¼NE¼" should be corrected to read "Sec. 19, N½SE¼NE¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5845

[OR 20231-A]

Oregon; Partial Revocation of Public Water Reserve No. 84

Correction

In FR Doc. 81-2500, appearing on page 7346 in the issue for Friday, January 23, 1981, in the middle column, in the land description under **"Willamette Meridian"**, in the second line, there are two references to "NW¼" which should have read "NW¼".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries

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

ACTION: Postponement of effective date of final rules.

SUMMARY: NOAA published on January 13, 1981, an amendment to Sections 285.50, 285.52 and 285.81 of the Atlantic Tuna Fisheries regulations (50 CFR Part 285). These regulations establish a size limit for bigeye tuna taken by United States fishermen. The final rulemaking was published in the **Federal Register** (46 FR 3025) and was to be effective February 12, 1981. In response to President Reagan's Memorandum of January 29, 1981 entitled "Postponement of Pending Regulations", the effective date is being postponed to March 30, 1981.

DATES: The effective date of the Atlantic Tuna Fisheries amendment limiting the landing of bigeye tuna less than seven pounds is postponed until March 30, 1981.

The postponement is effective February 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Denton Moore, Chief, Permits and Regulations Division, 3300 Whitehaven St. NW., Washington, D.C. 20235, (202) 634-7432.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this 11th day of February 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-5352 Filed 2-12-81; 9:50 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 30
Friday, February 13, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Improving Government Regulations; Semiannual Regulatory Agenda

Correction

In FR Doc. 81-3694 appearing on page 10502 in the issue of Tuesday, February 3, 1981, make the following changes:

(1) On page 10502, third column, paragraph numbered 1, "purchasing" should read "purchased".

(2) On page 10506, second column, paragraph numbered 5, third line from the bottom, "releases" should read "released", and in the paragraph numbered 9, last line at the botton of the page, "contracts" should read "contacts".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM80-36]

Rate of Return on Equity for Electric Utilities; Request for Written Comments

Issued: February 6, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Request for Written Comments.

SUMMARY: In accordance with authority delegated to it by the Commission, a Staff Study Group has made public a discussion paper entitled, "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms." The paper describes current Commission procedures for establishing the rate of return on equity for electric utilities and presents alternatives to those procedures. Written comments are solicited on the discussion paper.

DATE: Comments should be submitted by March 16, 1981.

ADDRESSES: Comments should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Request for copies of the discussion paper: Office of Congressional and Public Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426, (202) 357-8055.

FOR FURTHER INFORMATION CONTACT: Ms. Angela Lancaster, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8377.

SUPPLEMENTARY INFORMATION: A Study Group has prepared, and presented to the Commission and its staff, a discussion paper on rate of return for electric utilities, entitled "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms." To encourage public discussion on the paper the Commission authorized the Study Group to make the paper public, to solicit comments on it, and to hold informal public conferences to discuss the proposals it contains. The paper was made public and a public conference was held on January 30, 1981.* The purpose of this Notice is to request written comments on the paper.

The discussion paper is a product of the Study Group and no of the full Commission staff. It provides an overview of the Commission's staff. It provides an overview of the Commission's current case-by-case approach in setting rates of return on equity for jurisdictional electric utilities and recommends generic alternatives to that approach. The alternatives and the basis of the Study Group's recommendations are described in the discussion paper. A summary of the paper, prepared by the Study Group and presented to the Commission and its staff, is appended to this Notice.

Although written comments are encouraged on all aspects of the discussion paper, there are several questions on which comment is particularly solicited. First, has the Study Group adequately identified the problems and advantages of the Commission's current procedures for setting rates of return on equity for electric utilities? If not, what alternative considerations should be brought to the Commission's attention?

Second, has the Study Group correctly identified the options available to the Commission for improving the Commission's regulation of the rate of return on equity allowed jurisdictional electric utilities? If not, what other options should be considered by the Commission?

Finally, which option is preferred?

A copy of the paper may be obtained from the Commission's Office of Congressional and Public Affairs. Interested persons may comment on the discussion paper by submitting written data or views to the Office of the Secretary, Federal Energy Regulatory Commission. Comments submitted by March 16, 1981, will be considered by the Study Group prior to its report to the Commission. Each comment should reference Docket No. RM80-36. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the comments may be addressed.

An original and 10 conformed copies of the comment should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., during business hours.

Kenneth F. Plumb,
Secretary.

Appendix—Establishing the Rate of Return on Equity for Wholesale Electric Sales; Potential Regulatory Reforms: Executive Summary

A Discussion Paper by Staff Study Group Federal Energy Regulatory Commission*

Executive Summary

The time required by the Federal Energy Regulatory Commission to

*A transcript of that conference is on file at the Commission's Office of Congressional and Public Affairs.

*The Study Group was formed at the request of Commissioner George R. Hall. It consists of Robert Anderson of the Office of Regulatory Analysis; John Conway, Office of the General Counsel; Julian Greene, Office of Regulatory Analysis; Charles Harland, Office of Electric Power Regulation;

decide electric rate cases is unacceptably long. Regulated utilities and their wholesale customers agree that decisional periods of two to four years cause serious problems that threaten to grow worse in the years ahead. The administrative burdens to the FERC of a steadily increasing case load are likely to become unmanageable unless steps are taken now to eliminate the existing backlog and overcome the obstacles to timely resolution of rate cases in the future.

One possible response to this situation would be for the Commission to shift its emphasis from the traditional case-by-case approach in resolving rate disputes to one of providing general rules for resolving issues common to electric rate proceedings. A candidate for such a generic rulemaking approach is the rate of return on common equity allowed electric utilities.

In its discussion paper, the Study Group questions whether the result achieved is worth the time, effort and the associated expense that go into deciding rate of return issues on a case-by-case basis. The usual practice is for the rate of return issue to be argued anew in practically every rate case that comes before the Commission. Heavy commitments of financial and human resources are devoted to the construction of a complex evidentiary record in electric rate cases. The required review of the record demands substantial resources, a portion of which is focused on rate of return. What, in retrospect, has been accomplished by the time and effort devoted to deciding rate of return issues on a case-by-case basis?

To answer this question the Study Group has analyzed the rates of return on common equity allowed by the Commission over the past eight and three-quarter years in 48 rate cases involving 36 companies. Weighted averages of these rates of return have been compared with general indices of capital market trends as well as estimates developed by the Study Group of the costs of common equity for the electric utility industry as a whole.

There appears to be no direct correlation between the pattern of rates of return allowed by the Commission and short-term fluctuations in the yields of various bond issues reflecting market trends. The Commission's allowed rates of return also do not match the Study Group's estimates of the costs of equity capital. The range of Commission-allowed rates of return included in electric rates in effect over the period 1972 to 1980 narrowed from one of 11 to 14 percent to one of approximately 12 to 14 percent. The derived weighted averages of the Commission-allowed rates of return remained practically constant over the entire period, ranging from 12.4 percent in 1972 to 12.9 percent in the first three quarters of 1980.

In short, the Study Group concludes that Commission decisions on wholesale electric rates of return, as represented by the derived weighted averages, appear to have failed to reflect the realities of the marketplace. There may be various explanations for this, but the Study Group believes that the failure may, at least in part, be explained by the fact that the time required to decide rate cases individually makes most of the data on which the decision is based obsolete by the time a final opinion is issued. The problem is probably exacerbated by the poor quality of the evidentiary record in many cases. Based on its review, the Study Group questions whether the Commission's legal and economic objectives can ever be realized in setting rates of return for the electric utility industry using current procedures and methodologies.

The Study Group believes that the Commission has the legal authority and the capability to depart from the present procedures and adopt a new, generic approach to establishing allowed rates of return on equity for electric utilities. It urges the Commission to do so, and commends to the Commission's consideration three alternative generic approaches to setting rates of return on common equity for electric utilities: (1) to specify a single, industry-average equity rate of return; (2) to specify an industry-wide range for the rate of return on equity; or (3) to select a general formula approach that would define equity risk premiums.

(1) An industry-wide average rate of return on common equity.

This option would formulate an estimate of the average cost of common equity for the electric utility industry and use it as the allowed rate of return in all wholesale electric rate cases.

Every two years a Notice of Proposed Rulemaking would propose an industry average cost of capital for a base calendar year which would be used to set rates of return for the interim two-year period. During that two-year period, the rate of return applicable to each calendar quarter would be compiled by indexing the base-year estimate to current interest rates. After considering comments on the proposed rule, the Commission would publish a Final Rule that would establish the industry average cost of capital for the base year and set the equity risk premium. The indexing procedure would use monthly 10-year constant maturity Treasury bonds, as published by the Federal Reserve. For example, if the industry average cost of capital were found to be 14% in a year in which these bonds yielded an average of 10%, a 4% equity risk premium would be used for indexing and would be added to the quarterly Treasury bond yield. Every two years the Commission would conduct a rulemaking for the purpose of establishing a new base year estimate of the industry average cost of capital and setting an equity risk premium.

The best feature of this option is that it could entail a minimal amount of time, effort and expense on the part of the Commission and other interested parties with respect to individual rate applications. The basic requirement is a rulemaking every two years to establish an industry average cost of capital and the concommitant equity risk premium.

Another positive feature is that this option does not require making difficult intercompany risk distinctions that may, in fact, be partially a function of the retail regulatory environment. It is thus questionable whether these risk differentials must be reflected at the wholesale level where there is a common regulatory climate. In other words, if there were a reasonable basis for concluding that the investment risk of the wholesale electric business does not differ substantially from company to company, then a single rate of return would not only be appropriate but also consistent with the oft-stated Commission principle that the allowed rate of return should be commensurate with the risk of the jurisdictional entity.

This option may also tend to create desirable incentives. If the company reduced its cost of equity capital, it could benefit, since such a reduction in its cost of equity capital would not cause its allowed rate of return to be lowered. Therefore, efficiency would be rewarded and poor management penalized, to the extent that these factors were the source of lower or higher costs of equity compared to the industry average cost of equity.

One major drawback is that in volatile times, the range of the costs of equipty capital for companies in the industry will likely widen. It may be more worthwhile for parties to petition the Commission for waiver of the industry average rate of return in those cases where the subject company's cost of common equity deviates significantly from the industry average. At such times, the Commission will be faced

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Anthony Jiorle, Office of Pipeline and Producer Regulation; Angela Lancaster, Office of the Chairman; William Lindsay, Office of Electric Power Regulation; Arnold Meltz, Office of Regulatory Analysis; and Joseph Stefan, Office of Regulatory Analysis.

with more rate of return litigation. Another potential criticism is that the updating procedure implies that there is a constant equity risk premium over time. One must also consider that a company might have the incentive to alter its capital structure in the direction of more equity, since it would not be penalized for doing so in its allowed rate of return.

Finally, under this option, a company might have the incentive to inflate the allowed rate of return that is embodied in its filed rates since, as a general rule, it would not have to justify it in an adjudicatory setting. The new policy concerning the interest rate on refunds, a shorter decision making period, and the published quarterly rates of return should serve to constrain such excessiveness.

(2) An industry-wide range for rates of return on common equity.

This option requires the Commission to establish an industry-wide range for rates of return on common equity and to select three risk-related values within the range. A particular company's rate of return on equity would be set at one of these values. A new range would be established each year that would apply for the following year. Once the range is determined for a designated time period, the Commission would segment it into three classes representing low, average and high risks. If the range were 13.5 to 14.5 pecent, for example, then low risk companies would receive the lower bound of the range (13.5%), average risk firms would receive the mid-point of the range (14%) and high risk firms the upper bound (14.5%). Annual updating of the range would be required and could be accomplished through rulemaking proceedings. Alternatively, indexing could be used to determine ranges between biennial rulemakings.

In applying the generically determined range in an individual case, a utility would file rate increase applications using whatever rate of return it believed appropriate. However, testimony in litigated cases, as well as ALJ initial decisions, would be restricted to evaluations of a utility's relative riskiness. Thus, no rate of return would be litigated; only arguments about risk assessment would be judged.

The range option has several attractive features. First, the procedure would allow the Commission to be systematic and explicitly rely on the best financial information available in setting rate of return. Second, without the necessity for an estimate of the cost of equity capital to an individual company, the parties in a particular case, as well as the ALJ, would limit the focus of the dispute to the relative riskiness of the subject company. The limited focus of this option would likely reduce the time, effort, and expense of litigation, as well as encourage more settlements. In time, it might be possible to assimilate Commission judgments about risk factors into a process that would automatically assign firms to risk classes and thereby eliminate testimony entirely. Finally, the fact that there would be multiple risk categories means that intercompany risk differences would be considered.

The major drawbacks to this option relate to various aspects of its implementation. Substantial time, effort and expense may be required for the annual rulemaking procedure. In addition, the required determination of whether a company lies in the high, average or low portion of the range requires the submittal of testimony and the attendent review procedures, and could become contentious and time consuming.

(3) The general formula approach.

This option requires the Commission to determine through a single generic proceeding a set of specific company parameters and a general formula from which an equity risk premium can be calculated for individual utilities. This company-specific risk premium would be added to a market riskless interest rate, represented by the average 10-year constant maturity Treasury bond yield for the applicable calendar year, to determine the individual utility's allowed equity rate of return. Although the formula would be established by analyzing company data for the industry as a whole over a designated time period, each utility's individual parameters would be used to calculate its own risk premium and the resulting rate of return. Risk premiums for each utility would today probably range from 3 to 5 percentage points.

After formulating a preliminary, workable formula, the Commission would issue a Notice of Proposed Rulemaking proposing adoption of the formula. Following consideration of comments, a final formula would be specified and put into effect on a prospective basis. While dispute over the relative values of independent company parameters would be allowed in proceedings under the generic rulemaking, no dispute would be permitted concerning either the use or composition of the formula. Only upon granting a waiver, or as a result of a settlement, would a non-formula rate of return be viewed as just and reasonable.

The major advantage of the general formula approach is that it would operate fairly automatically and eliminate the need for extensive case-by-case adjudication on the rate of return issue. At the same time, it would allow some distinction among firms with varying risks in that individual parameter values for each company would be included in the general formula. Between rulemakings, this option would permit utilities' filed rates of return to reflect current market conditions without a need for the Commission to adjust the risk premium formula. The risk premium is simply added to the current market riskless interest rate to determine the allowable rate of return. It would not be necessary for the Commission to update the formula often. The Commission would have an opportunity whenever it wished, and at least every five years, to take a comprehensive look at electric utilities' access to the capital markets and to calibrate its policy.

The disadvantages of the formula approach must also be taken into account, however. A major drawback is that the integrity, validity and reliability of the proposed econometric techniques for developing the formula remain to be established. Furthermore, this as-yet-untested approach would require a major adjustment by the regulated industry and its customers. "Cultural shock" could be substantial. Finally, the number of variables to be included in the general formula could become so numerous as to complicate the analysis and make implementation extremely difficult. Likely disputes over the values of the independent variables and requests for waivers of the rule could come to dominate the decisional process and cancel out any savings in time and resources that this approach might otherwise achieve.

The Commission could proceed in several other ways to reform the electric rate of return procedures. One such option is, of course, to maintain the status quo with modifications. However, the drawbacks of continuing the present system, as already discussed, are substantial.

A second alternative to the recommended generic approaches would be for the Commission to allow the same rate of return on a jurisdictional company's common equity as is permitted by the state public utility commission with predominant retail regulatory responsibility over the

company. While this option does offer the advantage of totally eliminating the rate of return issue from Commission proceedings, it should be recognized that it may require legislative action. In addition, state Commissions' rate of return decisions may not be directly transferable to wholesale cases. Different ratemaking methodologies may yield significantly different rate of return allowances. There is also a problem of timing, since the state Commission decision may lag behind or precede the wholesale rate case. Finally, those companies that are 100 percent jurisdictional would have to be handled on an individual basis.

The Commission might also want to consider some combination of several of the options that have been discussed. It would be entirely possible, for instance, to continue the traditional case-by-case approach to setting rates of return for those companies for which wholesale sales represent from 95 to 100 percent of total revenues. The Study Group's tabulations show that, of the utilities regulated by the Commission, 42 percent have less than 5 percent jurisdictional electric revenues and 58 percent have less than 10 percent jurisdictional electric revenues. For these utilities, a selected generic approach could be applied or, in some cases, the use of the rate of return allowed by the state commission may be appropriate.

After considering all of these options, the Study Group's own conclusion is that any of the three primary generic approaches that have been discussed would be preferable to the current manner of setting rates of return on equity. In evaluating the relative merits of these three approaches, the Study Group applied the following criteria: the extent to which the approach would reflect the cost of equity capital for a particular company; the feasibility of implementing the approach; and the burden of administering the approach. The uncertainties surrounding the formula approach, which is still at an early stage of development make it less immediately attractive than the industry range and industry average approaches. These latter approaches appear more favorable when examined in light of the Study Group's criteria. However, it is possible that further analysis of the formula approach could yield results that make it a more impressive candidate for consideration.

[FR Doc. 81-5191 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 207, 210, 225, 226, 501, 510, 514, and 558

[Docket No. 77N-0076]

New Animal Drugs for Use in Animal Feeds; Definitions and General Considerations; Revised Procedures Regarding Medicated Feed Applications; Workshop and Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice of Workshop and Public Meeting.

SUMMARY: The Food and Drug Administration (FDA) announces that it will jointly sponsor with the Indiana State Chemist's Office (ISCO) a workshop and public meeting concerning proposed revisions to FDA's medicated feed regulations, published in the **Federal Register** of January 9, 1981 (46 FR 2456).

DATE: The public meeting will be held from 1 p.m. to 4 p.m. on February 27, 1981.

ADDRESS: The public meeting will be held at the Farm Bureau Bldg., State Fairgrounds, Indianapolis, IN.

FOR FURTHER INFORMATION CONTACT: John W. Davis, Jr., Supervisory Investigator, Food and Drug Administration, 575 N. Pennsylvania St., Indianapolis, IN 46204, 317-269-6500.

SUPPLEMENTARY INFORMATION: In June 1978, FDA convened a Medicated Feed Task Force to review and examine the agency's existing medicated feed program and to explore and recommend ways for the agency to employ its resources more efficiently. The Task Force was composed of members representing the Bureau of Veterinary Medicine, the Executive Director of Regional Operations, the Associate Commissioner for Regulatory Affairs, and the Office of Chief Counsel.

Upon completion, the Task Force presented its report, entitled "Second Generation of Medicated Feeds" to the Commissioner of Food and Drugs, who announced its availability in the **Federal Register** of December 15, 1978 (43 FR 58634). In its report, the Task Force recommended a major reordering and restructuring of the medicated feed program to focus on protection of the public from unsafe drug residues in the edible products of treated animals. It proposed that agency resources be directed toward ensuring the safe use of high-risk drugs and drugs in high-risks concentrations in feeds.

Subsequently, on the basis of the Task Force Report, comments received on the report, and other available information, FDA began to develop a notice of proposed rulemaking that would encompass broad substantive revisions of the agency's medicated feed regulations. In May 1980, the Indiana State Chemist's Office (ISCO), which is that State's control agency for medicated feeds, sought FDA's assistance concerning a series of workshops that ISCO was planning to hold in the State of Indiana to explain the proposed "second generation" medicated feed program after FDA issued its proposed rule in the **Federal Register**. ISCO has worked closely with FDA in feed control matters, and FDA agreed to provide the assistance ISCO requested.

In the **Federal Register** of January 9, 1981 (46 FR 2456), FDA published its proposed revisions of the agency's medicated feed regulations. The proposed rule invited interested persons to submit comments by April 9, 1981.

Now that the proposed rule has been published, ISCO has scheduled six workshops to be held in various locations in Indiana between February 3 and February 12, 1981. Although not a sponsor of these six workshops, FDA has agreed to provide guest speakers.

A seventh and final workshop will be a public meeting, jointly sponsored by ISCO and FDA. This public meeting will be held from 1 p.m. to 4 p.m., February 27, 1981, at the Farm Bureau Bldg., State Fairgrounds, Indianapolis, IN.

Persons wishing to attend these workshops or the public meeting can obtain additinal information by contacting John W. Davis, Jr., at the address above. Oral comments made at the workshops or the public meeting concerning the proposed rule will not become part of the administrative record and will not be considered by the agency unless they are submitted in writing to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Written comments will be received by agency officials at the workshops and the public meeting and given to the Dockets Management Branch.

Dated: January 30, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-4902 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 868

[Docket No. 78N-1749]

Medical Devices; Classification of Hyperthermia Devices; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified hyperthermia devices into class II (performance standards). The agency has determined that this device is part of another device, thermal regulating systems, which the agency already has classified into class II as part of the proceeding to classify cardiovascular devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of November 2, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulations classifying the thermal regulating systems into class II.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63378), FDA proposed that hyperthermia devices be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify hyperthermia devices as part of the anesthesiology device classification proceeding, the agency determined that hyperthermia devices are part of another generic type of device, the thermal regulating system, that had been the subject of a proposed classification into class II as part of the classification proceeding for cardiovascular devices. No comments were received on the proposed regulation to classify hyperthermia devices. The final regulation classifying thermal regulating systems into class II was published in the **Federal Register** of February 5, 1980 (45 FR 7971).

The agency has determined that hyperthermia devices are part of thermal regulating systems. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the November 2, 1979, proposal to classify hyperthermia devices. The administrative record for the hyperthermia devices proposal shall be included in the administrative record (Docket No. 78N-1547) for the final rule classifying thermal regulating systems into class II (45 FR 7971).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: February 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-4903 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 868

[Docket No. 78N-1750]

Medical Devices; Classification of Hypothermia Devices; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified hypothermia devices into class II (performance standards). The agency has determined that this device is part of another device, thermal regulating systems, which the agency already has classified into class II as part of the proceeding to classify cardiovascular devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of November 2, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulations classifying the thermal regulating systems into class II.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63379), FDA proposed that hypothermia devices be classified into class II (performance standards). This action was taken as part of the ageecy's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provided reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

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hypothermia devices proposal shall be included in the administrative record (Docket No. 78N-1547) for the final rule classifying thermal regulating systems into class II (45 FR 7971).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: February 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-4004 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Employment and Training Administration

29 CFR Part 29

Labor Standards for the Registration of Apprenticeship Program; List of Occupations Meeting the Criteria for Apprenticeability; Extension of Comment Period

AGENCY: Employment and Training Administration, Labor.

ACTION: Extension of time for comments.

SUMMARY: This notice extends the time for filing comments on proposed rulemaking which set forth a list of occupations considered to be apprenticeable. As a result of the publication of this list, questions have arisen regarding the criteria for an apprenticeable occupation. The comment period is being extended in order to provide sufficient time for all interested parties to prepare and submit comments on the proposed rulemaking.

DATE: Comments must be submitted by June 30, 1981.

ADDRESSES: Send comments, communications, and inquiries to Paul H. Vandiver, Director, Office of National Industry Promotion, Employment and Training Administration, U.S. Department of Labor, Bureau of Apprenticeship and Training, Washington, D.C. 20213. Comments shall be in writing and submitted in duplicate.

FOR FURTHER INFORMATION CONTACT: Paul H. Vandiver, (202) 376-6217.

SUPPLEMENTARY INFORMATION: On March 11, 1980, a document was published in the **Federal Register** (45 FR 15571) proposing to amend 29 CFR Part 29 by adding Appendix A—List of Occupations Meeting the Criteria for Apprenticeability. That proposal allowed a comment period of 60 days or until May 12, 1980. Subsequent extensions of time for comment were provided in response to several requests, the latest of which granted an additional six-month period to February 11, 1981.

The proposed rule was a key topic on the agenda of the November 6-7, 1980 meeting of the Federal Committee on Apprenticeship (FCA) an advisory body to the Secretary of Labor.

The FCA is working in cooperation with the National Association of State and Territorial Apprenticeship Directors in an effort to develop a uniform criteria that could be agreed upon between the State Apprenticeship Councils (SAC) and the Bureau of Apprenticeship and Training in determining occupation apprenticeability. Due to the question relating to this proposed rulemaking which surfaced at the November meeting of the FCA, the Committee recommended that an additional four-month extension of the comment period be granted to provide sufficient time for all interested parties to prepare and submit comments. The Department has decided to accept this recommendation. Therefore, an additional four-month period is provided and comments will be received until June 30, 1981.

Dated: February 10, 1981.

Lawrence E. Weatherford,

Acting Deputy Assistant Secretary for Employment and Training Administration.

[FR Doc. 81-5191 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-115]

Occupational Exposure to Pesticides During Manufacture and Formulation: Change of Location of Public Meetings

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

ACTION: Extension of comment period and change in public meetings.

SUMMARY: On December 2, 1980, OSHA published a notice in the **Federal Register** requesting comments and information and announcing three public meetings on the possible regulation of occupational exposure to pesticides during manufacture and formulation (45 FR 80078).

The notice requested that written comments be submitted by January 31, 1981. OSHA has received several requests to extend the comment period. In order to ensure that all interested parties have sufficient time to prepare written comments, OHSA has extended the comment period until April 10, 1981.

Public meetings were scheduled to be held in Fresno, California on February 24-25, 1981; in Beaumont, Texas on March 10-11, 1981; and in Charleston, South Carolina on March 24-25, 1981. A number of interested parties requested that the meeting scheduled to be held in Fresno be held in San Francisco instead to allow more people to participate. In respone to this request and in view of the fact that this change would not inconvenience those who filed notices of intention to appear at Fresno, OSHA has agreed to relocate the meeting originally scheduled for Fresno to San Francisco. The hearing will be open until 9:00 p.m. on February 24th to accommodate interested parties who requested an evening session.

Only one notice of intention to appear was received for the Beaumont, Texas meeting. Since there does not appear to be sufficient interest in having a public meeting in Beaumont, Texas, it is hereby cancelled. Persons who had planned to attend this meeting are invited to attend one of the others, or to submit written comments to the address listed below.

DATES: Written comments must be submitted by April 10, 1981.

The informal public meetings are scheduled as follows:

1. February 24-25, 1981; Bellevue Hotel, Riviera Room, Geary and Taylor Streets, San Francisco, California 94102. The hours for the February 24th session are 9:00 a.m. to 9:00 p.m.; the February 25th session will be from 9:00 a.m. to 5:00 p.m.

2. March 24-25, 1981; Francis Marion Hotel, Gold Room, 387 King Street, Charleston, South Carolina, 29402. The hours for the meeting will be 9:00 a.m. to 5:00 p.m.

ADDRESSES: Written comments should be submitted, in quadruplicate, to the Docket Officer, Docket No. H-115, Room S6212, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-7894.

Notices of intention to appear may be submitted to Tom Hall, Division of Consumer Affairs, Room N3535, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-8024.

FOR FURTHER INFORMATION CONTACT:

Request for comments and information: Jennifer C. Silk, Office of Special Standards Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3663, Washington, D.C. 20210, (202) 523-7166.

Public Meetings: Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3635, Washington, D.C. 20210, (202) 523-8024.

Anyone who has not yet submitted a notice of intention to appear, and wishes to schedule an appearance now, may call Mr. Tom Hall, (202) 523-8024. Advance notice is preferred, although not required. Those submitting advance notice will be guaranteed time to present their oral testimony.

This document was prepared under the direction of David C. Ziegler, Acting Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 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 10th day of February, 1981.

David C. Ziegler,

Acting Deputy Assistant Secretary.

[FR Doc. 81-5311 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-26-M

29 CFR Part 1910

Hazards Identification

Note.—This document originally appeared in the **Federal Register** for Thursday, February 12, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

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

ACTION: Withdrawal of Proposed Rules.

SUMMARY: On January 16, 1981, (46 FR 4412-4453), the Assistant Secretary for Occupational Safety and Health issued a proposed standard that would require employers to identify the hazardous chemicals in their workplaces through specific hazard identification and evaluation procedures, labeling requirements, and record preservation. The proposed rule is withdrawn. This will permit the Department to consider regulatory alternatives that had not been fully considered and then, if appropriate, repropose the regulation. This process will eliminate the need for the public to comment on a proposal that the Department may change significantly.

EFFECTIVE DATE: February 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone: (202) 523-8151.

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

David C. Zeigler,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81-4944 Filed 2-10-81; 4:00 pm]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

29 CFR Part 2510

Definitions and Coverage Under the Employee Retirement Income Security Act of 1974; Proposed Regulation Relating to Supplemental Payments; Republication

Correction

In FR Doc. 81-2577, published at page 11292, on Friday, February 6, 1981, make the following corrections to § 2510.3-2(g):

(1) On page 11295, in the first column, in the first full paragraph, in the second line, "1880" should be corrected to read "1980".

(2) In the second column, in paragraph (4), in the third line, "I203%+4%+5%+3%]=15" should be corrected to read "3%+4%+5%+3%]=$105".

(3) In the second column, in the last line, "3%]$30" should be corrected to read "3%]=$30".

(4) In the third column, in the first paragraph, in the sixth line, "[3%+3%+%]" should be corrected to read "[3%+3%+3%]".

(5) In the third column, in the second paragraph, in the seventh line, "I203%+4%]" should be corrected to read "3%+4%]".

(6) In the third column, in the third paragraph, in the seventh line, "I203%+4%" should be corrected to read "3%+4%".

(7) In the third column, in the fourth paragraph, in the seventh line, "I203%+4%+5%+3%]=105" should be corrected to read "3%+4%+5%+3%]=$105".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife; Review of the Status of the Bay Checkerspot Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of status review.

SUMMARY: The Service will review the status of the Bay checkerspot butterfly (*Euphydryas editha bayensis*) to determine if it should be added to the List of U.S. Endangered and Threatened Wildlife. A petition received by the Service has presented sufficient data to warrant this review.

DATE: Information regarding the status of this species should be submitted on or before April 1, 1981.

ADDRESS: Comments and data submitted in connection with this review should be sent to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1980, the Service was petitioned by Dr. Bruce A. Wilcox, Mr. Dennis D. Murphy, and Dr. Paul R. Ehrlich to determine the Bay checkerspot butterfly (*Euphydryas editha bayensis*) to be a federally Endangered species. The petition was supplemented by Dr. Wilcox and Mr. Murphy with a letter and other materials received by the Service on December 11, 1980. Section 4(a) of the Endangered Species Act of 1973 states that the Secretary may determine a species to be Endangered or Threatened because of any of the following factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range.

2. Overutilization for commercial, sporting, scientific, or educational purposes.

3. Disease or predation.

4. The inadequacy of existing regulatory mechanisms.

5. Other natural or man-made factors affecting its continued existence.

This authority has been delegated to the Director, U.S. Fish and Wildlife Service.

The Service has determined that, with respect to the Bay checkerspot butterfly, the petition provides substantial evidence indicating that the species may be Endangered or Threatened because of factors 1 and 4.

This butterfly is restricted to serpentine grasslands in the San Francisco Bay region of California. Serpentine areas are limited in size and are scattered in distribution. Fourteen of the known 16 populations of the butterfly are extinct or nearly extinct, due to development for housing, and highways, introduction of non-native plants, livestock grazing, and drought. The two remaining colonies are: (1) Jasper Ridge, located on Stanford University's Jasper Ridge Preserve, and (2) Edgewood, located in Mateo County northwest of Redwood City along State Highway 280. The Edgewood Colony has had its habitat reduced by one-half by freeway construction. The Jasper Ridge Colony is not immediately threatened, but could become extinct over the long term as population numbers fluctuate. One of the three populations at this site became extinct, was recolonized and became extinct again over a several year period.

The Service is considering proposing the Bay checkerspot butterfly as an Endangered or Threatened species, is seeking the views of the Governor of California and is soliciting from him information on the status of the Bay checkerspot butterfly. Other interested parties are invited to submit any factual information, especially publications and written reports and information regarding potential impacts if the species is eventually listed, which is germane to this status review. The information received will be used to help determine if this species should be proposed for addition to the List of U.S. Endangered and Threatened Wildlife.

This notice of review was prepared by Dr. Michael M. Bentzien, Office of Endangered Species (703/235-1975).

Dated: January 30, 1981.

F. Eugene Hester,

Acting Director, Fish and Wildlife Service.

[FR Doc. 81-5120 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 23

Proposals to Amend the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Negotiating Positions.

SUMMARY: The United States and any other nation that is Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) may propose changes in the list of animal and plant species included in Appendices I and II for protection by this treaty.

This notice announces the Service's proposed negotiating positions regarding proposals submitted by the U.S. and seven other Parties for consideration at the third regular meeting of the Conference of the Parties to the CITES.

DATE: The Service will consider information and comments concerning proposed amendments to the appendices received by February 20, 1981.

ADDRESSES: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection by appointment from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Chief, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653-5948.

SUPPLEMENTARY INFORMATION: This is the fourth **Federal Register** notice concerning amendments to the CITES appendices that will be considered by the Parties at their third regular meeting, on February 25 to March 8, 1981, at New Delhi, India. The first notice (April 4, 1980; 45 FR 23370) invited suggestions and supporting information for any potential amendments to the appendices. The second notice (July 21, 1980; 45 FR 48830) listed the suggested proposals and invited further information and comments on them. The third notice (November 6, 1980; 45 FR 73876) listed the proposals submitted by the U.S. and other nations and requested information and comments.

This notice announces the Service's proposed negotiating positions on the proposed amendments. These are the positions that the U.S. delegation is expected to take at the meeting of Parties, although new information or policy decisions might require a change in certain positions.

Following publication of the November 6, 1980 notice, the Service received information and comments from the public on several of the species or groups of species under consideration, which are discussed below. Please refer to the notice of November 6, 1980, for a list of all the proposals. At this time, the Service favors the adoption of most proposals in that list, except as noted in the following discussion.

Geoffroy's tamarin (*Saguinus geoffroyi*)—The Republic of Panama proposed transferring this primate from Appendix II to Appendix I. The Service supports its inclusion in Appendix I, but notes that *S. geoffroyi* is generally regarded by some scientists as a subspecies of *S. oedipus*, which is already listed in that appendix. Either the Parties should list *S. geoffroyi* separately or, preferably, decide that it is a subspecies of *S. oedipus*, for purposes of the CITES.

Fin whale (*Balaenoptera physalus*), sei whale (*B. borealis*), and sperm whale [*Physeter catodon* (=*P. macrocephalus*)]—The U.S. proposed transfer of certain species of each of these three species from Appendix II to Appendix I in order to bring the CITES listings into conformity with the 1980 schedule of the International Whaling Commission (IWC). The U.S. proposals would include in Appendix I those stock for which the IWC allows no commercial catch. The Federal Republic of Germany, however, proposed transferring all stocks of these three species to Appendix I. Their proposals would make the CITES restrictions more stringent than those of the IWC. The Service received comments in favor of the German proposals from Senator Alan Cranston and 17 other U.S. Senators, the Director of the Detroit Zoo, Defenders of Wildlife on behalf of several organizations, and the International Fund for Animal Welfare. The Commissioner of the Alaska Department of Fish and Game commented against the German proposals and in support of the U.S. proposals on these three species. Adoption of the German proposals would likely result in the entering of reservations by whaling nations that are Parties to CITES. The Service is consulting with other Federal agencies to arrive at a U.S. negotiating position that will be most effective for the conservation of these species, and at this time the proposed position is to oppose the German proposals.

Gray seal (*Halichoerus gryhus*)—The Republic of France proposed including this species in Appendix II. The Service is consulting with the National Marine Fisheries Service (NMFS) on this proposal, and has not yet developed a proposed negotiating position. The International Fund for Animal Welfare commented in favor of this proposal and the Director of Riverbanks Zoo commented against it.

Harbor seal (*Phoca vitulina*)—The Republic of France also proposed including this species in Appendix II. Preliminary indications from NMFS, and comments from the Alaska Department of Fish and Game, suggest that listing of the population of this species occurring in the Pacific is inappropriate. There is no evidence that the species is adversely affected by international trade. The International Fund for Animal Welfare commented in favor of this proposal, and the Director of the Riverbanks Zoo commented against it. At this time, the proposed negotiating position is to oppose this proposal, at least with respect to the Pacific population.

Southern white rhinoceros (*Ceratotherium simum simum*)—The Republic of South Africa proposed transferring this subspecies from Appendix I to Appendix II. The Service received comments against the proposal from Defenders of Wildlife on behalf of several organizations, the African Rhino Group of the Species Survival Commission, and the International Fund for Animal Welfare. Mr. E. P. Denson of Billings, Montana, commented in favor of the proposal. The Service believes that the proposal should be rejected, even though the subspecies in question is no longer threatened with extinction, unless there is some way of assuring that it would not allow a loophole for trade in products of other rhinoceros species or subspecies. Alternatively, the Service has suggested to the Parties that the southern white rhinoceros could be retained on Appendix I with the annotation that it is included to effectively control trade in other species. The Service believes that this should not prevent trade in legally taken hunting trophies.

Roan antelope (*Hippotragus equinus*)—The Republic of South Africa proposed including this species in Appendix II, in view of the small size of populations in South Africa and Namibia. However, the proposal did not address the status of this species elsewhere in its range, which extends from the Gambia eastward to Uganda and southward to South Africa. The Service believes that there is insufficient evidence to justify listing the entire species and that, instead, South Africa might include it in Appendix III. Mr. E. P. Denson commented against the proposal for the same reason.

Pere David's deer (*Elaphurus davidianus*)—The United Kingdom of Great Britain and Northern Ireland proposed including this species in Appendix II, apparently to enable regular monitoring of the world population. The species occurs only in captivity, and is monitored through a studbook. The Service opposes the proposal on the grounds that the species is not subject to overexploitation through trade, and the imposition of CITES controls would only impede the transfer of stock among zoos and wild animal parks. The American Association of Zoological Parks and Aquariums and the Curator of Ornithology at the Bronx Zoo commented against this proposal.

Great tinamou (*Tinamus major*)—The Republic of Panama proposed adding this bird species to Appendix II on the grounds that populations were rapidly declining. The species is hunted for its meat, despite a protective law in Panama. There is no evidence of international trade. The Service opposes this proposal because populations of the species outside Panama generally do not appear threatened, and because international trade does not pose a threat to those populations. Alternatively, Panama might include the species in Appendix III.

Gyrfalcon (*Falco rusticolus*)—The U.S. proposed transferring the North American population of this species from Appendix I to Appendix II. The Defenders of Wildlife on behalf of several organizations commented against the proposal. The International Council for Bird Preservation (U.S. Section) commented that a revision of the text of the proposal on the Canadian population is needed to stress the nature of the information that is available. The Service is not awaiting the results of a recent survey of the species in Canada before determining a negotiating position.

Chestnut-fronted macaw (*Ara severa*)—The Republic of Panama proposed listing this species in Appendix II. This species has a wide range from Panama to Brazil, Peru, and Bolivia. Recent information suggests it is fairly common in Colombia, Surinam, Bolivia, Peru, Ecuador, and Brazil. The Service's proposed negotiating position is to suggest that Panama might include the species in Appendix III, but that it does not qualify for inclusion in Appendix II as a potentially threatened species.

Psittacine birds (Psittaciformes spp.)—The U.S. proposed listing virtually all non-threatened species of parrots and their allies in Appendix II under the provisions of CITES Article II.2(b), in order to enable inspectors at ports of entry to effectively control trade in those particular psittacines that are currently or potentially threatened with extinction. The United Kingdom made a similar proposal, which designated many species within the order as being potentially threatened with extinction, and proposed listing the remainder because of similarity in appearance to potentially threatened species. The Service received comments against the U.S. proposal from numerous aviculturists and in favor of the U.S. proposal from the Defenders of Wildlife on behalf of serveral organizations. TRAFFIC (USA) presented a report on U.S. imports of psittacine birds in support of the U.S. proposal. The Service reconsidered the U.S. proposal in terms of whether it would enhance the ability of inspectors to control trade in those individual species that are currently or potentially threatened. The Service now believes that listing virtually all species of psittacines would create an administrative burden outweighing the potential benefits. Instead, efforts should focus on identification manuals and other methods of distinguishing currently and potentially threatened species from other species. Only those species that pose difficult identification problems should be listed under provisions of Article II.2(b).

Fiji banded iguana (*Brachylophus fasciatus*)—The U.S. proposed including this species in Appendix I, but Australia proposed including it in Appendix II. The Fiji Department of Foreign Affairs and Dr. John Gibbons of the University of the South Pacific supported listing this species as Endangered under the U.S. Endangered Species Act of 1973. Evidence indicates the species is threatened with extinction, and therefore, its listing under the CITES should be in Appendix I.

Blind cave fishes (Osteichthyes spp.)—The United Kingdom (U.K.) proposed including *all* blind cave fishes (Class Osteichthyes) in Appendix II except *Anoptichthys jordani* (blind characin), which is not proposed for listing, and *Caecobarbus geertsi* (Congo blind barb), which is proposed for Appendix I. A list of forty species accompanied the U.K. proposal and was said to include all species of blind cave fishes, except for the two previously mentioned. No evidence was provided that all or most of these species were threatened by trade or even involved in trade. Reviewers at the Smithsonian Institution and from the Service's Office of Endangered Species commented that several New and Old World species of blind cave fishes were absent from the U.K. list, and that recent literature on these fishes was apparently not consulted, or overlooked. They further commented that there were important taxonomic problems with several of the species included for listing, including the

listing of an albino form of the common bullhead catfish. The tentative U.S. position on this proposal is not to support the listing of all blind cave fishes on Appendix II, but to support the listing of *Caecobarbus geertsi* on Appendix I.

Ground beetles and Hercules beetle—France proposed to include *Dynastes hercules* (Hercules beetle) and all species of *Carabus* (ground beetles) on Appendix I of CITES. Comments were received from the Service's Office of Endangered Species and the Smithsonian Institution, which stated that most species of the widespread genus *Carabus* were not known to be threatened by collection or trade and, further, that there were many taxonomic problems in the genus. With regard to *Dynastes hercules*, because of its large range in the Caribbean, Central and South America, it was felt that it would be more appropriate for protection to be afforded to only those populations actually threatened by collecting, namely those on the islands of Guadaloupe and Martinique, and not mainland populations. The tenative U.S. position on these proposals is to oppose the listing of all *Carabus* spp. on Appendix I and to urge the listing of only the islands populations of *Dynastes hercules* on Appendix III.

Black corals (Antipatharia spp.)—The United Kingdom proposed including in Appendix II all species of black corals in the order Antipatharia. This proposal was submitted on behalf of the British Virgin Islands. The proposal cited overharvest of black corals in waters surrounding these and certain other islands as the basis for listing the order, and indicated that Appendix II listing will provide additional opportunity for adopting a management program. The Service's proposed negotiating position is to oppose the proposal. The Western Pacific Fishery Management Council and the State of Hawaii are developing a fishery management plan for black corals (see 45 FR 60965, September 15, 1980). The proposal might interfere with management initiatives by the U.S. In addition, there is no evidence that species of black corals might become threatened with extinction unless trade is controlled. Local problems might be more properly addressed through listing in Appendix III.

Oriental ginseng (*Panax ginseng*)—The U.S. proposed to list *Panax ginseng* (Oriental ginseng) on Appendix II of CITES for control purposes owing to its similarity in appearance to *P. quinquefolius* (American ginseng) and resulting enforcement difficulties. Some concerns have been raised that the problems may be one more of domestic enforcement rather than an international problem and that perhaps what is really needed is more technical training of port and border inspectors on the differentiation of these two species. The tentative U.S. position is to withdraw this proposal.

Venus flytrap (*Dionaea muscipula*)—The U.S. proposed to list this species on Appendix II. Comments supporting this proposal were received from the Natural Resources Defense Council, Inc. and the South Carolina Heritage Program (State of S.C. Wildlife and Marine Resources Department). While initially supportive of this proposal, the Pesticide and Plant Protection Division of the North Carolina Department of Agriculture recently opposed the listing of Venus flytrap, stating that its listing is inappropriate at this time and that export regulations will do little to protect and conserve the species until state regulations in North Carolina are passed (currently there are none for this species). Doubts were also expressed by the State of North Carolina about whether collection is actually threatening the existence of Venus flytrap. The State has further commented that the impact of collection on wild populations is presently unknown and that they have established a research program on this species in order to obtain this information. Information was provided on the number of locality records for the species in North Carolina (92) and the number actually verified in the past five years (29). In light of these comments from the State of North Carolina, the Service is considering withdrawing its proposal to list Venus flytrap on Appendix II. The Service may wish to repropose this species at some future date if the research findings of the State of North Carolina indicate that such listing is warranted.

The Service will publish a notice following the New Delhi meeting to announce decisions by the Parties on amendments to the appendices, and to invite comments on whether or not the U.S. should enter a reservation with respect to any particular amendment. If the U.S. were to reserve on an amendment, it would not be considered as a Party to the CITES for the species in question. At the end of the 90-day period following the New Delhi meeting, the Service will publish a notice of the amendments entering into effect at that time, and will amend 50 CFR Part 23 to incorporate them into the regulations implementing the CITES in the U.S. A determination of significance and need for regulatory analysis (43 CFR Part 14) will be considered following action by the Parties on the proposed amendments.

This notice was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority.

Dated: February 11, 1981.

F. Eugene Hester,

Acting Director, Fish and Wildlife Service.

[FR Doc. 81-5309 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 30
Friday, February 13, 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

Forest Service

Carson National Forest Grazing Advisory Boards; Meeting

The East And West Carson Grazing Advisory Boards will meet at 10:00 a.m. on February 28, 1981, in the El Rito Ranger Station, El Rito, New Mexico.

The purpose of the meeting will be to discuss the expenditure of Range Betterment Funds and the status of Management Plans.

The meeting will be open to the public. Persons who wish to attend should notify Ken Bishop, Telephone 505/758-2237, P.O. Box 558, Taos, New Mexico 87571.

Written Statements may be filed before or after the meeting.

Dated: February 4, 1981.

William H. Moehn,

Acting Forest Supervisor.

[FR Doc. 81-5077 Filed 2-12-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

South Texas Electric Cooperative, Inc., Nursery, Texas; Proposed Loan Guarantee

Under the authority of Public Law 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 (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $14,140,000 to South Texas Electric Cooperative, Inc., of Nursery, Texas, and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate of $4,000,000 to this cooperative. These loan funds will be used for the financing of approximately 23 miles of 138 kV and 54 miles of 69 kV transmission line, substations, other transmission system improvements and a new headquarters facility.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed construction, including the engineering and economic feasibility studies and the proposed schedule of advances to the borrower of the guaranteed loan funds from Mr. William S. Robson, Manager, South Texas Electric Cooperative, Inc., P.O. Box 151, Nursery, Texas 77976.

In order to be considered, proposals must be submitted by March 16, 1981 to Mr. Robson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as South Texas Electric Cooperative, Inc. 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 6th day of February 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-5174 Filed 2-12-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Docket No. 39171]

Ozark Air Lines, Inc., Lambert—St. Louis International Airport; Application for an All-Cargo Air Service Certificate

February 6, 1981.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39171, from Ozark Air Lines, Inc., Lambert-St. Louis International Airport, St. Louis, MO 63145 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before March 6, 1981. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phillis T. Kaylor,

Secretary.

[FR Doc. 81-5015 Filed 2-12-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 38879; Order 81-2-7]

Yukon Air Service, Inc. d.b.a. Air North; Petition for Establishment of Fair and Reasonable Service Mail Rates; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of February, 1981.

By this order, we institute an investigation to determine the fair and reasonable final service mail rates to be paid Yukon Air Service, Inc. d.b.a. Air North by the Postmaster General for the transportation of mail by aircraft in its certificated servcies and establish temporary service mail rates pending conclusion of the investigation.

By Order 81-1-88, we granted a certificate of public convenience and necessity to Air North authorizing it to engage in air transportation of persons, property, and mail over Route 269. Mail has been and is currently being transported in the same general area by Wien Air Alaska under final mail rates established by Order 80-12-116, for 1980, and temporary mail rates established by Order 80-12-152, on and after January 1, 1981. Since Air North will be providing substantially the same mail service in Northeast Alaska as Wien is now providing, we see no reason why these rates should not apply

as temporary rates for Air North's certificated mail operations as well. We will therefore establish Wien's service mail rates as temporary rates for Air North.

Ordinarily, mail rates are established after notice and opportunity for comment by the Postal Service (14 CFR 302.310). Here, however, we are dealing with rates that went through the full notice and comment procedures when they were originally established for Wien, and that are currently being paid by the Postal Service for substantially the same services that Air North will perform over its newly certificated route. We conclude, therefore, that the institution of show-cause procedures on these rates is unecessary and that they should be made effective on and after October 23, 1980, the date on which Air North filed its mail rate petition.[1] Based on the foregoing we waive the procedural requirements of Rule 310.[2]

Accordingly, under the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302;

1. We institute an investigation to determine the fair and reasonable final service mail rates to be paid by the Postmaster General to Yukon Air Service, Inc. d.b.a. Air North, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over Route 269, on and after October 23, 1980;

2. We set the fair and reasonable temporary rates of compensation to be paid by the Postmaster General to Yukon Air Service, Inc. d.b.a. Air North, on and after October 23, 1980, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for operations between points on Route 269 at the rates established for Wien Air Alaska, Inc., by Orders 80-12-116 and 80-12-152;

3. The temporary service mail rates established in this order shall be paid in their entirely by the Postmaster General and shall be subject to retroactive adjustment to October 23, 1980, as may be required by the order establishing final service mail rates in the investigation instituted by this order;

4. Yukon Air Service, Inc. d.b.a. Air North, by notice, may elect to transport mail between points for which rates here established are applicable at a reduced rate equal to the rate then in effect for such service betwen such points by any other carrier or carriers. If such rate is a temporary rate, the rate paid to Air North will be adjusted retroactively to the lowest final rate determined for such service between such points.

(a) An original and three copies of each notice of election and agreement shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing service between the stated points. Such notice shall contain a complete description of the reduced charge being established, the routing over which it applies, how it is constructed and shall similarly describe the charge with which it is being equalized.

(b) Any rate established shall be effective for the electing carrier or carriers on the date of filing of the notice, or such later date as may be specified in the notice, until such election is terminated. Elections may be terminated by any electing carrier upon ten days' notice filed with the Board and served upon the Postmaster General and each carrier providing service between the stated points; and

5. We will serve this order upon the Postmaster General and Yukon Air Service, Inc. d.b.a. Air North.

We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[3]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-5175 Filed 2-12-81; 8:45 am]

BILLING CODE 6320-01-M

[1] We will make these rates subject to modified rate equalization provisions that are the same as those prescribed for Peninsula Airways and Sea Airmotive in Order 81-1-109 and for Munz Northern Airlines in Order 81-1-110, and permit the equalization of Air North's rate and the lowest final rate of any other carrier serving the same general area.

[2] We also waive the Rule 303 requirement that Air North specify a fair and reasonable final rate in its petition. In the absence of operating experience over its new route, it would be difficult for Air North at this time accurately to determine the cost of carrying mail in scheduled operations; and therefore state what it believes to be a fair and reasonable final rate. However, Air North will be expected to specify the rate prior to the conclusion of this investigation.

[3] All Members concurred.

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

In the matter of applications for certificates of public convenience and necessity and foreign air carrier permits filed under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.).

Week ended February 6, 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.

Description	Date filed	Docket No.
Pan American World Airways, Inc., Pan Am Building, New York, New York 10166	2-4-81	39255
Application of Pan American World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, to amend its certificate of public convenience and necessity for Route 136 to authorize it to engage in foreign air transportation of persons, property and mail between the U.S. and Chile by adding the point Santiago, Chile, to Segment 1 as follows: "1. Between the conterminal points Buenos Aires, Argentina; *Santiago, Chile*; Montevideo, Uruguay; Sao Paulo, Rio de Janeiro, Brasilia and Belem, Brazil; Paramaribo, Suriname; Georgetown, Guyana; and Port of Spain, Trinidad; and * * *" (New language is italicized).		
Conforming Applications, motions to modify scope, and Answers may be filed by March 4, 1981.		
Trans World Airlines, Inc., 605 Third Avenue, New York, New York 10158	2-6-81	39265
Application of Trans World Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to engage in foreign air transportation between the terminal point St. Louis, Missouri, and the terminal point Toronto, Canada.		
Conforming Applications, motions to modify scope, and Anwlers may be filed by March 6, 1981.		
South Pacific Island Airways, Inc., c/o Stephen A. Alterman, Hafter & Alterman, 1730 Rhode Island Avenue, N.W., Washington, D.C. 20036	2-6-81	39267
Application of South Pacific Island Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the issuance of a certificate of public convenience and necessity to provide scheduled foreign air transportation between Pago Pago, American Samoa and Papeete, Tahiti, and between Honolulu, Hawaii and Papeete, Tahiti with a stop in Pago Pago.		
Conforming Applications, motions to modify scope, and Answers may be filed by March 6, 1981.		
Peninsular Air Transport, Inc., 6495 N.W. 36th Street, Suite "A", Miami, Florida 33166	2-6-81	39269

Description	Date filed	Docket No.
Application of Peninsular Air Transport, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that it be permitted to operate charters (planeload, split, and split passenger/cargo) of property and mail between a point or points in the United States, Puerto Rico, or the Virgin Islands, on the one hand, and points in Greenland, Iceland, Europe, the Azores, Africa, and Asia (as far east and including India), on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by March 6, 1981.		
Alia—The Royal Jordanian Airlines Corporation, c/o Robert N. Meiser, 910 Seventeenth Street, N.W., Suite 8, Washington, D.C. 20006	1-30-81	36436
Amendment No. 1 to the Application of Alia—The Royal Jordanian Airlines Corporation, requests the issuance of a new foreign air carrier permit in the form attached for the purpose of conforming Alia's required Section 402 authority to the provisions of the current bilateral air transport agreement between the Government of the Hashemite Kingdom of Jordan and the United States, which became effective June 8, 1980. That agreement, among other things authorized Alia to serve Chicago and Los Angeles (the latter on after June 1, 1983) as additional intermediate between the United States and Jordan.		
Answers may be filed by February 27, 1981.		

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-5176 Filed 2-12-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. Appl (1976) notice is hereby given that a meeting of the Exporters' Textile Advisory Committee will be held at 10:00 a.m., on February 12, 1981 in Room 3836, U.S. Department of Commerce, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 30 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data.
2. Report on Conditions in the Export Market.
3. Recent Foreign Restrictions Affecting Textiles.
4. Other Business.

A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Helen LaGrande, Textiles and Apparel, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-5129 Filed 2-12-81; 8:45 am]

BILLING CODE 3510-25-M

Television Receiving Sets, Monochrome and Color, From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on television receiving sets from Japan. The review covers ten exporters of this merchandise to the United States during the period from April 1, 1979 through March 31, 1980. This review indicates the existence of dumping margins in the period for certain exporters. The Department is currently investigating whether shipments of television receiving sets from countries other than Japan are, in fact, transshipments from Japan. Should the results of our investigation reveal that televisions are being transshipped from Japan through intermediate countries, these televisions will be the subject of a subsequent administrative review.

As a result of the present review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and United States price on each of their shipments occurring during the period.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230, (202-377-2657).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 10, 1971, a finding of dumping with respect to monochrome and color television receiving sets ("televisions") from Japan was published in the **Federal Register** as Treasury Decision 71-76 (36 FR 4597). On February 13, 1975, T.D. 75-40 was published, excluding Sony Corporation of Japan from the finding (40 FR 6647).

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings.

For all entries made prior to January 1, 1980, the substantive provisions of the 1921 Act apply.

On April 28, 1980, the Departments of Commerce, Treasury and Justice and the United States Customs Service entered into settlement agreements with the major importers of televisions from Japan resolving outstanding claims for their entries of televisions made prior to March 31, 1979 including any claims for dumping duties. On May 8, 1980, in response to a motion filed by the Committee to Preserve American Color Televisions (COMPACT), the U.S. Court of Appeals for the District of Columbia Circuit enjoined the Government from liquidating or reliquidating any entries of televisions subject to T.D. 71-76 or implementing the terms of any of the settlement agreements (COMPACT v. Miller, Civil Action No. 79-1207). On December 9, 1980, in response to a motion filed by Zenith Radio Corporation, the U.S. Court of International Trade issued an additional injunction prohibiting the liquidation of entries subject to T.D. 71-76 made prior to March 31, 1979 (Zenith Radio

Corporation v. United States, Civil Action No. 80-5-00861).

In accordance with section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on televisions from Japan for the twelve-month period subsequent to that covered by the settlement agreements. Liquidation of entries covered by this administrative review will continue to be suspended until the injunction in the COMPACT suit is dissolved.

Scope of the Review

Imports covered by this review are shipments of television receiving sets, monochrome and color, from Japan. Television receiving sets include, but are not limited to, units known as projection televisions, receiver monitors, kits (containing all the parts necessary to assemble a complete television receiver) and sub-assemblies containing the components necessary to receive a broadcast television signal and produce a video image. Not included are monitors (not capable of receiving a broadcast television signal), certain combination units (combinations of television receivers with other electrical entertainment components such as tape recorders, radio receivers, etc.) and sub-assemblies not containing the components essential for receiving a broadcast television signal and producing a video image. The Department is also investigating whether televisions imported from Taiwan, Korea and Singapore are actually transshipments of such merchandise exported from Japan. Should our investigation show that such televisions are transshipments, T.D. 71-76 will apply and these televisions will be the subject of a later administrative review.

The present review covers the ten exporters to the United States of Japanese televisions subject to the finding. The time period concerned is April 1, 1979 through March 31, 1980.

United States Price

The Department used purchase price, as defined in section 203 of the 1921 Act or section 772(b) of the Tariff Act, or exporter's sales price, as defined in section 204 of the 1921 Act or section 772(c) of the Tariff Act, as appropriate.

For a number of exporters the Department used purchase price for some sales and exporter's sales price for others.

A. Purchase Price

(a) In the cases of General Corporation and Nippon Electric Co., Ltd. (NEC), purchase price was calculated on the basis of the delivered price to unrelated purchasers in the United States where the merchandise was purchased prior to the date of its importation. Deductions were made for ocean freight, insurance, U.S. import duty, bank charges in the U.S., and inland freight and brokerage fees in Japan and the U.S. An addition to purchase price, in accordance with section 203 of the 1921 Act and section 772(d)(1)(C) of the Tariff Act, was made for the amount of the Japanese commodity tax not collected because of exportation of the merchandise to the United States.

(b) In the cases of Matsushita, Toshiba, Sanyo and Otake Trading, purchase price was calculated on the basis of the F.O.B. price to the United States to unrelated customers, less shipping charges, inland freight in Japan and commissions, as applicable. An addition to purchase price was made for the amount of the Japanese commodity tax not collected because of exportation of the merchandise to the United States.

B. Exporter's Sales Price

Exporter's sales price was used as the basis for United States price where the first sale to an unrelated U.S. purchaser was made after the date of importation of the merchandise. Exporter's sales price was used for merchandise exported by Mitsubishi, Hitachi, Matsushita, NEC, Sanyo, Sharp, and Victor Company of Japan (VCJ). Exporter's sales price was calculated on the basis of the net delivered price in the United States.

To reach a net delivered price, deductions were made, where applicable, for cash, trade and volume discounts and rebates.

Deductions from net delivered price were made for ocean freight, insurance, U.S. and foreign inland freight, brokerage and handling charges, and U.S. import duty. In accordance with § 153.10 of the Customs Regulations and § 353.10(e) of the Commerce Regulations, deductions were also made for costs incurred in selling the merchandise in the United States. These costs included expenses for credit, advertising, warranty, and sales promotion, sales commissions to unrelated parties, as applicable, and other operating and selling expenses incurred in the United States. A further deduction was made, where applicable, for the amount of increased value resulting from further assembly of the imported merchandise after importation but before sale to the unrelated United States purchaser. An addition to the net exporter's sales price was made for the amount of the Japanese commodity tax not collected because of exportation of the merchandise to the United States.

In connection with the exporter's sales price calculation, the following claims have been made but disallowed by the Department for purposes of this preliminary determination:

(a) Matsushita claims that certain selling expenses deducted from sales prices to military post exchanges were not incurred in connection with those sales;

(b) Sharp and VCJ claim that sales to employees and sales representatives should be disregarded because they are not made at a commercial level of trade;

(c) Sharp claims that a weighted average sales price per model or per model per class of customer should be used instead of individual sales prices because the actual expenses incurred vary according to individual prices.

Foreign Market Value

In calculating foreign market value, the Department used the home market price of such or similar merchandise, the sales price for exportation to countries other than the United States or the constructed value. The sales price for exportation to countries other than the United States was used for one seller which reported no home market sales. The constructed value was used in those cases where there were insufficient sales in the home market of comparable models at prices greater than the cost of production and where there was no data available concerning sales for export to countries other than the United States.

A. Home Market Price

Home market price was used as the basis of comparison for all sales except those by Otake Trading Company, Ltd., and certain sales by Sharp Corporation. Home market prices were based on the delivered price to home market customers with deductions for inland freight, discounts and rebates. Adjustments for differences in circumstances of sale, in accordance with § 153.10 of the Customs Service Regulations or § 353.15 of the Commerce Regulations, were made, where applicable, for the costs of advertising, warranty, credit, sales promotion and rebates paid to a subsequent purchaser.

Adjustments were also made for other selling expenses incurred in the home market up to the amount of the selling expenses incurred in the United States market. Adjustments to home market price were also made for differences in physical characteristics, in accordance with § 153.11 of the Customs Regulations and § 353.16 of the Commerce Regulations, and for differences in packing costs.

In the cases of General, Mitsubishi, NEC and Sharp, certain sales were found to have been made at less than the cost of production of the merchandise. In accordance with § 153.5 of the Customs Regulations and § 353.7 of the Commerce Regulations, the Department disregarded such sales in the calculation of the home market prices. For all but Sharp, sufficient sales above cost remained to establish the home market price as the basis for comparison. In the case of Sharp, there were insufficient sales above cost of some models for some time periods; in those instances, the Department used constructed value, as described below, as the basis for comparison.

The Department has rejected the following contentions made by certain of the manufacturers found to have made sales at less than cost:

(1) The cost of production should not include selling expenses;

(2) Sales at less than cost of production did not take place in substantial quantities over an extended period.

B. Home Market Price Adjustment Claims Denied

We denied claims for certain individual adjustments or portions of adjustments, in accordance with § 153.10 of the Customs Regulations and § 353.15 of the Commerce Regulations:

(1) We denied claims by NEC and Sharp for depreciation costs on signboards (and for NEC, automobiles) because we considered such costs corporate overhead and not directly related to sales.

(2) NEC claimed a cash discount on related party transactions. We adjusted price to reflect only those cash discounts granted to unrelated purchases.

(3) General, Hitachi, Sanyo and Sharp claimed the entire freely offered amount of the cash discount. However, we only allowed the amount actually granted where that amount could be shown.

(4) Matsushita and VCJ claimed adjustments for payments to wholly-owned subsidiaries which provide credit to consumers on installment sales of the parents' products. We denied the claims because we considered such payments to be intracorporate transfers of funds rather than expenses directly related to sales.

In certain cases claims were denied as circumstance of sale adjustments under § 153.10(a) of the Customs Regulations and § 353.15(a) of the Commerce Regulations, but were considered eligible as offsets to the home market price for expenses incurred in that market but not incurred on sales to the U.S. market, in accordance with § 153.10(b) of the Customs Regulations and § 353.15(c) of the Commerce Regulations.

In each case, we considered them not directly related to sales, but we included the claim within the offset to the extent that we considered such expenses reasonably allocated to the sale of television receivers.

(1) Mitsubishi—Dealer renovation.

(2) NEC—Management study of contract stores.

(3) NEC—Salesman and management successor education.

(4) NEC—Multi-product exhibitions at certain locations.

(5) Hitachi—Education for retailers selling consumer products.

(6) Hitachi—Contributions to retailers' health and pension programs.

(7) VCJ—General advertising materials for consumer products.

(8) Matsushita—"Dealer help activity".

(9) Matsushita—Sales training including successor education.

(10) Sharp—Order processing costs.

(11) Mitsubishi, Toshiba and NEC—Certain advertising expenses allocated over all consumer products or all home market products.

(12) Matsushita, Sharp and VCJ—Not directly related warranty, servicing and repairing costs.

C. Sales Price for Exportation to Countries Other than the United States

In the case of Otake Trading Co., Ltd. (Otake Trading), the Department used, as a basis of comparison, the sales price for exportation to a country other than the United States (i.e. Canada), in accordance with § 153.3 of the Customs Regulations or § 353.5 of the Commerce Regulations, because there were no sales to the home market.

Otake Trading is the exclusive seller of televisions produced by Orion Denki, Ltd. Deductions were made from the price to Canada for shipping charges and commissions to unrelated parties. An adjustment for differences in physical characteristics was made, where applicable.

D. Constructed Value

In the case of Sharp, we used the constructed value of the exported merchandise, as defined in section 206 of the 1921 Act or section 773(e) of the Tariff Act, for certain models in those time periods where there were insufficient sales above the cost of production of such or similar merchandise in the home market. We calculated constructed value as the sum of the cost of materials and fabrication of the merchandise, general expenses not less than 10 percent of the cost of materials and fabrication, profit not less than 8 percent of the sum of such costs and general expenses, and the cost of all containers and coverings used to pack the merchandise ready for shipment to the U.S.

Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following dumping margins, expressed as weighted averages on all sales during the period, April 1, 1979 through March 31, 1980, exist:

Japanese Manufacturers

	Margin
General Corp	7.92
Hitachi Corp	.05
Matsushita Electric Industries, Ltd	0
Mitsubishi Electric	.40
Nippon Electric Corp	0
Otake Trading Co., Ltd	6.05
Sanyo Electric	0
Sharp Corp	.41
Toshiba Corp	0
Victor Co. of Japan	0

The Department will afford interested parties an opportunity to present oral views, in accordance with § 353.47 of the Commerce Regulations. This hearing is scheduled to be held, if requested, at the U.S. Department of Commerce, Room 6802, 14th & Constitution Avenue NW., Washington, D.C. 20230, beginning at 10 a.m., on March 3, 1981. Interested parties who desire such a conference should provide a written request for a conference to the Office of the Deputy Assistant Secretary for Import Administration, Room 2800, at the address shown above. This request should contain: (1) the name, address, and telephone number of the party requesting the conference; (2) the number of participants; and (3) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary no later than February 23, 1981.

Any written views filed in accordance with § 353.46(a) of the Commerce Regulations should be filed at the address indicated above, in at least 20 copies, not later than March 16, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the time period involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement

instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Because the weighted-average margins for Hitachi, Sharp and Mitsubishi are *de minimis*, the Department shall not require cash deposits on their shipments. This requirement, and the waiver for Hitachi, Sharp and Mitsubishi, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5181 Filed 2-12-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Changes Pertaining to the Interface Standards Exclusion List

In a notice published in the **Federal Register** on December 9, 1980 (45 FR 81090), the National Bureau of Standards (NBS) announced proposed changes to the exclusion list pertaining to Federal Information Processing Standards Publication 60-1, I/O Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems; and Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems. Interested parties were allowed until January 23, 1981, to submit written comments regarding the proposed changes to the exclusion list.

As a result of a review and analysis of comments received, NBS has made a determination that the following additions will be made to the exclusion list:

Manufacturer	Model
Burroughs	B2930.
Consolidated Computer, Inc	KEY-EDIT Series 2 Data Entry System.
Mohawk Data Sciences	902.
Mohawk Data Sciences	1100 Series.
Mohawk Data Sciences	1200 Series.
Mohawk Data Sciences	2100 Series.
Mohawk Data Sciences	2300 Series.
Mohawk Data Sciences	2400 Series.
Mohawk Data Sciences	6400 Series.
Mohawk Data Sciences	Plus 70.
Nixdorf	280.
Nixdorf	380.
Nixdorf	480.
Nixdorf	600/15.
Nixdorf	600/25.
Nixdorf	600/35.
Nixdorf	600/45.
Nixdorf	600/55
Sperry Univac	1900 CADE System.
Sperry Univac	1900/10 CADE System.
Sperry Univac	UDS-2000 System.
Xycom	Micropac 80 Series.
Xycom	280 Microcomputer Series.
Xycom	180 Microcomputer Series.
Xycom	180+ Industrial Microcomputer Series.
Xycom	380 Series.
Xycom	390 Series.

Interested parties are invited to sumbit written comments or recommendations regarding the exclusion list to the Director, Institute for Computer Sciences and Technology, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Comments specifically identifying candidate systems which should be added or removed from the exclusion list are especially encouraged. Comments should also include information supporting any proposed additions (or removals) to that list according to the criteria described in the **Federal Register** notice of March 19, 1979 (44 FR 16466), which announced the availability of a proposed initial exclusion list. Any comments submitted which are deemed by the sender to contain confidential or proprietary information should be appropriately designated and marked.

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of proposed changes and the announcement of the determination on proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments or recommendations regarding the exclusion list.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: February 9, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-5097 Filed 2-12-81; 8:45 am]

BILLING CODE 3510-13-M

Solicitation of Comments on the Impact and Applicability of a Planned Message Format Standard

Under the provisions of Public Law 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform automatic data processing (ADP) standards. The National Bureau of Standards (NBS) plans to propose an electronic message format standard as a Federal Information Processing Standard (FIPS) in 1981. The draft technical specifications of this planned standard are available for review from the National Bureau of Standards, Institute for Computer Sciences and Technology, Standards Administration Office, Washington, D.C. 20234.

NBS is requesting comments on this planned standard and is particularly interested in the following items:

1. The impact of implementing this planned electronic message format standard.

Data is solicited on the effort required to implement this planned standard within existing systems through retrofitting and also within planned systems.

2. The applicability of this planned standard.

The objectives of the standard are to provide interoperability among Federal systems and networks that support electronic message systems and maximize opportunities for the competitive acquisition of the components of such systems. Comments are requested on specific applicability statements, consistent with these objectives, which may be included in the standard.

3. Time period required to conform to this planned standard.

Comments are solicited on the amount of time which should be allowed for conformance to the planned standard; that is, how much time should be allowed after the FIPS has been issued until applicable systems and networks are required to conform.

Comments should be provided in writing by (please insert date which is 60 days after publication of this notice in the **Federal Register**) to the following address: National Bureau of Standards, Director, Institute for Computer Sciences and Technology, Administration Building, Room A200, Washington, D.C. 20234, ATTN: Planned Message Format Standard.

For additional information contact: Robert P. Blanc, Chief, Systems and Network Architecture Division, Building

225, Room B218, Washington, D.C. 20234, (301) 921-3817.

Ernest Ambler,

Director.

[FR Doc. 81-5096 Filed 2-12-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

[Permit No. 306]

Barbara A. Kuljis, et al.; Marine Mammal Permit Application; Modification

On January 12, 1981, Notice was published in the **Federal Register** (46 FR 2667) that a request for a modification of Permit No. 306 had been received from Ms. Barbara A. Kuljis, c/o National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii.

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit No. 306 issued to Ms. Barbara A. Kuljis, P.O. Box 3830, Honolulu, Hawaii 96812 and Mr. C. Scott Baker, University of Hawaii, Honolulu, Hawaii 96822 on October 15, 1980 (45 FR 70297) is modified as follows:

A new Section A-2 is added as follows:
"2. The Holder is authorized to take a third bottlenose dolphin by the means described in the application."

This modification became effective on February 10, 1981.

The modification and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 10, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-5196 Filed 2-12-81; 8:45 am]

BILLING CODE 3510-22-M

National Telecommunications and Information Administration

Public Telecommunications Services Program; Application Announcement for Grants

The Satellite Applications Program of the National Telecommunications and Information Administration (NTIA) announces that it is seeking applications for Fiscal Year 1981 under its Public Telecommunications Services (PTS) grant program. It is anticipated that approximately 1 million dollars will be awarded in the form of competitive grants. Through this program, now in its second year, NTIA intends to augment the activities begun in FY 1980. These grants will provide financial assistance to organizations which will aggregate public service users and procure for them affordable telecommunications services, especially via satellite. FY 1980 grant award winners are eligible to reapply and, if first year milestones have been reached, will have priority in the FY 1981 competition.

NTIA derives authority for this grant activity from the Administration's 1978 National Civil Space Policy (Presidential Directive 42). In PD 42, NTIA was instructed: "to formulate policy, to assist in market aggregation, technology transfer, and possible development of domestic and international public satellite services. The policy direction is intended to stimulate the aggregation of the public service market."

Proposals are solicited from *non-Federal* entities that are:

(1) Public or private non-profit organizations;

(2)For-profit telecommunications brokers or resalers;

(3) Established common carriers, or their wholly-owned subsidiaries.

Grant proposals will be reviewed by a panel drawn primarily from Federal agencies represented in the Interagency Committee on Satellite Telecommunications Applications. Multiple awards may be granted.

The closing date for applications is April 10, 1981. Questions concerning the application process or requests for application kits should be directed to: Susan Irwin, Grants Program Administrator, National Telecommunications and Information Administration, U.S. Department of Commerce, 608 13th St. NW., Washington, D.C. 20004, (202) 724-3464.

(11.551 Public Telecommunications Services Catalog of Federal Domestic Assistance)

John J. O'Neill,

Acting Associate Administrator, Office of Telecommunications Applications and Grants Officer, National Telecommunications and Information Administration.

[FR Doc. 81-5143 Filed 2-12-81; 8:45 am]

BILLING CODE 3510-60-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: February 13, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On October 17, 1980, October 31, 1980, December 19, 1980, August 29, 1980, and July 25, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 68996, 45 FR 72248, 45 FR 83650, 45 FR 57755, and 45 FR 49633 FR 77104) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1981:

Class 5440

Stepladder, Aluminum
5440-00-514-4483
5440-00-514-4485
5440-00-514-4487
(For GSA Regions 1, 2, 3, 4, and National Capital Region)

Class 7510

Paperweight, Shotfilled
7510-00-286-6985

Class 7520

Pencil, Mechanical
7520-00-590-1878

SIC 7349

Janitorial/Custodial, Federal Building, 801 I Street, Sacramento, California

SIC 7349

Commissary Shelf Stocking and Custodial Service, McConnell Air Force Base, Kansas

C. W. Fletcher,

Executive Director.

[FR Doc. 81-5126 Filed 2-12-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 18, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 6625

Test Lead Set
6625-00-444-4041

Class 7210

Cover, Bed

68" × 96"

7210-00-NIB-0013 White
7210-00-NIB-0010 Dark Cardinal
7210-00-NIB-0002 Pimento
7210-00-NIB-0003 Spanish Yellow
7210-00-NIB-0004 Gold Brown
7210-00-NIB-0005 Emerald
7210-00-NIB-0006 Indian Orange
7210-00-NIB-0007 Mosstone
7210-00-NIB-0008 Burnt Orange
7210-00-NIB-0009 Bluebird

76" × 105"

7210-00-NIB-0014 White
7210-00-NIB-0015 Dark Cardinal
7210-00-NIB-0016 Pimento
7210-00-NIB-0017 Spanish Yellow
7210-00-NIB-0018 Gold Brown
7210-00-NIB-0019 Emerald
7210-00-NIB-0020 Indian Orange
7210-00-NIB-0021 Mosstone
7210-00-NIB-0022 Burnt Orange
7210-00-NIB-0023 Bluebird

60" × 90"

7210-00-NIB-0024 White
7210-00-NIB-0025 Dark Cardinal
7210-00-NIB-0026 Pimento
7210-00-NIB-0027 Spanish Yellow
7210-00-NIB-0028 Gold Brown
7210-00-NIB-0029 Emerald
7210-00-NIB-0030 Indian Orange
7210-00-NIB-0031 Mosstone
7210-00-NIB-0032 Burnt Orange
7210-00-NIB-0033 Bluebird

SIC 7349

Commissary Shelf Stocking and Custodial Service
Mountain Home AFB, Idaho

C. W. Fletcher,

Executive Director.

[FR Doc. 81-5125 Filed 2-12-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 4,1981.

The USAF Scientific Advisory Board Chief's Technical Advisory Group (CTAG) will convene on March 11th and 12th from 9:00 a.m. to 5:00 p.m. at Norton AFB, CA.

The Advisory Group will receive classified briefings and participate in classified discussions relating to Air Force Ballistic Missile Organization Programs. The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-5029 Filed 2-12-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Performance Review Boards

ACTION: Notice is hereby given of the names of the members of the Performance Review Boards for the Office of the Chief of Staff, Army; Office of the Chief of Engineers; US Army Materiel Development and Readiness Command; Office of the Surgeon General; and the Consolidated Commands for 1981.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of Army, the Pentagon, Washington, DC 20310, (202) 697-2204.

SUPPLEMENTARY INFORMATION: Section 4314 (c)(1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executives. Each board's review and recommendation will include only those senior executive's appraisals from their respective commands or activities. A consolidated board has been established for those commands who do not have enough senior executives to warrant the establishment of separate boards. Publication of this notice rescinds the notices published in 45 CFR, page 47815, dated July 14, 1980, page 54122, dated August 14, 1980, and page 56380, dated August 25, 1980 to account for changes in membership of those boards previously published.

The Members of the Performance Review Board for the Office of the Chief of Staff, Army are:

1. Mr. Jack H. Kalish, Director, Ballistic Missile Defense Program Office.
2. Mr. James D. Carlson, Director, Ballistic Missile Defense Advance Technology Center.
3. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Automation and Communication.
4. Brigadier General William C. Moore, Deputy Director for Operations and Readniess, Office of the Deputy Chief of Staff for Operations.
5. Mr. Leonard F. Keenan, Deputy Director of the Army Budget, Office of the Comptroller of the Army.
6. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.
7. Mr. Fredric Newman, Director of Civilian Personnel, Office of the Deputy Chief of Staff for Personnel.
8. Major General Mary E. Clarke, Director, Human Resources Development, Office of the Deputy Chief of Staff for personnel.
9. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.

10. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office.

11. Dr. Robert J. Heaston, Scientific Advisor to Director of Weapons Systems, Office of the Deputy Chief of Staff for Research, Development and Acquisition.

12. Mr. Charles. H. Church, Assistant Director for Technology, Office of the Deputy Chief of Staff for Research, Development, and Acquisition.

13. Brigadier General James E. Armstrong, Assistant Chief of Staff for Intelligence.

14. Brigadier General Richard J. Bednar, Assistant Judge Advocate General for Civil Law.

15. Major General Edward B. Atkeson, Commander, US Army Concepts Analysis Agency.

16. Mr. Harold L. Stugart, The Auditor General.

17. Mr. Michael A. Janoski, Deputy Auditor General.

18. Mr. Hunter M. Woodall, RDA Analysis Officer, Office of the Deputy Chief of Staff for Research and Development.

19. Mr. Charles N. Davidson, Technical Director, US Army Nuclear Agency.

20. Mr. James E. Spates, Assistant Director for Laboratory Activities, Office of the Deputy Chief of Staff for Research and Development.

21. Brigadier General Roger J. Price, Director of OMA, Comptroller of the Army.

22. Mr. Leroy E. Hoole, Jr., Deputy Director of the Army Budget for Budget Management, Comptroller of the Army.

23. Mr. Carroll A. Olson, Deputy Director for Operations and Maintenance, Comptroller of the Army.

24. Major General Clay T. Buckingham, Assistant Chief of Staff for Automation and Communications, Office of the Chief of Staff, Army.

25. Major General Robert L. Kirwan, Commanding General, US Army Operational Test and Evaluation Agency.

The Members of the Performance Review Board for the Office of the Chief of Engineers (OCE) are:

1. Major General William R. Wray, Deputy Chief of Engineers.

2. Brigadier General (P) Hugh G. Robinson, Division Engineer, Southwestern Division.

3. Major General E. R. Heiberg, Director of Civil Works, Chief of Engineers.

4. Brigadier General Mark J. Sisinyak, Deputy Director for Facilities Engineering, Directorate of Military Programs, Office, Chief of Engineers.

5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.

6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.

7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.

8. Mr. Richard C. Armstrong, Chief, Engineering Division, Ohio River Division.

9. Mr. Lewis H. Blakey, Chief, Planning Division, Directorate of Civil Works, Office, Chief of Engineers.

10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.

11. Mr. Rodney Resta, Chief, Engineer Division, Lower Mississippi Valley Division.

12. Mr. William N. McCormick, Chief, Engineer Division, South Atlantic Division.

13. Dr. James Choromokos, Chief, Research and Development, Office, Chief of Engineers.

14. Mr. Ralph Loschialpo, Chief, Office of Personnel, Office, Chief of Engineers.

15. Mr. Delbert E. Olson, Chief Planning Division, North Pacific Division.

The Members of the Performance Review Board for US Army Materiel Development and Readiness Command (DARCOM) are:

1. Major General Robert L. Moore, Chief of Staff, HQ DARCOM—Chairman.

2. Major General Jere W. Sharp, Director, Procurement and Production, HQ DARCOM.

3. Brigadier General (P) Benjamin F. Register, Jr., Director, Materiel Management, HQ DARCOM.

4. Major General Elton J. Delaune, Jr., Comtroller, HQ DARCOM.

5. Major General Stan R. Sheridan, Director, Development and Engineering, HQ DARCOM.

6. Mr. Francis X. McKenna, Command Counsel, HQ DARCOM.

7. Major General Henry Doctor, Jr., Director, Personnel, Training and Force Development, HQ DARCOM.

8. Mr. William S. Charin, Deputy Director, Personnel, Training and Force Development, HQ DARCOM.

9. Mr. Seymour J. Lorber, Director, Quality Assurance, HQ DARCOM.

10. Dr. Robert E. Weigle, Technical Director, Armament Research and Development Command.

11. Mr. Richard B. Lewis, Technical Director, Aviation Research and Development Command.

12. Dr. Robert S. Wiseman, Assistant to Deputy Commanding General for Science and Technology, HQ DARCOM.

13. Dr. Hermann R. Robl, Technical Director, Army Research Office.

14. Mr. Barton J. Toohey, Comptroller, Tank-Automotive Readiness Command.

15. Mr. Thomas J. Keenan, Director, Procurement and Production, Troop Support Readiness Command.

The Members of the Performance Review Board for the Office of the Surgeon General are:

1. Major General Enrique Mendez, Jr., M.D., Deputy Surgeon General—Chairman.

2. Brigadier General Robert T. Cutting, M.D., Director of Health Care Operations.

3. Brigadier General Garrison Rapmund, M.D., Commander, US Army Medical Research and Development Command.

4. Dr. F. K. Mostofi, M.D., Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

5. Dr. G. F. Bahr, M.D., Chairman, Department of Cellular Pathology, Armed Forces Institute of Pathology.

6. Dr. W. R. Beisel, M.D., Deputy for Science, Walter Reed Army Institute of Research.

7. Dr. Lorenz E. Zimmerman, M.D., Associate Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

8. Dr. Samuel B. Forman, Ph.D, Chief, Department of Bacterial Diseases, Walter Reed Army Institute of Research.

The Members of the Performance Review Board for the Consolidated Commands are:

1. Major General John S. Crosby, Deputy Chief of Staff for Personnel, US Army Forces Command.

2. Major General John B. Blount, Chief of Staff, US Army Training and Doctrine Command.

3. Dr. Wilbur B. Payne, Director, US Army Training and Doctrine Command Systems Analysis Activity.

4. Brigadier General Richard T. Drury, USAF, Vice Commander, Headquarters Military Traffic Management Command.

5. Mr. Leonard J. Mabius, Technical Director/Chief Engineer, US Army Communications Command.

6. Brigadier General Walter C. Cousland, Deputy Chief of Staff for Personnel, Administration & Logistics, US Army Training and Doctrine Command.

7. Mr. Arthur C. Christman, Scientific Advisor, Office, Deputy Chief of Staff for Combat Development, US Army Training and Doctrine Command.

8. Dr. Marion R. Bryson, Scientific Advisor, Combined Arms Combat Development Activity, US Army Training and Doctrine Command.

Dated: February 6, 1981.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 81-5024 Filed 2-12-81; 8:45 am]

BILLING CODE 3710-08-M

[Permit LMNOD-sp (Calcasieu Pass) 467]

Review by the Assistant Secretary of the Army (Civil Works) of a Reguest by the Cameron Construction Company, Louisiana, for Section 404 Permit

AGENCY: Department of the Army.

ACTION: Notification of Section 404 Permit Review.

SUMMARY: This notice informs the public and Federal agencies that the U.S. Department of Commerce has requested that the application for Section 404 permit by the Cameron Construction Company to bulkhead and fill portions of wetlands along Calcasieu Pass, south of Louisiana Highway No. 82 in Cameron Parish, Louisiana, be referred to the Assistant Secretary of the Army (Civil Works) for review. Referral is in accordance with procedures defined by Memorandum of Agreement (MOA) between Federal agencies implementing Section 404(q) of the Clean Water Act. This notice describes the procedure and time period available for interested parties to request that the official permit record be reopened for inclusion of new, relevant, and previously unavailable information for consideration by the Assistant Secretary in making final public interest determination. Detailed notification of review procedures was set out in the **Federal Register** on January 28, 1981 (46 FR 9161-2).

SUPPLEMENTARY INFORMATION: The Chief of Engineers recommended approval of the permit on January 9, 1981. By letter dated February 2, 1981, The Acting Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, objected to approval of the permit and requested review by the Assistant Secretary (Civil Works). Request for review was based on continued objections by the National Marine Fisheries Service. The Assistant Secretary will (1) decide that the permit should be issued or denied, or (2) decide only the issues raised and return the application back to a level where a decision on permit issuance can be made.

The Assistant Secretray's decision will be based primarily on the permit case record previously developed and forwarded to the Assistant Secretary's office by the Corp of Engineers; therefore, the record is essentially closed. In the interest of sound decision-making, however, the Assistant Secretary will consider written communications submitted prior to March 13, 1981, if communications consist of evidence that is:

(1) New (not previously available or known);

(2) Relevant;

(3) Significant and verifiable (by reference to reliable data or other expert opinion).

All communications must be in writing; oral cummunications will not be accepted.

The record, including newly admitted material, will be available for inspection both at the New Orleans District Engineer's Office, Foot of Prytania Street, New Orleans, Louisiana, and at the Office of the Assistant Secretary of the Army (Civil Works), Pentagon, Room 2E 569, Washington, D.C.

At the close of the comment period on March 2, 1981, an additional ten calendar days will be permitted for the public to file rebuttal comments to the material submitted. Rebuttal comments will be accepted until March 13, 1981, at which time the record will be closed. Again, all communications must be in writing. Because of the time limitations imposed by MOA, it is necessary to adhere to imposed time restrictions; therefore, requests for time extension will not be favorably considered.

All communications regarding this matter should refer to: Permit LMNOD-SP (Calcasieu Pass) 467.

Dated: 3 February 1981.

Edward Lee Rogers,

Acting Assistant Secretary of the Army.

[FR Doc. 81-5026 Filed 2-12-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers; Department of the Army

Intent To Prepare Draft Supplement to Final Environmental Impact Statement for Proposed Fort Scott Lake, Kansas

AGENCY: Kansas City District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a draft supplement.

SUMMARY: 1. The proposed action to be addressed in the draft supplement is the integration of updated environmental data into the approved project plan. The update will identify any changes required in the plan and evaluate impacts to resource categories identified since the filing of the FEIS with CEQ in 17 March 1972.

2. Only two alternatives will be considered in the supplement, "no action" or the implementation of the selected plan. Other alternatives were previously evaluated in the FEIS for the project.

3. Additional coordination is planned with the U.S. Fish and Wildlife Service, Environmental Protection Agency, Department of Agriculture (Soil Conservation Service), Advisory Council on Historic Preservation, Kansas Fish and Game Commission, Kansas Department of Health and Environment, Kansas State Historic Preservation Officer, and other groups and individuals. A public meeting will be held in the spring of 1981. No additional public meetings have been scheduled in conjunction with this draft supplement, but any interested agency, organization, or individual is invited to comment. Input presented will be considered in the preparation of the supplement.

4. Environmental concerns analyzed in the draft supplement will include fish and wildlife mitigation, endangered species, flood-plain management and wetlands, water quality, cultural resources and prime and/or unique agricultural lands. Environmental consultation and review will be conducted in accordance with the National Environmental Policy Act and other applicable laws and regulations.

5. The draft supplement is tentatively scheduled to be available for public review in March 1982.

ADDRESS: Questions concerning the proposed action and EIS supplement should be directed to Mr. James R. Taylor, Chief, Environmental Resources Section, Kansas City District, Corps of Engineers, 700 Federal Building, Kansas City, Missouri 64106. Phone: (816) 374-3672 or FTS 758-3672.

Dated: February 6, 1981.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 81-5025 Filed 2-12-81; 8:45 am]

BILLING CODE 3710-KN-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Kansas and Osage Rivers Water Supply Study

AGENCY: Kansas City District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The primary purpose of this project is to provide for future municipal

and industrial water supply needs for 38 counties in northeastern and central Kansas.

2. Reasonable alternatives that will be studied include:

a. No Action.

b. Conservation.

c. Groundwater.

d. SCS-type lakes.

e. Large Federal lakes, including reallocation of storage in existing Federal lakes.

f. Various combinations of the above.

3. Scoping Process:

a. Public involvement: A public involvement program was developed as a means of soliciting public views and has already begun. Three public workshops were held (21–23 October 1980) in three different Kansas communities (Salina, Manhattan, Osage City) for the overall 38-county study area. Another scoping meeting, only involving a 7-county area, was held 21 January 1981 in Topeka, Kansas. This latter meeting solicited views of appropriate Federal and state agency representatives concerning potential or existing significant resources in the 7-county Melvern/Pomona Lakes. The current study sequence involves a separation of the overall study into small contiguous subunits as follows: Melvern/Pomona Lakes study area; Wilson/Kanopolis Lakes study area; and Tuttle Creek Lake study area. Further scoping (e.g. workshops) will be held to provide additional information for the Draft Feasibility Report (DFR) and DEIS. These documents will be distributed to the public and Federal/state agencies for review and comment. The participation of the public and all interested Government agencies is invited during all stages of the project's planning process.

b. Environmental consultation and review will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and all other applicable laws, regulations, and guidelines.

c. The Kansas City District estimates that the DEIS and DFR for the Melvern/Pomona Lakes area will be available for public review and comment in September 1981. The DFR and DEIS for the other study areas will be available in FY 82.

ADDRESS: Questions concerning the proposed action and the DEIS should be directed to Mr. James R. Taylor, Chief, Environmental Resources Section, Corps of Engineers, 700 Federal Building, Kansas City, Missouri 64106. Phone: (816) 374–3672 or FTS 758–3672.

Paul D. Barber,

Chief, Engineering Division.

[FR Doc. 81-5139 Filed 2-12-81; 8:45 am]

BILLING CODE 3710-KN-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Tuesday & Wednesday, 10–11 Mar. 1981, ESL, Inc., Sunnyvale, California.

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on foreign collection systems.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-5093 Filed 2-12-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Museum Services Program Projects; Application Notice

AGENCY: Department of Education.

ACTION: Application Notice.

Applications are invited by the Institute of Museum Services (IMS) for new projects under the Museum Services Program for fiscal year 1981.

Section 206 of the Museum Services Act, Title II of Pub. L. 94–462 (20 U.S.C. 965) contains authority for this program.

This program makes awards to museums to maintain, increase, or improve museum services. The purpose of the program is to ease the financial burden borne by museums as a result of their increased use by the public and to help them carry out their educational and conservation roles, as well as other functions.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: Applications for new awards must be mailed or hand-delivered by March 6, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.115, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATION DELIVERED BY HAND: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: For fiscal year 1981, the program gives priority to museums which have been providing museum services for at least two years before applying under the Museum Services Program (34 CFR 64.12(b)). In the case of applications for assistance in carrying out special projects the program gives priority to applications for conservation projects, for in-depth long-range institutional planning, and for projects involving cooperation with local educational agencies to develop and carry out model museum educational programs. A museum may apply for both general operational support and project support.

AVAILABLE FUNDS: It is estimated that $12,300,000 will be available for the Museum Services Program in FY 1981. The program will use not less than 80

percent of this amount for grants for general operational support. The remainder of the funds will be used for grants for special projects that are model or exemplary and address a problem which is general to a number of museums. It is anticipated that no museum will receive more than $35,000 under the program for fiscal year 1981, and that most museums which are funded will receive a smaller amount. (34 CFR 64.9)

Based upon the experience of the program with prior funding cycles, its assessment of the prospective numbers of applicant museums of various types and sizes, and the procedures for evaluation of applications under Sec. 64.12 of the program regulations, IMS estimates that, of the funds available for FY 1981 for general operational support awards, $3,000,000 will be awarded to museums with budgets of less than $100,000; $4,000,000 will be awarded to museums with budgets between $100,000 and $500,000; and $4,000,000 will be awarded to museums with budgets in excess of $500,000. IMS anticipates that these estimates may be useful in applying the provisions of Sec. 64.12(c), "How applications are judged; priorities" of the program regulations to the fiscal year 1981 competition.

The amounts of funding available for awards are only estimates and do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulation.

IMS recognizes a need during the current fiscal year to increase the participation of qualified museums in the general operational support program consistent with available resources. Accordingly, it is anticipated that for fiscal year 1981, the amount of a general operational support grant will normally not exceed 10 percent of the museum's operating revenues and support. The program expects to make approximately 650 general operational support grants.

APPLICATION FORMS. IMS is mailing application forms and program information packages to over 8,000 museums and other institutions and service organizations on its mailing list. Applicants may obtain application forms and program information packages by writing to the Institute of Museum Services, Room 4008, Mary Switzer Building, 330 C Street, S.W., Washington, D.C. 20202. Applications must be prepared and submitted according to the requirements of the regulations, instructions, and forms included in the program information package.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(1) Final regulations govering the Museum Services Program in 34 CFR Part 64, Published in the **Federal Register** on August 11, 1980 (45 FR 53412). (These regulations set forth the definition of "museum" for purposes of the program and other conditions of eligibility. They also govern the types of assistance which may be provided under the program, the requirements which must be met by applicants, and the selection criteria to be used in judging applications.)

(2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (Direct Grant Programs) and 77 (Definitions) published in the **Federal Register** on April 3, 1980 (45 FR 22494) and redesignated from 45 CFR Parts 100a and 100c in the **Federal Register** on November 21, 1980 (45 FR 77368). (EDGAR contains general rules on how to apply for grants, how grants are made, the general conditions that apply to grantees, the administrative responsibilities of grantees, and compliance procedures used by the Department. Certain provisions of EDGAR are made inapplicable to applications and grants for general operational support under the program.)

(3) The Administration of Grants Regulations in 34 CFR Part 74 published in the **Federal Register** on May 9, 1980 (45 FR 30802). (These regulations contain the requirements for the administration of Department grants and provide for determining costs applicable to activities assisted by Department grants.)

FOR FURTHER INFORMATION, CONTACT: Mr. Tom Litkowski, Program Director, Institute of Museum Services, Mary Switzer Building, 330 C Street, S.W., Washington, D.C. 20202, Telephone (202) 426-6577.

(Catalog of Federal Domestic Assistance No. 84.115, Institute of Museum Services)

Dated: February 10, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-5177 Filed 2-12-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Committee on Black Higher Education and Black Colleges and Universities; Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the quarterly meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is rquired under Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATE: March 2-3, 1981, 9:00 am to 5:00 pm.

ADDRESS: Education Conference Center, Room 3000, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Suite 702-6, 1100 17th Street, N.W., Washington, D.C. 20036, AC 202 653-7558.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix 1) which set forth standards for the formation and use of advisory committees.

This Committee was established to examine all approaches to the higher education of Black Americans as well as enhancement of the historically Black colleges and universities and then to make recommendations to the Secretary of Education in the identification of several courses of action to raise substantially the participation of Black Americans in all sectors and at all levels of higher education.

The proposed agenda will include a report on Committee staff activities over the past three months, and discussion on such topics as: the Adams Case, testing, data needs, and higher education regulations.

Additional items for discussion include progress reports on Committee staff projects such as the *Fact Book on Black Higher Education and Black Colleges and Universities*, the *Did You Know Fact Sheets*, the *Faculty Directory*, and ongoing research. There will be an update on the commissioned research being performed on contract and acknowledgement of the Committee's latest publication.

The Committee will also discuss future activities with respect to issues and recommendations affecting the advancement of Black higher education and the enhancement of the historically Black colleges.

The meeting on March 2-3, 1981, will be open to the public beginning at 9:00 am each day. It will be held in the Education Conference Center, Room 3000, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Records are kept of all Committee proceedings and are available for public inspection at the office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities located at 1100 17th Street, N.W., Suite 702-6, Washington, D.C. 20036.

Signed at Washington, D.C. on February 9, 1981.

Carol J. Smith,

Program Delegate to the Committee.

[FR Doc. 81-5144 Filed 2-12-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of the meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Annual Report Committee Meeting: March 6, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: Arizona State University, Room 302F Farmer Building, Tempe, Arizona 85281.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 202/376-8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92-318 (20 U.S.C. 1221g). The Council is established to:

(1) submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for the Office of Indian Education;

(2) advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;

(3) review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make recommendations to the Secretary with respect to their approval;

(4) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318;

(7) submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 (Title IV, Pub. L. 92-318). For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or Aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The meeting will be open to the public. This meeting will be held at the Arizona State University, Room 302F Farmer Building, Tempe, Arizona 85281 602/965-6292.

The proposed agenda includes:

(1) Discussion on the 1981 Annual Report.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C., 20004.

Dated: February 10, 1981. Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-5149 Filed 2-12-81; 8:45 am]

BILLING CODE 4000-01-M

Postsecondary Education; Fellowships and Institutional Grants for Graduate and Professional Study; Application Notice for Fiscal Year 1981

Applications from institutions of higher education for grants are invited under the Graduate and Professional Institutional Grant Program and the Graduate and Professional Study Fellowship Program.

Authority for these programs is contained in Parts A and B of Title IX of the Higher Education Act of 1965, as amended. (20 U.S.C. 1134-1134g)

1. The Institutional Grant Program (Title IX, Part A) provides grants to institutions to maintain, strengthen, and improve the quality of graduate and professional programs leading to an advanced degree (other than a medical degree); to establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and, to contribute to these purposes, to strengthen undergraduate programs of instruction in these areas. For applications of substantially equal quality, priority is given to projects that strengthen activities that support categories of fellowships funded under Title IX-B. No institutional grants are awarded this year to fund programs that prepare students for public service or domestic mining.

2. The Graduate and Professional Study Program (Title IX, Part B) provides grants to institutions of higher education to support fellowships for graduate and professional study to students who demonstrate financial need. Fellowships are awarded to

support students in the following three categories:

Graduate and Professional Opportunities
Public Service Education
Domestic Mining

It should be noted that budget rescissions are proposed to Congress for the Public Service and Domestic Mining fellowships, which, if approved, would eliminate all funds available for grants under these two fellowship categories in fiscal year 1981.

Closing Date for Transmittal of Applications

An application for a grant must be mailed or hand delivered by March 23, 1981.

Applications Delivered by Mail

An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.094, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service Postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other prooof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the Department of Education, Application Control Center, Room 5673, ROB-3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

1. *The Institutional Grant Program (Title IX, Part A).*

Congress has made $11,000,000 available for Graduate and Professional Opportunities Fellowships and Graduate and Professional Institutional Grants. Of this amount, an estimated $500,000 is available for institutional grants under Part A of Title IX. As indicated above, for applications of substantially equal quality, priority is given to projects that strengthen activities that support fellowships funded under Title IX-B; for example, in such areas as recruitment, retention, and inter-institutional cooperation. About 25 one-year grants will be made.

2. *The Graduate and Professional Study Fellowship Program.*

The remainder of the $11,000,000 is available for the Graduate and Professional Opportunities Fellowships to cover awards to continuing fellows in good standing, approximately 554 new fellowship awards, and institutional allowances.

Under the Graduate and Professional Opportunities Fellowship category, generally, an average of two to three new fellowships will be allocated to each approved academic area. In general, institutions will receive support in not more than five such academic areas.

Under Part B Congress has also made available $2,000,000 to support an estimated 200 new Public Service fellowships and $1,150,000 to support an estimated 137 new Domestic Mining fellowships. As already noted, the President has proposed budget rescissions to the Congress which may eliminate these funds. If the Congress approves the proposed rescissions, a notice to the public will be published in the **Federal Register** stating that the rescissions have been approved. However, since the deadline established in this notice will not be extended, applicants should prepare and submit applications pending further notification.

For all three fellowship categories, institutional applicants should request one-year awards.

Any continuation support needed for students to complete degree programs will be provided in subsequent years, subject to conditions in the regulations.

The Secretary does not make a grant of Part B funds to any instituition of less than $75,000. The total grant may include fellowship awards under one, two, or all three fellowship categories combined, covering both new and continuation fellowships. The statutory minimum award, however, does not apply where the grant is made to support continuation fellowships only.

Applicants should be aware that a technical amendment has been submitted to Congress to delete the $75,000 minimum grant requirement.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms

Application forms and program information packages are expected to be ready for mailing by February 6, 1981, and may be obtained by writing to the Graduate Programs Branch, Department of Education, (Room 3060, ROB-3), 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. An applicant may submit one application to cover both Part A and Part B. The Secretary strongly urges that the narrative portion of a Graduate and Professional Opportunities Grant application that seeks funds under both parts not exceed 40 pages in length. Also, the Secretary strongly urges that the narrative portion of an application for the Public Service Education fellowships, and the Domestic Mining fellowships, should not exceed 15 pages each. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations

Regulations applicable to these programs include the following:

(1) Regulations governing the Fellowships for Graduate and Professional Study Program (34 CFR Part 649) which were published in final form in the **Federal Register** on January 14, 1981 (46 FR 3400);

(2) Regulations governing the Institutional Grants for Graduate and Professional Study (34 CFR Part 648) which were published in proposed form in the **Federal Register** on December 31, 1980 (45 FR 86886); and

(3) Education Department General Administrative Regulations (EDGAR). The text of these regulations may be found in the **Federal Register** for April 3, 1980, 45 FR 22495, where it is codified to 45 CFR Part 100a and 45 CFR Part 100c, respectively. These regulations were redesignated as 34 CFR Part 75 (Direct

Grant Programs) and 34 CFR Part 77 (General), on November 21.

FOR FURTHER INFORMATION CONTACT: Dr. Donald N. Bigelow, Office of Postsecondary Education, U.S. Department of Education, (Room 3060, ROB-3), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245-2347.

(20 U.S.C. 1134 et seq.)

(Catalog of Federal Domestic Assistance No. 84.094; Graduate and Professional Opportunities Fellowships and Institutional Grants Program, Public Service Education Program, and Domestic Mining and Mineral and Mineral Fuel Conservation Fellowship Program)

Dated: February 10, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-5179 Filed 2-12-81; 8:45 am]

BILLING CODE 4000-01-M

Data Acquisition Activities Involving Educational Agencies and Institutions

AGENCY: Department of Education.

ACTION: Notice of data acquisition activities involving educational agencies and institutions.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by Pub. L. 95-561, require public announcement of certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981-82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary through the Federal Education Data Acquisition Council (FEDAC).

DATES: Comments must be received by March 16, 1981.

ADDRESSES: Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

FOR FURTHER INFORMATION CONTACT: Mr. Wallace R. McPherson, Division of Education Data Control, (Room 4522 Switzer), 400 Maryland Avenue, SW, Washington, D.C. 20202, Telephone: (202) 472-3554. The contact persons listed in conjuction with the individual summaries are the ones to whom questions concerning a data acquisition activity should be directed.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs.

Interim FEDAC review procedures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

Data activity plan summaries of proposed data acquisition activities for School Year 1981-82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite listing of known data acquisition activities planned for School Year 1981-82 will be published by February 15, 1981.

Dated: February 10, 1981.

T. H. Bell,

Secretary of Education.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Supplemental Information for Local Education Agency Grants Under the Emergency School Aid Act.

(b) Name of the Sponsoring Agency/Bureau Office: Office for Civil Rights.

(c) Agency Form Number: AS/CR 532-1 and 532-2.

(d) Justification: The Office for Civil Rights has been delegated the responsibility for evaluating the compliance status of those schools wishing to receive Emergency School Aid Act (ESAA) funds. The Office has found the supplemental information forms to be the most suitable and reliable way of gathering compliance data from the applicant school districts. The ESSA application data has proven inadequate for compliance determination, since the level of detail required by OCR is not contained in the application form.

The data from the supplemental information forms is used by OCR regional staffs to detect patterns of possible discrimination in specific areas, such as student disciplinary actions, special education programs, and faculty assignment. It is necessary to look into the various classes, programs, and activities offered by the schools in order to compare and evaluate minority representation in them.

(e) Description of Survey Plan: The supplemental information forms will be sent to approximately 550 school districts containing about 6,600 individual schools. The list is developed by the Office of Equal Education Opportunity and is comprised of those schools applying for or receiving ESAA funds.

(f) Tabulation and Publication Plans: None.

(g) Time Schedule for Data Collection and Publication: Forms will be mailed in August with a return date of October 15. Forms must be returned no later than the date set by the Office of Equal Education Opportunity for the ESAA application submission.

(h) Consultations Outside the Agency: The forms in their present state contain changes made in the original draft after consultation with the members of the Civil Rights Task Force of the Committee for Evaluation and Information Systems (CEIS) of the Council of Chief State School Officers (CCSSO). Concerns of the Task Force and the resolution of those concerns are as follows:

On Form 532-1

1. The need for collecting faculty data in years preceding implementation of an ESSA plan. (This part of the faculty question was eliminated.)

2. The difficulty for respondents, especially the larger school districts, in obtaining the total number of classes with all minority or all nonminority pupils. (This question was returned to its prior "yes-no" format.)

On Form 532-2

1. The order in which Special Education definitions were placed on the instruction sheet. (The categories were ordered according to the Elementary and Secondary School Civil Rights Survey.)

2. The duplicatory nature of having respondents check "Special Education" in question 4 when question 6 is to be completed by only those schools offering special education. ("Special Education" was dropped from question 4.)

3. Confusion resulting from the wording of instructions for the "total" column. (The instructions were reworded so that they read more clearly.)

4. The order in which Special Education programs were listed in question 6. (The list was reordered.)

5. A preference for use of the subject code as opposed to the three additional columns to describe class type in 7. (The three offending columns were removed, and a column titled Subject Code was inserted. The list of code numbers for each subject appears on the instruction sheet.)

6. The removal of question 8 regarding all minority or all nonminority classes in the individual schools. (This question was eliminated.)

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Local Education Agencies	550	.25
Public El/Sec Schools	6,800	5.00

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The cost of $8,200 consists of printing, mailing, and staff time.

(l) Detailed Justification of How Information Once Collected Will Be Used: OCR regional personnel use the collected data to:

1. Identify discriminatory recruitment and employment of principals, teachers, and head coaches.

2. Determine if pupils of limited English proficiency are receiving remedial services.

3. Determine if minority pupils are effectively excluded from programs for the gifted and talented.

4. Determine if disproportionate disciplinary action is taken against minority pupils.

5. Determine if a disproportionate number of minority students are assigned to special education classes.

6. Identify disproportionate minority classroom representation.

(m) Methods of Analysis: No analysis.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The following statutes and regulation provide legislative authority for the supplemental information forms:

Pub. L. 95-561, Emergency School Aid Act, November 1, 1978 Sec. 610. (a) Any local educational agency desiring to receive assistance under this title shall submit to the Assistant Secretary, at such time, in such form, and containing only such information as the Secretary and the Assistant Secretary deem necessary to carry out their functions under this title, an application * * * The Assistant Secretary may approve an application only when a determination that such application * * *. (12) provides (A) that the applicant will make periodic reports at such time, in such form, and containing such information as the Assistant Secretary may prescribe * * * and (B) that the applicant will keep such records and afford such access thereto as—

(i) Will be necessary to insure the correctness of such reports and to verify them,

(ii) Will be necessary to insure the public adequate access to such reports and other written materials.

Pub. L. 88-352, Title VI—Nondiscrimination in Federally Assisted Programs Sec. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. CFR Title 45, Sec. 80.6(b) Compliance reports. Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part * * *.

(o) Timetable for Dissemination of Collected Data: The collected data is for the use of OCR regional personnel. No publication is planned. Completed forms, or carbon copies, will be on file for public inspection at local education agencies, state education agencies, and regional officies.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: 33,135 hours @ $7.69 = $254,800 (approx.).

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: A copy of the data instrument or further information may be obtained from Nancy Russell, Office for Civil Rights, 5518 Switzer Bldg., Department of Education, Washington, D.C. 20202. Telephone (202) 245-0703.

(s) Brief Account of Early Involvement and Communications With Respsondent Populations: Representatives of OCR's Surveys and Data Analysis Branch and Program Support Branch met with the CEIS Civil Rights Task Force on October 21 and 22, 1980, for the purpose of discussing the 1981 supplemental information forms. The Task Force granted a "pending" rating on the first draft of the forms.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Mail-out is planned for late August, which will allow 45 days completion time for the respondents.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Request for Payment of Pell Grant Award 1981-82 Academic Year

(b) Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Program Operations/Basic Grant Branch

(c) Agency Form Number: ED 304

(d) Justification: The Basic Educational Opportunity Grant Program is a program of student financial aid which was authorized by Title IV, Part A, of the Educational Amendments of 1972 (Pub. L. 92-318) and the Educational Amendments of 1976 (Pub. L. 94-482). This program was established to guarantee a minimum amount of resources to eligible students who wish to attend postsecondary institutions.

The "Request for Payment of Pell Grant Award" will be submitted by students to a Department of Education contractor in those cases where the institution in which the student is enrolled has decided not to act as a disbursing agent for the U.S. Secretary of Education. The "Request" form is the means by which a student will submit information to the Secretary to receive payment of Pell Grant Award.

Part A—*Student Identification/Request for Payment:* This information is required for purposes of correspondence, as well as to identify the applicant for subsequent requests

for payments. This information is also used to locate the student when he changes addresses during the course of the school year and to ensure that contact can be maintained with the recipient. The student must formally request his/her payment of award and certify that s(he) is not in default or owes a refund from the Pell Grant Program, NDSL, BEOG, GSL or State Student Incentive Grant Program as required by law (20 U.S.C. 1088f, Sec. 132, Sec. 497 of the Act).

This item is also required by law (20 U.S.C. 1082, 1088g) to attest to the fact that the student is or will be receiving funds toward the cost of his education, which is the purpose of the BEOG Program and that such funds should be spent for educational purposes only. If the student should terminate his enrollment for any reason during an award period, the student certifies that he knows he may be responsible for repaying a prorated amount of any payment received to be determined by the Secretary of Education. All of the above requirements are met by having the applicant sign a statement of educational purpose. This statement is required for all students receiving financial aid under the U.S. Department of Education.

Part B—*Transfer Data:* Item 7–10 complies with the provisions of § 168.14(c), Subpart B, Standards Regulations Relating to Audits, Records, Financial Responsibility, Adminstrative Capability and Institutional Refunds, dated September 28, 1979. It states: " . . . (c) If a student indicates that he or she attended another institution, the institution the student is currently attending shall, before disbursing any Title IV funds (including Guaranteed Student Loan checks) to that student, obtain a certified financial aid transcript from the institution or institutions the student previously attended." These items are necessary to assist us in calculating the student's Basic Grant Award.

Part B—*School Identification:* (Item 11–12) This information is necessary to verfy that the institution is both eligible and participates under the Alternate Disbursement System of payment. The BEOG ID is necessary to identify the institution within the BEOG universe.

Item 13—*Institutions Academic Calendar:* Will be used to determine the type of calculation of award.

Subitem 14—*Clock Hour Institutions:* (A), (B), (C), (D) and (E) process awards for students whose academic progress is measured by the number of daily-weekly clock hours or credit hours completed but not divided into regular quarters, semesters or trimesters. These subitems are needed to comply with the Proposed Rulemaking, Volume 43, Part II dated May 15, 1978 and to implement the requirements mandated by the Education Amendments of 1976 and to calculate the students award. Subitem 14(A) A student cannot be paid an award until the hours s(he) has been paid have been completed. This information verifies subsequent requests for payments.

Subitem 15(A & B)—*Term Based Institutions:* These subitems are required to collect the dates and enrollment status for students whose academic progress is measured in credit hours for the first term in which the student is enrolled to receive his initial Pell Grant payment, and provides for the proration of awards of those students who are enrolled on less than a full-time basis.

Item 16—*Student Cost Information:* These items (A–D) are necessary to calculate total student cost, which must be used in the determiation of the student's award.

Item 17—*Termination Dates:* This item (A & B) is provided to identify those students who drop out of school and to provide an accurate calculation of their award based on their exact hours or dates of enrollment. The ending date is being requested to determine the exact number of days at a term based school that a student is to be paid for.

Item 18—*Certification by Institutional Official:* This section is necessary to certify that the applicant meets the eligibility requirements set forth in the regulations for the Program and that he or she is maintaining satisfactory progress as established by each institution. Included are statements of fact needed to confirm that the "Request" is valid.

The above items are necessary for the administration of payments to prevent abuse both by the student, recipients and institutions. They have been developed in an effort to achieve a balance between good program control and administration of the program which would not be overly burdensome to the institution.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Summer of 1981.

(h) Consultations Outside the Agency: American College Testing/Edgardo Ring/Roy Watson/Systems Development Corporation: In an effort to improve the processing of awards under the Alternate Disbursement Section we have had the institutions, and processing contractors involved in using this form, provide us with comments or criticisms regarding it after its use each year.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
BEOG recipient	40,000	[1] 5
Financial Aid Officer at postsecondary educational institutions (college, university, etc.)	850	[1] 36

[1] Minutes.

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $200,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* The "Request" form is the means by which a student submits information to ED in order to receive payment of an award. This information is required for purposes of correspondence as well as to identify the applicant for subsequent requests for payments.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 94–482, Title IV Student Assistance of Higher Education Act as amended. Section 411 ". . . (3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Secretary for such purposes, in such manner as will best accomplish the purpose of this section."

(20 U.S.C. 1070a)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request:

Respondent type	Person-hours	Cost
Pell Grant Recipient	3,320	
Financial Aid Officer	495	$4,500

(q) Evidence of any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the exact form maybe obtained from:

OSFA/DPO/BGB/Alternate Disbursement Section, Room 4651, ROB–3, 400 Maryland Avenue S.W., Washington, D.C. 20202 (ATT: Shirley Purvis).

(s) Brief Account of Early Involvement and Communications With Respondent

Populations: The ED 304 has been used as the instrument to effect the payment of the Pell award to students at ADS institutions since the implementation of the Basic Grant Program. Any additions or changes are published in the **Federal Register** prior to publication for public comment.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The request for payment forms are to be made available the summer of 1981 and the deadline for submission of this form is May 31, 1982 or before the end of the school's academic year whichever is earlier.

(u) Specific Justification for a Multi-Year Approval: Program Regulations mandate that students are eligible to receive their Pell Grant Awards at the beginning of the award period each year. Multi-year approval would permit a more expeditious dissemination of the forms to the students receiving awards under the ADS System and payment of award on schedule.

Data Activity Plan Summary

(a) Title of Proposed Activity: 1981–82 ADS Student Report (Request for Additional Payment).

(b) Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Program Operations/Basic Grant Branch.

(c) Agency Form Number: ED 304–1.

(d) Justification: The Pell Grant Program is a program of student financial aid which was authorized by Title IV, Part A, of the Education Amendments of 1972 (Pub. L. 92–318) and amended by the Education Amendments of 1976 and 1980. This program was established to guarantee a minimum amount of resources to eligible students who wish to attend postsecondary institutions.

The 1981–82 ADS Student Report (Request for Additional Payment) will be submitted by Pell grant recipients as a vehicle to request additional payments when eligible for them. It will be submitted as the student enrolls for additional terms or at the completion of required first payment hours at clock hour institutions. The student must first have submitted the primary "Request" form for payment of the first term or the first half of the student's hours of his or her program. This form will ask for a minimum amount of information to supplement that already submitted on the primary "Request" form and will be used to confirm previous information submitted for payment.

Section 1—Comments: The ADS Student Report has three purposes: (1) Notification of Award and Payment, (2) Request for Additional Payments, and (3) Request for Additional/Corrected Information.

Once the initial Request for Payment form has been processed, the student will be notified of the amount of his award by means of the ADS Student Report. This report is retained by the student until time to request an additional payment or to supply correct or additional information needed for processing the student's Basic Grant award.

Section 2—Information from your Request for Payment: This information will be preprinted on the form based on information submitted on the form 304 for identification of the recipient and ease of verification of data submitted by the institutional official regarding the student's program as well as the amount the student was paid.

Section 3—Request for Additional Information/Payment: The institutional official must provide the information requested on this form as specified in Section 1 when the student is eligible to receive an additional payment or to provide us with additional information to process a payment. This section also provides the space to indicate the term or period for which an additional payment is to be requested. This information is checked to verify that the institution is not requesting payment for a period or hours that have already been paid.

Section 4—School Certification: The institutional official certifies that the student continues to meet program eligibility requirements of the program at that institution and s(he) is presently enrolled.

Section 5—Student's Signature: Student must sign this section in order to request an additional payment and verify the address to where s(he) wants her/his Basic Grant check mailed.

There are instructional sheets attached to the Form 304–1 to assist the institutional official in filling out the Form 304–1.

The instructional sheets also advise the student of his/her award, any problems that might need corrections, and who to go to for help.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: The ED Form 304–1 is sent to every student that completes ED Form 304. Therefore, it can be submitted for processing whenever the student is eligible to receive an additional payment. The student is then notified again of the results of the information sent in for payment. Information collected on the Form 304–1 is not published for general distribution to the public.

(h) Consultations Outside the Agency: Private consultants from the American Institute of Research, as well as the students and institutions that use this form are involved in the review and improvement of this form.

(i) Estimation of Respondent Burden

Respondent type	Number	Estimate of average person-hours
Pell grant	40,000	[1] 5
Financial Aid Officer at postsecondary educational institutions (college, univeristy, etc.)	850	[1] 35

[1] Minutes.

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $200,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* The "ADS Student Report" (Request for Additional Payment) form is the means by which a student submits information to ED in order to correct or provide information to receive additional payments of their Pell Grant awards. If student does not return this form with the necessary information to generate his/her payment, they will not receive any additional payments from the Pell Grant program.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 94–482, Title IV Student Assistance of Higher Education Act as amended. Section 411 ". . . (3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Secretary for such purposes, in such manner as will best accomplish the purpose of this section." (20 U.S.C. 1070a)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

Respondent type	Person-hours	Cost
Pell grant	[1] 5	
Financial Aid Officer	[1] 35	[2] $4,500

[1] Minutes.
[2] Processing of 304 & 304–1.

(q) Evidence of any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the exact form may be obtained from:

OSFA/DPO/BGB/Alternate Disbursement Section, Room 4651, ROB-3, 400 Maryland Avenue SW., Washington, D.C. 20202 (ATTN: Shirley Purvis).

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The ED Form 304-1 has been used as the instrument to collect additional payment information from Pell Grant recipients since the implementation of the Pell Grant Program. Institutions and students are requested to provide us with comments or criticism regarding the use of this form in applying for additional payments during the school year. Any additions or changes are published in the **Federal Register** prior to the publication of this form for public comment.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The ADS Student Report is only filled out when the student is eligible to receive an additional payment from the Pell Grant program. The dealines for submission of any requests for additional payment are published in the **Federal Register**, Office of Student Financial Assistance Bulletin (sent to all Basic Grant institutions for distribution to eligible students), Basic Grant Handbooks, ED Form 304, and ED Form 304-1.

(u) Specific Justification for a Multi-Year Approval: Program Regulations mandate that students are eligible to receive payment as soon as they produce the appropriate documents for payment. Multi-year approval would permit a more expeditious processing of the students payments once the school year has begun.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Evaluation of the Special Services for Disadvantaged Students Program: A First Follow-Up.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Management, Office of Evaluation and Program Management, Office of Program Evaluation, Postsecondary Programs Division.

(c) Agency Form Number: ED 627-13.

(d) Justification: The study will examine the benefits to students of participation in Special Services for Disadvantaged Students (SSDS), project activities. The benefits include persistence in postsecondary education, educational aspirations, student financial aid received, and perceived helpfulness of project activities. Data from the base-year study (academic year 1979-80) will be linked to form an expanded data base.

(e) Description of Survey Plan: Freshmen in the base-year study (academic year 1979-80) will be mailed the survey instrument. Telephone interview data based on a sample will be used for nonresponse bias adjustment.

(f) Tabulation and Publication Plan: The final report, describing procedures and findings, will be disseminated to ERIC and the public upon request. An executive summary of the findings will be distributed to the Congress and interested members of the educational community.

(g) Time Schedule for Data Collection and Publication: The mail survey will be conducted from 9/81 thru 12/81. Telephone interviews with the sample of nonrespondents will continue through 1/82. The final report is scheduled to be completed by 6/82.

(h) Consultations Outside the Agency: The Policy Advisory Group employed in the base year study will also aid the first follow-up. This group consists of Special Services for Disadvantaged Students project directors, postsecondary education institutional administrators, and methodological experts.

(i) Estimation of Respondent Reporting Burden: Approximately *6,000 students in postsecondary education* are expected to respond. The average person-hours per response is estimated to be 0.5 hours.

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $450,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: For all students in the sample, the data will include educational history, financial aid received, participation in and helpfulness of special service type activities, educational plans and aspiration. When linked with data from the base-year study and extant data concerning postsecondary educational institutions, the total data set will be examined for evaluation of student impact. Differing types and levels of participation in SSDS and SSDS-like activities will be compared in terms of benefits to students.

(m) Methods of Analysis: Descriptive and relational analyses will be conducted. Descriptive techniques include cross-tabulations, indices of central tendency (e.g. means, medians), and indices of variability (e.g. ranges, variances). Relational analyses will be conducted using log-linear and structural equation techniques.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: ". . . the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs . . . such report shall . . . contain information on the progress being made . . . describe the cost and benefits of the applicable program . . . identify which sectors of the public receive the benefits of such program . . ." (20 U.S.C. 1226C).

(o) Timetable for Dissemination of Collected Data: The final report and executive summary of findings will be available by Fall, 1982. Computer tapes and documentation of the data will be available to users by October, 1982.

(p) Estimate of the total Person-Hours and Costs Required To Complete the Request: Approximately 6,000 students will respond with an average time of 30 minutes. This yields a total burden of 3,000 person-hours. At the minimum wage, the cost to respondents is approximately $9000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: C. Dennis Carroll, U.S. Department of Education, Office of Management, Office of Evaluation and Program Management, Office of Program Evaluation, Postsecondary Programs Division, B635 Transpoint, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: This study is a continuation of a longitudinal evaluation of the effects of SSDS. Respondents were contacted in the Fall, 1980 and will be contacted in the Spring, 1981. At these times, students complete mail surveys.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Respondents will have 3 months to respond.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Fiscal Operations Report 1980-1981 Award Period (July 1, 1980 through June 30, 1981) and Application to Participate 1982-1983 Award Period (July 1, 1982 through June 30, 1983)—National Direct Student Loan, Supplemental Educational Opportunity Grants, and College Work-Study Programs.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education—Office Student Financial Assistance—Division of Program Operations.

(c) Agency Form Number: ED Form 646.

(d) Justification: The Higher Education Act of 1965, as amended, requires an institution to apply and subsequently report the expenditures for the National Direct Student Loan, the Supplemental Educational Opportunity Grants and the College Work-Study Programs on an annual basis. The data submitted on the document will be used by the Department to determine the institution's funding need for the 1982–1983 Award Period. The document will provide data to assess program effectiveness and accountability of fund expenditures. Also the data will be used in conjunction with institutional program reviews to assess the administrative capability of the applicant and compliance enforcement. The data is not available from any other source.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication:

Method of Collection: Mail.
Time of Collection: Fall, 1981.
Frequency: Annually.
Contact: Institution's Financial Aid Administrator.

(h) Consultation Outside of Agency: In previous years, representatives of the National Association of Student Financial Aid Administrators (NASFAA) and the National Association of Colleges and University Business Officers (NACUBO) in conjunction with institutional representatives have reviewed and approved the document. Also billing services have been included in the review and approval of the document.

(i) Estimation of Respondent Reporting Burden: The range of time required to complete the form involves several variables: (1) Number of programs in which respondent is currently participating; (2) year of participation; (3) whether a "first-time" or continuing application; (4) funding levels requested; (5) type of institution. More specifically, an applicant institution which participated during the 1980–81 Award Period is required to submit the applicable fiscal report portions, as well as the 1982–1983 application portion. Neither a "first-time" applicant for the 1981–1982 Award Period nor a "first-time" applicant for the 1982–1983 Award Period will complete the fiscal report portion. An institution applying for the special Samoa/Trust Territory College Work-Study Program funds for the 1982–1983 Award Period is required to complete an additional one line of data (Part D) of the application portion.

For the Award Period 1981–1982, we have estimated that a total of 4,300 institutions would respond with the combined form. To allow 200 "first-time" applicants for the 1982–1983 Award Period, we have estimated a total of 4,500 respondents with an estimated respondent time of 27 hours for a total of 121,500 hours.

Respondent type	Estimated number	Estimate of average person-hours
Continuing institutions:		
College and universities	2,494	112
Vocational/technical	516	9
Proprietary institutions of post-secondary education	1,290	22
New institutions:		
Vocational/technical	15	1
Proprietary institutions of post-secondary education	185	17
Total (estimated)	4,500	27

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The total direct cost to the federal government (including processing cost and staff personnel) is estimated to be $40,000 per year.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* The relative institutional financial need which will be the basis to compute by formula the amount of funds needed by each institution to operate one or more of the campus-based programs during the 1982–1983 Award Period is determined by the data reported on this form. The data will also be used to assess program effectiveness and accountability of fund expenditures to ED under the authority previously cited. In addition, the data will be used in conjunction with institutional program reviews to assess the administrative capability of the applicant and compliance enforcement.

Evaluation: (1) Data collected will allow a standard measure of relative institutional need culminating in a level of funding for institutions requesting participation in one or more of the programs; (2) Data will also be used to develop a data base sufficiently comprehensive and reliable to drive funding formulas based on verifiable data input; (3) Expenditure data will be used to calculate past utilization of funds awarded; (4) Data regarding collection activities relating to the NDSL Program will be used for the computation of institutional default rates and the identification of poorly administered operations which may require on site monitoring and additional training of institutional personnel.

Research: The data collected will be used for the purposes of (1) evaluation of the new funding process; (2) initiation of a specific procedure which will enable institutions to determine long-range disbursement needs; and (3) development of a nationwide data base to evaluate future funding alternatives.

Condition of Education (1) Summarize and categorize information for the Department of Education and organizations associated with the education community, (2) response to Congressional inquiry; and (3) public dissemination.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: *Legislative authority for this activity is as follows:*

A. "include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part as are agreed to by the Secretary and the institution." (Pub. L. 92–318, 20 U.S.C. 1070b–2, Section 131(b), CFR Section 176.23) Supplemental Educational Opportunity Grants Program; "include such other provisions as the Secretary shall deem necessary or appropriate to carry out the purposes of this part." (Pub. L. 89–329, 42 U.S.C. 2754, Section 444(8), CFR Section 175.29) College Work-Study Program.

B. "Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under Section 463 and shall submit an application therefore to the Secretary, in accordance with the provisions of this part. The Secretary shall, from time to time, set dates before which such institutions must file applications under this section." (Pub. L. 92–318, Section 137(b), 20 U.S.C. 1087bb, CFR 144.5) National Direct Student Loan Program; "The Secretary shall, from time to time, set dates before which institutions in any State must file applications for allocation, to such institutions, of supplemental grant funds from the apportionment to that State for any fiscal year pursuant to subsection (a)(1)." (Pub. L. 92–318, Section 131(b)(1), 20 U.S.C. 1070b–3, CFR 176.5) Supplemental Educational Opportunity Grants Program; "include such other provisions as the Secretary shall deem necessary or appropriate to carry out

the purposes of this part" (Pub. L. 89–329, Section 444(8), 42 U.S.C. 2754, CFR Section 174.5, 6, 7) College Work-Study Program.

(o) Timetable of Dissemination of Collected Data: Data will approximately be available by the winter of 1982. The data will be available on computer, institution by institution and summarized by state.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request: Average Man Hours per Respondent 27×4,500 (Universe)=121,500 total person-hours. Estimated total cost—$526,500.

(q) Evidence of Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of Exact Data Instrument: A copy of the full plan and the data instrument(s) may be obtained in April 1981, from: Mr. Robert R. Coates, Chief, Campus and State Grants Branch, Division of Program Operations, ROB #3, Room 4642, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Department of Education's staff, in Washington and in the regions, has continuous contact with the institutions concerning the document through telephone calls and letters. The Department has established a group of financial aid administrators to meet every Spring to give us their comments on the document. Also, about two (2) months before the document's deadline date, the regional offices hold workshops to familiarize the institutions with the revised document.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection forms will be mailed to Respondent Population in September of 1981. Respondent has one (1) month to respond.

(u) Specific Justification for Multi-Year Approval: This data is required by Law to be collected annually.

Data Activity Plan Summary

(a) Title of Proposed Activity: Report on Current Biomedical Sciences Student.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services.

(c) Agency Form Number: ED 820.

(d) Justification: (1) Pub. L. 95–561, November 1, 1978, states that the purpose of the Biomedical Sciences Program is to: Introduce secondary students from an economically disadvantaged background to the challenges, opportunities, and needs of serving in communities which have a need for professionals trained in the biomedical sciences and which have an underrepresentation of individuals from such a disadvantaged background serving as medical professionals.

This form is necessary to determine if students are meeting the eligibility requirements of the program and if the projects are meeting the student retention requirements as stated in the regulations. Regulations for the Biomedical Sciences Program are contained in 34 CFR Part 647.

(2) This form will be used by the Department of Education to determine program compliance and to serve as a basis of followup on former students. Data collected from this form will be used to determine if projects have met the student retention conditions that are required for a project to continue to receive funding as stated in 34 CFR Part 647 § 1611.22 b(1–4).

(3) There is no similar data already available in the subject field which could be used for these purposes.

(e) Description of Survey Plan: (1) The respondents to the Report on Current Biomedical Sciences Student will be Biomedical Sciences Project Directors. An estimated 12 Biomedical Sciences projects will receive grants in the program year 1981-82 and will be required to respond to this form. Reports will be filled out on a flow basis as each student enters the program, and will be submitted to a data collection contractor for edit, keypunch and computer input. Data collection will be by mail, with completed forms normally mailed directly to the contractor.

(2) The data collected from this form will be handled by a data collection contractor, whose responsibilities will include:

(1) Data acquisition, edit, and preparation,

(2) Computer input and update,

(3) Maintenance of school files, and

(4) Miscellaneous requirements (e.g. periodic checks with projects for data corrections and updates).

The contractor will be made aware of the impact of the Privacy Act of 1974 on the handling of ED data, and will be in full compliance with it. Strict confidentiality will be observed in the processing and filing of sensitive material, and reproduction of such material will be performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, will be referred to ED.

(f) Tabulation and Publication Plans: The information collected from the Report on Current Biomedical Sciences Student will be used in conjunction with information which is collected from the two other individual student data reports, the Report on Former Biomedical Sciences Student and the Biomedical Sciences Certification Report. The data from these forms will be entered into the Biomedical Sciences Information System, which in turn will provide data summarizations, statistical reports, and student rosters.

It is noted that this form will be used more as a programmatic recordkeeping device than as a true survey document, and thus does not fit neatly into the requirement for a statement of tabulation and publication plans.

(g) Time Schedule for Data Collection and Publication: These forms will be returned by project directors on a flow basis.

(h) Consultations Outside the Agency: (1) This form was discussed in a conference with all Biomedical Sciences Project Directors who were given opporunities to voice their opinions on the form.

(i) Estimation of Respondent Reporting Burden: It is estimated that 12 Biomedical Sciences projects will be funded for program year 1981–82. An estimated breakdown by respondent type for program year 1981–82 is given below:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	12	4

(j) Sensitive Questions: The Report on Current Biomedical Sciences Student will collect information on individual students. This information is protected under the Privacy Act of 1974. The type of data includes:

—Name and social security number,

—Family income,

—High school grade point average, and

—Information relating to educational status.

Full acknowledgement of the responsibility involved in collecting this information has been made and a formal policy established. It will be offical policy to include in all guidelines, manuals and other pertinent program documents the following statement:

"Information or records relating to individual students or group(s) of students who are participating or have participated in Biomedical Sciences projects shall not be disclosed to any person, group, agency or organization without the express permission of the Chief, Information Systems and Program

Support Branch, Division of Student Services, U.S. Department of Education. When a project or contract terminates, all Biomedical Sciences Records in possession of the project or contractor shall be disposed of only by the authority of and in accordance with procedures approved by the Director, Division of Student Services."

(k) Estimate of Cost to Federal Government: It is estimated that the annual cost of this form will be about $2,000. This estimate includes printing and mailing costs, as well as expenses associated with data handling—edit, keypunch and computer input. In addition manpower expense is estimated to be $100.

(l) Detailed Justification of How Information Once Collected Will be Used: *Program management:* This report will serve two major functions:

(1) The monitoring of a grantee's performance in terms of the law, the regulations, and an individual grant's terms and conditions; and

(2) The evaluation of the effectiveness of individual projects as well as the effectiveness of the Biomedical Sciences program as a whole.

(m) Method of Analysis: Data will be summarized by project, and national totals. Proposed methods of analysis include: correlations, tests of significance, and analysis of variance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states:

"In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

(C) provide for making such reports as the Secretary may require to carry out his functions."

(o) Timetable for Dissemination of Collected Data: The Biomedical Sciences Project Summary, which will draw upon data from the Reports on Current and Former Biomedical Sciences Students and the Certification Report, will serve as a data base for information on students assisted. The summary report, which will be available in October, will be used for in-house purposes. Information will be disseminated from it as data is requested.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that 12 grants will be funded and that each project will require an average of 4 hours to complete the reports. A total of 48 person-hours will be needed to complete the reports at a total estimated cost of $600.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialist, ISPSB/Information Systems Section, U.S. Department of Education, Room 3514, ROB-3, 7th & D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: A "welcome aboard letter" will be mailed to project directors at the beginning of the project year along with copies of the reports that will be required to be filed. The letter will indicate the names and telephone numbers of individuals who can answer any question. Each year workshops will be held for project directors in which the report forms will be thoroughly discussed.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Since data will be gathered on a flow basis as students enter the program, there is not one specified due date.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is justifiable as it would minimize the burden for the project directors to use the same forms throughout the grant.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Report on Former Biomedical Sciences Student.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services.

(c) Agency Form Number: ED 821.

(d) Justification: (1) Pub. L. 95-561—November 1, 1978 states that the purpose of the Biomedical Sciences Program is to: Introduce secondary students from an economically disadvantaged background to the challenges, opportunities, and needs of serving in communities which have a need for professionals trained in the biomedical sciences and which have an underrepresentation of individuals from such a disadvantaged background serving as medical professionals.

This form is necessary for determining program compliance. Regulations for the Biomedical Science Program are contained in 34 CFR Part 647.

(2) The data collected from this form will provide significant, quantifiable measures of program success. These measures of program success include, but are not limited to, the number of students who completed the program and the number of students who will pursue careers in the Biomedical Sciences field.

The data summarizations, which will be comprised from data collected from the Reports on Current and Former Biomedical Sciences Students and the Certification Report will be assembled on a project as well as a program basis. They can then be used to estimate a particular project's performance, as well as to measure general program success. Besides program and project management functions and performance measurements, these data summarizations will provide information used in program accountability, program evaluation and any other area where some type of assessment of Biomedical Sciences program activities is required. Data from these reports will also be used by the Department of Education to respond to various ad hoc inquires concerning the program, its participants, and its achievements.

(3) There is no similar data already available in the subject field which can be used for these purposes.

(e) Description of Survey Plan: (1) The respondents to the Report on Former Biomedical Sciences Student will be Project Directors. An estimated 12 Biomedical Sciences projects will receive grants in the program year 1981-82 and will be required to respond to this form.

Reports will be filled out on a flow basis as each student leaves the program, and will be submitted to a data collection contractor for edit, keypunch and computer input. Data collection will be by mail, with completed forms normally mailed directly to the contractors.

(2) The data collected from this form will be handled by a data collection contractor, whose responsibilities will include:

(1) Data acquisition, edit, and preparation,

(2) Computer input and update,

(3) Maintenance of school files, and

(4) Miscellaneous requirements (e.g. periodic checks with projects for data corrections and updates).

The contractor will be made aware of the impact of the Privacy Act of 1974 on the handling of ED data, and will be in full compliance with it. Strict confidentiality will be observed in the processing and filing of sensitive

material, and reproduction of such material will be performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, will be referred to ED.

(f) Tabulation and Publication Plans: The information collected from the Report on Former Biomedical Sciences Student will be used in conjunction with information which is collected from the two other individual student data reports, the Report on Current Biomedical Sciences Student and the Certification Report. The data from these forms will be entered into the Biomedical Sciences Information System, which in turn will provide data summarizations, statistical reports, and student rosters.

It is noted that this form will be used more as a programmatic recordkeeping device than as a true survey document, and thus does not fit neatly into the requirement for a statement of tabulation and publication plans.

(g) Time Schedule for Data Collection and Publication: These forms will be returned by project directors on a flow basis.

(h) Consultations Outside the Agency: This form was discussed in a conference with all Biomedical Sciences Project Directors who were given opportunities to voice their opinions on the form.

(i) Estimation of Respondent Reporting Burden: It is estimated that 12 Biomedical Sciences projects will be funded for program year 1981–82. An estimated breakdown by respondent type for program year 1961–82 is given below:

Respondent type	Number	Estimate of average persons-hours
Colleges and universities	12	4

(j) Sensitive Questions: The Report on Former Biomedical Sciences Students will collect information on individual students. This information is protected under the Privacy Act of 1974. The type of data includes: Name and Information relating to educational status.

Full acknowledgement of the responsibility involved in collecting this information has been made and a formal policy established. It will be official policy to include in all guidelines, manuals and other pertinent program documents the following statement:

"Information or records relating to individual students or group(s) of students who are participating or have participated in Biomedical Sciences projects shall not be disclosed to any person, group, agency or organization without the express permission of the Chief, Information Systems and Program Support Branch, Division of Student Services, U.S. Department of Education. When a project or contract terminates, all Biomedical Sciences Records in possession of the project or contractor shall be disposed of only by the authority of and in accordance with procedures approved by the Director, Division of Student Services."

(k) Estimate of Cost to Federal Government: It is estimated that the annual cost of this form will be about $2,000. This estimate includes printing and mailing costs, as well as expenses associated with data handling—edit, keypunch and computer input. In addition manpower expense is estimated to be $100.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* This report will be used in evaluating the effectiveness of individual projects as well as the effectiveness of the Biomedical Sciences program as a whole. The data will provide significant quantifiable measures of program success. The data summarizations, which will draw upon data from this form, will provide information to be used in program accountability, program evaluation and any other area where some type of assessment of Biomedical Sciences program activities is required.

(m) Method of Analysis: Data will be summarized by project, and by national totals. Proposed methods of analysis include: correlations, tests of significance, and analysis of variance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states: In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

* * * * *

(C) Provide for making such reports as the Secretary may require to carry out his functions.

(o) Timetable for Dissemination of Collected Data: The Biomedical Sciences Project Summary, which will draw upon data from the Reports on Current and Former Biomedical Sciences Students and the Certification Report, will serve as a data base for information on students assisted. The report, which will be available in October, will be used for in-house purposes. Information will be disseminated from it as data is requested.

(p) Estimate of the total Person-Hours and Costs Required To Complete the Request: It is estimated that 12 grants will be funded and that each project will require an average of 4 hours to complete the reports. A total of 48 person-hours will be needed to complete the reports at a total estimated cost of $600.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialist, ISPSB/ Information Systems Section, U.S. Department of Education, Room 3514, ROB–3, 7th and D Streets SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: A "welcome aboard letter" will be mailed to project directors at the beginning of the project year along with copies of the reports that will be required to be filed. The letter will indicate the names and telephone numbers of individuals who can answer any questions. Each year workshops will be held for project directors in which the report forms will be thoroughly discussed.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Since data will be gathered on a flow basis as students enter the program there is not one specified due date.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is justifiable as it would minimize the burden for the project directors to use the same forms throughout the grant.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Biomedical Sciences Performance and Financial Status Report.

(b) Name of the Sponsoring Agency/ Bureau-Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services.

(c) Agency Form Number: ED 822.

(d) Justification: (1) Pub. L. 95–561—November 1, 1978 states that the purpose of the Biomedical Sciences Program is to: Introduce secondary

students from an economically disadvantaged background to the challenges, opportunities, and needs of serving in communities which have a need for professionals trained in the biomedical sciences and which have an underrepresentation of individuals from such a disadvantaged background serving as medical professionals.

Regulations for the Biomedical Sciences Program are contained in 34 CFR Part 647.

In accordance with Subparts I and J of 34 CFR Part 74, certain programmatic information from every Biomedical Sciences project is required on an annual basis. In addition, Standard Form 269 is included in order to report on a project's financial status.

(2) The Performance and Financial Status Report will be used almost exclusively by ED project and grants officers to monitor individual Biomedical Sciences projects. The Performance Report will be used by project officers to monitor program-related activities, while the Financial Status Report is used by grants officers to monitor the financial and business aspects for each grant.

(3) There is no similar data already available in the subject field which could be used for these purposes.

(e) Description of Survey Plan: (1) The respondents to the Performance and Financial Status Report will be Biomedical Sciences Project Directors. In program year 1981–82 an estimated 12 Biomedical Sciences grants will be funded.

(2) A data preparation contractor, will be responsible for mailing report forms, logging in and editing reports, keypunching, and compiling data. The contractor will be made aware of the impact of the Privacy Act of 1974 on the handling of ED data, and will be in full compliance with it. Strict confidentiality will be observed in the processing and filing of sensitive material, and reproduction of such material, will be performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, will be referred to ED.

(f) Tabulation and Publication Plans: No information from the Performance Report will be tabulated or printed.

(g) Time Schedule for Data Collection and Publication: (1) Report forms will be sent to the project directors in May. Reports will be due on a staggered basis depending on the ending date of the grant period. In accordance with the Education Division General Administrative Regulations the Biomedical Sciences projects will be required to submit the *Performance Report* and *Financial Status Report* as follows:

Report	Form	Period covered	Due date	Projects required to report
Annual (Projects *not* in the final year):				
Performance		Beginning to end of budget year just completed	90 days after end of budget period	Projects not in the final year.
Financial Status	269	Beginning to end of budget year just completed	90 days after end of budget period	Projects not in the final year.
Final (projects in the final year):				
Performance		Beginning to end of budget period just completed	90 days after end of budget period	Projects in the final year.
Financial	269	Cumulative for entire multiyear grant period	90 days after end of budget period	Projects in the final year.

(2) There will be no publication of the results of this report.

(h) Consultations Outside the Agency: This form was discussed in a conference with all Biomedical Sciences Project Directors who were given the opportunities to voice their opinions of the form.

(i) Estimation of Respondent Reporting Burden: It is estimated that 12 Biomedical Sciences projects will be funded for program year 1981–82. An estimated breakdown by respondent type for program year 1981–82 is given below;

Respondent type	Number	Estimate of average person-hours
Colleges and universities	12	4

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: It is estimated that the annual cost of this form will be about $275. This estimate includes printing and mailing costs. In addition, manpower expense is estimated to be $50.

(l) Detailed Justification of How Information Once Collected Will Be Used: The proposed data acquisition activity will be used: (1) In assessing individual project accomplishments of program goals; (2) in compliance enforcement by determining if grant conditions were met; and (3) in determining accountability of funds.

(m) Methods of Analysis: Information collected from this form will not be aggregated.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states: In the case of any application for assistance under any applicable program to which paragraph (l) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

* * * * *

(C) Provide for making such reports as the Secretary may require to carry out his functions.

Administrative authority comes from § 75.720 of Education Department General Administrative Regulations which states:

"(a) This section applies to the reports required under Subpart I (Financial reporting) and J (Performance reporting) or Part 74 of this title.

"(b) A grantee shall submit these reports annually, unless the appropriate official of the Education Department allows less frequent reporting."

(o) Timetable for Dissemination of Collected Data: Information from reports will be available in December of each year. There will be no dissemination other than in-house distribution among Department of Education Project Officers.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The estimated average person-hours per respondent is 4 hours. It is estimated that 12 grants will be funded which would require a total of 48 person-hours to complete the reports at a total estimated cost of $600.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialist, ISPSB/ Information Systems Section, U.S. Department of Education, Room 3514, ROB-3, 7th and D Streets, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: A "welcome aboard letter" will be mailed to project directors at the beginning of the project year along with copies of the reports that will be required to be filed at the end of the project year. The letter will indicate the names and telephone numbers of individuals who can answer any questions. Each year workshops will be held for project directors in which the report forms will be thoroughly discussed.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Date will be collected on a staggered basis depending on project expiration dates amd will take place from May thru December. Project directors will be sent copies of the reports at the beginning of the project year and will be notified when they will be due. Report forms will be sent again to all project directors six weeks before they are due.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is justifiable as it would minimize the burden for the project directors to use the same forms throughout the grant.

Date Activity Plan Summary

(a) Title of the Proposed Activity: Biomedical Sciences Program Certification Report.

(b) Name of the Sponsoring Agency/ Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services.

(c) Agency Form Number: ED 823.

(d) Justification: (1) Pub. L. 95-561—November 1, 1978 states that the purpose of the Biomedical Sciences Program is to: Introduce secondary students from and economically disadvantaged background to the challenges, opportunities, and needs of serving in communities which have a need for professionals trained in the biomedical sciences and which have an underrepresentation of individuals from such a disadvantaged background serving as medical professionals.

This report is necessary to determine if students are meeting the eligibility requirements of the program and if the projects are meeting the student retention requirements as stated in the regulations. The regulations for the Biomedical Sciences Program are contained in 34 CFR Part 647.

(2) This report will be used in conjunction with the Current and Former Biomedical Sciences Student Reports to confirm student eligibility for continuation in the project and project eligibility for continuation of funding.

The data summarizations, which will be comprised from data collected from this form and from both the Current and Former Biomedical Sciences Student Reports, could be assembled on a project as well as a program basis. They will then be used to estimate a particular project's performance, as well as to measure general program success.

Besides program and project management functions and performance measurements, these data summarizations will provide information to be used in program accountability, program evaluation and any other area where some type of assessment of the Biomedical Sciences program activities is required.

Data from these reports will also be used by the Department of Education to respond to various ad hoc inquires concerning the program, its participants, and its achievements.

(3) There is no similar data already available in the subject field which can be used for these purposes.

(e) Description of Survey Plan: (1) The respondents to this report will be Biomedical Sciences Project Directors. An estimated 12 Biomedical Sciences projects will receive grants in the program year 1981-82 and will be required to respond to this form.

(2) The data collected from this report will be handled by a data collection contractor whose responsibilities will include:

(a) Data acquisition and preparation.

(b) Computer input and update.

(c) Maintenance of school files.

The contractor will be made aware of the impact of the Privacy Act of 1974 on the handling of ED data, and will be in full compliance with it. Strict confidentiality will be observed in the processing and filing of sensitive material, and reproduction of such material will be performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, will be referred to ED.

(f) Tabulation and Publication Plans: The information collected from this report will be used in conjunction with information which will be collected from the two other individual student data reports, the Reports on Current and Former Biomedical Sciences Student. The data from these reports will provide data summarizations, statistical reports, and students rosters. It is noted that this form will be used more as a programmatic record-keeping device than as a true survey document, and thus does not fit neatly into the requirement for a statement of tabulation and publication plans.

(g) Time Schedule for Data Collection Publication: Data from this report will be collected annually and will be due in August.

(h) Consultations Outside the Agency: (1) This form was discussed in a conference with all Biomedical Sciences Project Directors who were given opportunities to voice their opinion on the form.

(i) Estimation of Respondent Reporting Burden: It is estimated that 12 Biomedical Sciences projects will be funded for program year 1981-82. An estimated breakdown by respondent type for program year 1981-82 is given below:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	12	25

(j) Sensitive Questions: The report will collect information on individual students. This information is protected under the Privacy Act of 1974. The type of data includes:

—Name and social security number.

—Information relating to satisfactory completion of requirements for continuation in the Biomedical Sciences Program.

—Attendance in summer program.

Full acknowledgement of the responsibility involved in collecting this information has been made and a formal policy established. It is now official policy to include in all guidelines, manuals and other pertinent program documents the following statement:

"Information or records relating to individual students of group(s) of students who are participating or have participated in Biomedical Sciences projects shall not be

disclosed to any person, group, agency or organization without the express permission of the Chief, Information and Program Support Branch, Division of Student Services, U.S. Department of Education. When a project or contract terminates, all Biomedical Sciences Records in possession of the project or contractor shall be disposed of only by the authority of and in accordance with procedures approved by the Director, Division of Student Services."

(k) Estimate of Cost to Federal Government: It is estimated that the annual cost of this form will be $275. This estimate includes printing and mailing costs, as well as expenses associated with data handling—edit, keypunch, and computer input and output. In addition manpower expense is estimated to be $50.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management: This report will be used in measuring project accomplishments, assessing program effectiveness, and in obtaining information on project retention.

(m) Methods of Analysis: The data from this report will be used in conjunction with the Reports on the Current and former Biomedical Sciences Student in updating the student records. The summarizations of the student records will be aggregated by project and national totals. Proposed methods of analysis of the summarizations include: Correlations, tests of significance, and analysis of variance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states: In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

* * * * *

(C) provide for making such reports as the Secretary may require to carry out his functions.

(o) Timetable for Dissemination of Collected Data: data collected from this report will be available in October and will be used for in-house purposes. Information will be disseminated from it as data is requested.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that 12 grants will be funded and each project will require an average of .25 hours to complete the report. A total of 3 person-hours will be needed to complete the reports at a total estimated cost of $40.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialists, ISPSB/Information Systems Section, U.S. Department of Education, Room 3514, ROB-3, 7th & D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Same as other Biomedical Sciences Reports.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: This report will be mailed to project directors at least 6 weeks before it is due. Since the form requires only 15 minutes to complete, there should be sufficient lead time.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is justifiable as it would minimize the burden for the college registrars to use the same forms throughout the grant.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Report of the Treasurer: Morrill-Nelson Funds—Aid to Land-Grant Colleges.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Postsecondary Education.

(c) Agency Form Number: ED 1275.

(d) Justification: Funds distributed under the Morrill-Nelson Act are to be used for support of instruction in certain curriculum areas. This report is necessary to identify the curriculum fields for which the funds are used and to determine compliance.

(e) Description of Survey Plan: Reports will be required from each land-grant college.

(f) Tabulation and Publication Plans: Tabulation of data will be done by the program office. The findings will be distributed to the President of the land-grant colleges as required by law.

(g) Time Schedule for Data Collection and Publication: Forms will be distributed at the end of the fiscal year. Finished reports will be due December 1. Findings will be distributed May 1.

(h) Consultations Outside the Agency: Representatives of USDA have been contacted to coordinate data collection.

(i) Estimate of Respondent Burden: The respondent burden is estimated to be two hours for preparation of the report.

Respondent type	Number	Estimate of average person-hours
Land-grant colleges	73	2

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Will Be Used: The data will be used to discover the exact curriculum areas in which instruction is supported and to determine compliance with the statute.

(m) Methods of Analysis: Cross tabulation will present descriptive data as the primary mode of analysis.

(n) Legislative Authority: Section 2 of the Second Morrill Act (7 U.S.C. 324) states that the "treasurers shall be required to report to the Secretary a detailed statement of the amount so received and of its disbursement."

(o) Timetable for Dissemination of Collected Data: See (g).

(p) Estimate of Total Person Hours and Costs Required To Complete the Request: 146 person hours—$1,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of Exact Data Instrument: Copies may be obtained from John E. Donahue, Office of Postsecondary Education, U.S. Department of Education (Room 3717, ROB-3), 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement With Respondents: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply: Respondents long experience with this requirement insures that the timetable allows sufficient time to respond.

(u) Specific Justification for Multi-Year Approval: Data is required by statute. The program has been operating since 1890 and is unlikely to cease operation any time in the near future.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Certification as to Use of Federally Assisted Facilities under Title VII, HEA.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/OPE/OIS/Academic Facilities Branch Division of Facilities and General Support Programs.

(c) Agency Form Number: ED 1308.

(d) Justification: 1. The information is necessary for the Department of Education to determine whether or not an institution is meeting its facilities

space utilization requirements for projects funded under Title VII of the Higher Education Act of 1965, as amended.

2. The information will be used only by the Department of Education program to determine that statutory requirements relating to facilities use, are being met.

3. There is no similar data available which can be used for this purpose.

(e) Description of Survey Plan: 1. To gather information related to: (1) The name of the institution, (2) the project number(s), (3) description of the facilities, (4) the utilization of the facilities, (5) the maintenance of the facilities, (6) the equipment in the facilities, (7) insurance coverage, and (8) certification as to the correctness of the statements.

2. The form has been used for several years without any problems. Accordingly, there is no plan for a protest. If an institution fails to respond, the Department of Education, in order to meet its obligation in administering the Title VII program, would need to obtain the information in some other manner, such as through an on-site visit.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: 1. The form is used on a selective basis, as determined by the Department of Education. It is used at least once every five years, but no more often than once every year, during the 20-year period of Federal interest.

2. There are no published results. The information is used only by the Department of Education.

(h) Consultations Outside the Agency: 1. No one outside the Department was consulted since only basic, minimum information, necessary to ascertain that statutory requirements are met, is being requested.

2. The information is readily available at the institutions.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	1,800	½

1. Through several years of experience by the Department in working with respondents preparing the information, the Department has determined the estimated average person-hour to be ½ hour.

2. Normally, not much time is needed to gather and compile the data.

3. The reporting burden does not vary to any extent, unless ineligible space utilization is involved. In that case, additional information is required.

(j) Sensitive Questions: Only basic questions relating to space utilization are involved. Thus, there are no sensitive questions.

(k) Estimate of Cost to Federal Government: $2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information is used to ascertain whether or not an institution is using Title VII supported facilities in accordance with the statutory requirements during the period of Federal interest.

(m) Methods of Analysis: Only descriptive data concerning facilities space utilization as provided for in the form.

(n) Legislative Authority Specifically Requiring or Allowing the Date Collection: If within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under part A or B of this title—

1. The applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

2. The facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility', unless the Secretary determines that there is good cause for releasing the institution from its obligation; the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility finances with the aid of such grant or grants. (Section 741(b) of Title VII of the Higher Education Act of 1965; Pub. L. 89–329, as amended by Pub. L. 96–374, 20 U.S.C. 1132e).

(o) Timetable for Dissemination of Collected Data: The information is used only by the Department of Education. There is no dissemination of collected data.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: $2,700 for 900 person-hours.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: N/A, since the forms are used by the Department of Education on a selective basis.

(r) Copy of the Exact Data Instrument: Thomas F. McAnallen, Chief, Academic Facilities Branch, Office of Institutional Support, Office of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Continuous contacts, over a period of years, have been made with respondents who are asked to prepare the information.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: N/A, since respondents are selected on a random basis.

(u) Specific Justification for a Mult-Year Approval: There is a 20 year period of Federal interest. Accordingly, a multi-year approval is a must.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Status and Performance Report for Community Service and Continuing Education Programs, Title IA, HES (State Grant Program at designated State Agency).

(b) Name of Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Higher and Continuing Education, Community Service and Continuing Education Branch.

(c) Agency Form Number: ED 3092.

(d) Justification: Pub. L. 89–329, Section 105(a); 20 U.S.C. 1005; Sec. 113(b); 20 U.S.C. 1013.

(1) Funds will be expended solely for community service and continuing education programs including resource materials sharing programs; (Sec. 105(a)(2), HEA).

(2) Funds will be used not to supplant State and local funds or funds of institutions of higher education, but to supplement and increase the amounts of such funds; (Sec. 105(a)(4), HEA).

(3) There will be fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State; (Sec. 105(a)(5), HEA).

(4) It is required that each State after the end of any fiscal year submit a report on the use of Federal funds in that State under any applicable program for which the State is responsible for administration; (Sec. 437(a) of Pub. L. 93–380, General Education Provisions Act).

(5) At the end of each fiscal year for which money has been received the State will submit a list of the programs or projects assisted and a brief description on the project's purposes; (Sec. 113(b), HEA).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Yearly recordkeeping requirement as of December 31 each year.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Postsecondary education Commission or universities	[1]55	[2]16

[1] One per State.
[2] Per State.

(j) Sensitive Questions: None

(k) Estimate of Cost to Federal Government: $5,800.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program management; determining the use of funds, assuring compliance with the legislation requirements for matching funds, supplementing rather than supplanting of funds, and assessment of new, expanded or improved community service and continuing education programs, including resource sharing programs.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

". . . Federal funds made available under this title will be so used as not to supplant State or local funds, . . . but to supplement and, to the extent practicable, to increase the amount of such funds that would in the absence of such Federal funds be made available . . ." Sec. 105(a)(4), Pub. L. 89–329.

". . . Such Fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State . . . under this title." See 105(a)(5).

". . . funds paid to the State . . . will be expended solely for community service programs and continuing education programs . . ." Sec. 105(a)(2), Pub. L. 89–329, (20 U.S.C. 1005).

". . . The Secretary shall require that each State submit to him . . . a report on the uses of Federal funds in that State under any applicable program . . ." Sec. 437(a), Pub. L. 93–380.

". . . A State shall submit . . . at the end of each fiscal year for which sums have been received a list of programs assisted under this part, a brief description of the purposes of the programs, and an analysis of the relationship between the grants and contracts awarded under this part and comprehensive statewide planning for postsecondary education." Sec. 113(b), Pub. L. 89–329, amended by Pub. L. 96–374; (U.S.C. 1013).

(o) Timetable for Dissemination of Collected Data: Section 437(b) of the General Education Provision Act, Pub. L. 93–380 as amended (88 Stat. 571) states ". . . On or before March 31 of each year, the Secretary shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilaton of data derived . . ." Section 422(b) of GEPA also states that ". . . The Secretary's report shall be submitted to the Congress no later than June 30 of each calendar year . . ." Data is made available to the States and others at that time.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 880. Total of $27,500 nationwide for 55 States and Territories.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Form may be obtained from: John D. Adams, CSCE Branch, Office of Higher and Continuing Education, Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Telephone contacts, and personal conversations with CSCE State Program Administrators plus mailout of form including instructions no less than thirty days prior to the end of the fiscal year.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Discussions with each State Agency has prepared them for planning and completing their financial information, statistical data and evaluation of operations. This report is due 90 days after the end of the fiscal year as required by statute, or December 31 of each calendar year.

(u) Specific Justification for a Multi-Year Approval: Due to the routine nature of the form and its data, the consistency of the request, and the successful use of the form in the past coupled with the law requiring the information, a multi-year approval should be made. Such a standardization indicates to the State agencies what information to collect in advance and leads to a much better relationship due to familiarity with the data collection form.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Applications for Grants Under Indian Education Program (new applications only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: Ed Form 267.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Indian tribes and organizations	225	100
Institutions and Higher Education	25	100

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost To Federal Government: $2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be read and evaluated by panels of field readers who will score each application on the basis of published selection criteria. Applications will also be reviewed by Department personnel to determine eligibility, to make final grantee selection and to determine the amount of grants.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Secretary."

(20 U.S.C. 3385(c), (f)(1))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 25,000 person hours at a cost of $250,000 will be required.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Indian Education Program (noncompeting continuations only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 267-1.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Indian tribes and organizations	35	40
Institutions of higher education	5	40

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justifications of How Information Once Collected Will be Used: Applications will be reviewed by personnel in the Department of Education to make determinations on whether or not to continue funds for multi-year grants and to determine the amount of funds to be awarded for the second and third years of those grants.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Secretary."

(20 U.S.C. 3385(c), (f)(1))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 1,600 person hours at a cost of $16,000 will be required.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Status Report, Indian Education.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED 354.

(d) Justification: This form is used by Department of Education personnel to determine whether or not grantees have spent funds for budgeted activities and to determine whether or not any grant funds remain unexpended at the end of the budget year.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: This is not a new form and its use is agency-wide.

(i) Estimation of Respondent

Respondent type	Number	Estimate of average person-hours
Local educational agencies	1,151	3
Organizations other than schools or educational agencies	90	3
Colleges and universities	11	3

(j) Sensitive Questions: There are no sensitive questions in this form.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Forms will be reviewed by grant officials in the Education Department to determine whether expenditures have been made in agreed-upon categories and if all funds have been spent. In the case of multi-year grants, any unexpended funds will be subtracted from the next award. In the case of grants that have expired, instructions will be sent to the grantees on how to return unexpended funds to the government.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Grant applications "shall . . . (7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may

reasonably require . . ." (Pub. L. 92–318, Part A, Section 305(a)).

"§ *100a.720 Financial and performance reports.* (a) this section applies to reports required under 45 CFR Part 74, Subpart I (financial reporting) and Subpart J (performance reporting). (b) A grantee shall submit these reports annually, unless the appropriate official of the Education Division allows less frequent reporting." (45 CFR 100a.720)

(o) Timetable for Dissemination of Collected Data: Reports are generally due each September 30. They are not disseminated outside the Department.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request:

Person-hours and cost

3,756 ..... $37,560

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the Office of Indian Education, U.S. Department of Education, 400 Maryland Ave., SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Respondents have been using this form for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Grantees have 90 days after the end of each grant period to submit reports.

(u) Specific Justification for a Multi-Year Approval: This is a routine administrative form that is used annually by most Department of Education programs.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Indian Education Annual Grant Performance Report.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED 354–1.

(d) Justification: This form will be used to satisfy the statutory requirement in the Indian Education Act that grantees make an annual report to enable the Department to determine the extent to which funds have been effective in improving educational opportunities of Indian students.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Local educational agencies	1,151	20
Organizations other than schools or education agencies (Indian tribes, Indian organizations, Indian institutions)	90	20
Colleges and universities	11	20

(j) Sensitive Questions: There are no sensitive questions in this form.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information gained from these annual reports will be used by the Department of Education: (1) To determine the extent to which funds have been effective in improving educational opportunities of Indian students; (2) in making decisions about future funding of projects; and (3) in maintaining a data base on the kinds of programs operated and the numbers and kinds of people served for use in policy and budget planning.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Grant applications "shall . . . (7) provide for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served . . ." (Pub. L. 92–318, Part A Section 305(a)).

"§ *100a.720 Financial and performance reports.* (a) This section applies to the reports required under 45 CFR Part 74, Subpart I (financial reporting) and Subpart J (performance reporting). (b) A grantee shall submit these reports annually, unless the appropriate official of the Education Department allows less frequent reporting."

(45 CFR 100a.720).

(o) Timetable for Dissemination of Collected Data: Reports will generally be due September 30 of each year.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request:

Person hours and cost

25,040 ..... $250,400

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the Office of Indian Education, U.S. Department of Education, 400 Maryland Ave., SW., Washington, D.C. 20202. (ATTN: P. Mathews).

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Respondents have been using a Grant Performance Report form for Indian Education Act programs for several years. That form will be modified somewhat to provide more useful information.

(t) Assurance That Repondents Will Have Sufficient Lead Time To Comply With Request: Grantees are required to submit performance reports annually and not later than 90 days after the end of the budget period.

(u) Specific Justification for a Multi-Year Approval: Once revisions are made, this form will be used on a routine basis annually by all grantees under the Indian Education Act.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Preapplication for Federal Assistance (Construction) Pub. L. 81–815. Application for Federal Assistance (Construction) Pub. L. 81–815.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office of Elementary and Secondary Education/Dvision of Impact Aid/School Construction Branch.

(c) Agency Form Number: ED 355, ED 355–1.

(d) Justification: To be considered for assistance an LEA must file a preapplication. An Applicant whose preapplication is determined to be eligible for funding must file an application.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Priorities are calculated for all eligible pre-applicatiosn received before the cutoff date. Entitlements are incuded in the Annual report.

(g) Time Schedule for Data Collection and Publication: A priority list of eligible applications is updated each year in November or December. The annual report is published in January of each year.

(h) Consultations Outside the Agency: Local educational agencies and State educational agencies are consulted throughout the application process.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
LEA	200	16

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $10,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program management: Data is used to determine an applicant's eligibility and entitlement.

(m) Methods of Analysis: This program is a formula grant. The percentage of federally connected membership in the local educational agency and the percentage of membership in excess of the rated capacity of the local agency's facilities yields a priority.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "No payment may be made to any local educational agency under this Act except upon application therefore . . ."

(Pub. L. 81-815, Sec. 6(a)) (20 U.S.C. 636)

(o) Timetable for Dissemination of Collected Data: Annual report containing grants made during the year is published in January. Applicants who have timely filed a preapplication (cutoff dates are normally in August) are informed of eligibility in September or October.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request:

Person-hours and cost

3,200 ..... $32,000

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Application the Data: Application forms are required by law.

(r) Copy of the Exact Data Instrument: Copies may be obtained from William W. Chase, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: This program has been in operation since 1950. Contact with State Educational agencies and local educational agencies is well established and has operated reasonably smooth over the years. Initial contact with new applicants typically involves them calling us for information.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: A new cutoff date for the receipt of applicatons will be published in the **Federal Register** in the spring. Cutoff dates usually are in August. Most applicants have filed for assistance previously and have an ongoing relationship with this program.

(u) Specific Justification for a Multi-Year Approval: This is a routine application form required by law as the basis for a grant.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Standard Application (Nonconstruction) for Migrant Education Program, Title I, ESEA.

(b) Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 362.

(d) Justification: Sec. 141. (a) Entitlement.—"A State educational agency or a combination of such agencies shall, upon application, be entitled to receive a grant for any fiscal year under this part to establish or improve, either directly or though local educational agencies, programs of education for migratory children of migratory agriculture workers or of migratory fishermen which meet the requirements of section 142."

"Sec. 142. (a) Requirements for Approval of Application.—The Secretary may approve an application submitted under section 141(a) * * *.

(20 U.S.C. 2761-2763 Pub. 93-380 as amended by Pub. L. 95-561)

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average man-hours
State education agencies	49	20
Local education agencies	1200	20

(j) Sensitive Questions: Not applicable.

(k) Estimated of Cost to Federal Government: $2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: This information will be used to determine grant eligibility and compliance with applicable regulations.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(1) Legislative Authority—see item (d). (Sec. 141(a) of the Elementary and Secondary Education Act, as amended by Pub. L. 95-561, 20 U.S.C. 2761-2763).

(2) Regulatory Authority—"To receive a grant, an SEA shall submit to the Secretary as application * * * (45 CFR 116d.3 ESEA, Title I Migrant Education Program Regulations November 13, 1978).

(o) Timetable for Dissemination of Collected Data:

Date of Availability: October 1, 1981.

Method of Dissemination: (1) Each State education agency will conduct a 30 day comment period on the State application prior to submittal to the U.S. Department of Education. (2) Completed ED 362's will be available for perusal upon request.

Data to be disseminated: All respondents will be required to provide information requested on the standard non-construction application for Federal assistance, including the standard face page SF-242. Part IV, the Program Narrative incorporates requests for information based on statutory and regulatory needs.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request:

Respondent	Person-hours	Cost
State education agency	960	$18,240
Local education agency	24,000	285,000

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be otained by contacting the Office of Migrant Education, 400 Maryland Avenue, SW., ROB-3-3608, Washington, D.C. 20202, Mr. Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Not applicable.

(t) Assurance That Responents Will Have Sufficient Lead Time To Comply With Request: A Notice of Closing Date was published on December 23, 1980 in the **Federal Register** indicating that State application should be received by the Office of Migrant Education on or before April 15, 1981 for migrant education programs beginning in July or

October 1981. An applicant may request a waiver of the closing date with a written justification for the change.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for disaster assistance under section 7 of Pub. L. 81–874.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Elementary and Secondary Education.

(c) Agency Form Number: ED–423.

(d) Justification: By law, disaster assistance to an LEA can be provided only after the submission of an application.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Number of applications and funds obligated by State are published in the annual report titled "administration of Pub. L. 81–874 and 81–815".

(g) Time Schedule for Data Collection and Publication: Data collected during fiscal year and published in the annual report the following September.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden

Respondent type	Number	Estimate of average person-hours
LEA	150	1

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* Determination of grant eligibility and amount of grant award.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Secretary in accordance with the regulations prescribed by him".

(Pub. L. 81–874, Sec. 7) (20 U.S.C. 241–1)

(o) Timetable for Dissemination of Collected Data: See items (f) and (g)

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

150 person-hours..... $1,500

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from William W. Chase, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Washington, D.C., 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Meetings have been held with representatives of State educational agencies to familiarize them with the program and the application form used.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Applications are received as disasters occur.

(u) Specific Justification for a Multi-Year Approval: Legislative authorization for program extends through September 30, 1983. Form has been used successfully in the past.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Indian Education Program, (New applications only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 444.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Indian Tribes and organizations	50	100

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $1,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be read and evaluated by panels of field readers who will score each application on the basis of published selection criteria. Applications will also be reviewed by Department personnel to determine eligibility, to make final grantee selection, and to determine the amount of grants.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary."

(20 U.S.C. 241dd(a))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 5,000 person hours at a cost of $50,000 will be required.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the sponsor: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Forms have been successfully used in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under the Indian Education Program, (noncompeting continuations only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 444–1.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Indian Tribes and organizations	25	40

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $100.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be reviewed by personnel in the Department of Education to make determinations on whether or not to continue funds for multi-year grants and to determine the amount of funds to be awarded for the second and third years of those grants.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times in such manner, and containing or accompanied by such information as the Secretary deems necessary."

(20 U.S.C. 241dd(a))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs required To Complete the Request: A total of 1,000 person hours at a cost of $10,000 will be required.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Forms have been successfully used in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Indian Fellowship Program (new applications only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 501.

(d) Justification: This is an application form which must be used in order to receive a fellowship under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Individuals	750	5

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be read and evaluated by panels of field readers who will score each application on the basis of published selection criteria. Applications will also be reviewed by Department personnel to determine eligibility, to make final selection of fellows, and to determine the amount of funds for each fellow.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "During the fiscal year ending June 30, 1975, and each of the succeeding fiscal years ending prior to October 1, 1983, the Secretary is authorized to award not to exceed two hundred fellowships to be used for study in graduate and professional programs at institutions of higher education."

(20 U.S.C. 3385b)

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 3,750 person hours at a cost of $3,750 will be required.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on how to fill out applications. In addition, respondents have been using this application for serveral years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Forms have been successfully used in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Indian Fellowship Program (Noncompeting Continuations Applications Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 501–1.

(d) Justification: This is an application form that must be used in order to receive a fellowship under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Individuals	160	2

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $400.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be reviewed by Department of Education personnel to determine continued eligibility and to determine the amount of money for each fellowship for the coming year.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requring or Allowing the Data Collection: "During the fiscal year ending June 30, 1975, and each of the succeeding fiscal years ending prior to October 1, 1983, the Secretary is authorized to award not to exceed two hundred fellowships to be used for study in graduate and professional programs at institutions of higher education."

(20 U.S.C. 3385b)

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 320 person hours at a cost of $320 will be required.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on how to fill out applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Forms have been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under the Indian Education Act of 1972, Title IV, Part A, Grants to Local Educational Agencies, CFDA 84.060 (New Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 736.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Local educational agencies	801	50

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost To Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: These applications will be reviewed by Department personnel to determine eligibility for entitlement grants under Part A of the Indian Education Act. The review will determine eligibility of applicant, eligibility of proposed activities, and amount of grant.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary."

(20 U.S.C. 241dd(a))

(o) Timetale for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

Person-hours and costs

40,050 ..... $400,050

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been successfully used in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under the Indian Education Act of 1972, Title IV, Part A, Grants to Local Educational Agencies, CFDA No. 84.060 (Continuations Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 736–1.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Local educational agencies	350	10

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be reviewed by Department personnel to determine what changes, if any, have been made in the three-year approved program, to recommend continuation for the second or third year of a multi-year grant, and to determine if any funds from the previous year are expected to be left over.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary."

(20 U.S.C. 241dd(a))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

Person-hours and costs

3,500 ..... $35,000

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Adult Indian Education Program. (New Applications Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency form Number: ED Form 737.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respoondent type	Number	Estimate of average person-hours
Indian tribes and organizations	110	100

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $1,000.

(l) Detailed Justification of How Information Once Collected will be Used: Applications will be read and evaluated by panels of field readers who will score each application on the basis of published selection criteria. Applications will also be reviewed by Department personnel to determine eligibility, to make final grantee selection, and to determine the amount of grants.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Secretary."

(20 U.S.C. 1211a(b), (d))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and costs Required to Complete the Requirements: A total of 11,000 person hours at a cost of $110,000 will be required.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Compy With Request: Application form will be mailded to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Adult Indian Education Program (Noncompeting Continuations Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Ofice of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 737–1.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Indian tribes and organization	31	40

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be reviewed by personnel in the Department of Education to make determinations on whether or not to continue funds for multi-year grants and to determine the amount of funds to be awarded for the second and third years of those grants.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Secretary."

(20 U.S.C. 1211a(b), (d))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 1,240 person hours at a cost of $12,400 will be required.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Survey of ESAA Project Directors for the Study: "Analysis of EISAA-Funded Activities and Establishment of an ESAA Management Information System."

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Program Evaluation.

(c) Agency Form Number: ED 824.

(d) Justification: The Emergency School Aid Act (ESAA) program was substantially modified by Pub. L. 95—561 in 1978 and by subsequent regulations. With funding of FY 1980 ESAA projects, the provisions of the amended Act and new regulations have been fully implemented. One of the two major parts of this study seeks to describe the various types of activities that have been recently funded and how the funded activities are related to the educational needs of desegregating school districts. This information will be used to assess the influence of the changes in the Act and regulations on the characteristics of funded projects in preparation for reauthorization hearings in 1982. In the other major part of the study, the information will form the basis of an ESAA Management Information System (MIS) to be used for ongoing ESAA program management.

(e) Description of Survey Plan: Information will be collected primarily from Federal program documents. Two surveys will be employed to verify and supplement this information. The first is a telephone survey of a sample of FY 1981 ESAA Project Directors to determine the reliability and accuracy of information collected from Federal program documents and the differences between implemented vs. proposed ESAA projects. The universe of respondents consists of each Project Director for every FY 1981 ESAA-funded project—approximately 485 individuals. Survey respondents will be selected by a stratified random sampling plan which seeks to restrain 95% confidence limits of proportions to ±10 percent in each of three strata. The resultant sampling fraction will be approximately 50 percent. The telephone survey will be pretested on a sample of three Directors of FY 1980 ESAA projects.

The second survey to provide supplemental information will consist of unstructured and open-ended personal interviews conducted on-site with school district staff and community members associated with ESAA projects in a sample of 16 of the school districts with FY 1981 ESAA projects. The school districts will be selected by a quota sampling plan to ensure that the selected districts provide at least minimum representation on demographic factors, grant category and desegregation plan characteristics. The unstructured interviews will seek information on the factors that influenced the development of the school district's ESAA application, and local perceptions of educational needs arising from desegregation, the purposes of ESAA and the changes in the Act and regulations. Respondents within each site will include the ESAA Project Director, Superintendent or Associate Superintendent, a few principals and teachers associated with the ESAA project, ESAA community Advisory Board members and others associated with implementation of the school district's desegregation plan.

All personal interviews will be confidential. Reports of responses will not identify individuals nor case study sites by name. All coded data will be stored on computer tapes and delivered to the Department of Education at the completion of the study.

(f) Tabulation and Publication Plans: All data collected will be processed and analyzed by the contractor. The telephone survey data will be employed to construct individual profiles of FY 1981 ESAA projects and aggregate profiles of ESAA projects by various factors. The aggregate profiles will primarily consist of statements of the proportions of projects with specific characteristics and of the correlations among project characteristics. Estimates of the relability of Federal program document data will also be summarized. The utility of Federal program document data for ongoing program management will be evaluated on the basis of its statistical reliability.

The qualitative data for each of the 16 case study sites will be summarized in narrative form. The data will be used to illustrate the relationships found in the quantitative data and to identify non-quantative relationships characterizing proposed ESAA project activities, desegregation plan contexts, district educational needs, and changes in the Act and regulations.

A technical report and summary will be prepared by the contractor for the study sponsor. An executive summary of this report will be prepared and disseminated to interested persons, including policymakers and administrators. The executive summary will highlight major findings in a format that is succinct, self-contained and easy to understand.

(g) Time Schedule for Data Collection and Publication: Data collection for the two surveys will occur in fall 1981. Reports will follow within seven months, in spring 1982.

(h) Consultations Outside the Agency: The study design and instruments were discussed with the study's Advisory Committee consisting of:

Dr. Frank Kovacs, Director of Research Division, National Education Association;

Dr. Edgar Epps, Department of Education, University of Chicago and former member of the Chicago School Board;

Dr. Rachel Tompkins, Citizens Council for Ohio Schools;

Dr. Jose Cardenas, Intercultural Development Research Association, San Antonio, TX;

Dr. Roy Nakawatase, ESAA Project Director, Los Angeles City Schools;

Dr. Joyce Weddington, Division of Research Services, Memphis City Schools;

Dr. William Doherty, Director of ESAA Human Relations Study, Systems Development Corporation, Santa Monica, CA;

Dr. Gregory Anrig, Commissioner of Education, Massachusetts Department of Education; and

Dr. Willis Hawley, Dean, Peabody College of Nashville, TN, and Director of ED Policy Center on Desegregation.

(i) Estimate of Respondent Burden:

Respondent type	Estimated number	Estimate of average person-hours
FY 1981 project directors	240	1.0

The individual respondent burden of 1 hour is the estimated upper limit. Estimates of the individual respondent burden associated with the unstructured personal interviews in the case study sites range from ½ to 2 hours. The lower limit is expected for individuals associated with the school district's plan implementation but only marginally with the ESAA project, while the upper limit is for ESAA Project Directors. The total estimated respondent burden for the 16 case studies is 240 person-hours (15 persons × 16 sites × 1 hour).

(j) Sensitive Questions: There are no sensitive questions in the instruments being submitted nor in the unstructured interviews. Responsdents' names will not be identified. Participation is voluntary. No confidentiality problems are anticipated.

(k) Estimated of Cost to Federal Government: The cost of planning, collecting and analyzing the survey data is estimated to be $49,045.

(l) Detailed Justification of How Information Once Collected Will Be Used: The collected data will serve both program management and evaluation purposes. The data will permit conclusions to be drawn regarding the extent to which the changes in the Act and regulations as implemented have generated the results anticipated by Congress in 1978. The study will also allow the identification of possible factors influencing the focus of current ESAA projects and their relationship to "the handling of problems incident to the implementaion of a qualifying plan" (Pub. L. 95-561, Sec. 607(a)(1)).

As a consequence, the information will be useful to program managers for identifying appropriate areas for technical assistance and information dissemination and for formulating recommendations for revisions in regulations or amendments to the statute.

(m) Methods of Analysis: Quantitative data will be analyzed at the school district, state, and national levels. Summary statistics will primarily include measures of proportion. Cross-tabulation will be the primary means for describing interrelationships. Where appropriate and feasible, analysis of variances and discriminant and path analysis will also be employed.

(n) Legislative Authority Specificially Requiring or Allowing the Data Collection: ". . . The Assistant Secretary is authorized to make . . . contracts with . . . private organizations . . . for the purpose of evaluating specific programs and projects assisted under this title" (Pub. L. 95-561, Sec. 613; 20 U.S.C. 3203).

(o) Timetable for Dissemination of Collected Data: Quantitative survey data will be available for dissemination by the project sponsor approximately 8 months after data collection in the form of computer tapes.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond to the telephone survey are estimated to be 240 for a total estimated cost of $3,000.00.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Curtis Groves, Office of Program Evaluation, Department of Education B432, Transpoint Building, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: No involvement has yet occurred with respondent population. However, no later than 1 month prior to the survey, Chief State School Officers in states in which a respondent resides will receive a protocol letter informing them of the purposes and nature of the survey. Similarly, a protocol letter will also be sent to the Superintendents in the school district in which a sampled ESAA project is being conducted.

(t) Assurance That Responsents Will Have Sufficient Lead Time To Comply With Request: The survey will be performed in October and November 1981.

(u) Specific Justification for a Multi-Year Approval: Multi-Year approval is not being requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Review of State-Level Activities Funded Under the Career Education Incentive Act (Pub. L. 95-207).

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Educational Support, Office of Career Education.

(c) Agency Form Number: ED 825.

(d) Justification: Section 14(c) of the Career Education Incentive Act (Pub. L. 95-207) requires that the Department of Education conduct a comprehensive review of the State programs funded under this Act and ". . . submit a report on such review to the Committee on Education and Labor of the House of Representatives and the Committee on Human Resources of the Senate by no later than Septermber 30, 1982." In order to fulfill this requirement, the Office of Career Education will conduct a comprehensive review of the Pub. L. 95-207 activities in the participating States. Currently, there is no mechanism nor any date collection activity in place to collect these kinds of data on the implementation of career education activities under Pub. L. 95-207.

This information will serve three purposes:

(1) It will provide a basis for the report which is required to be submitted to the Congress by September 30, 1982.

(2) It will be useful to the Congress in considering what, if any, further legislation is needed regarding career education. (The current legislation under Pub. L. 95.207 will expire on September 30, 1983.)

(3) It will be useful to program managers in the U.S. Department of Education and in the State education Agencies in making administrative

improvements in the implementation of Pub. L. 95–207 for its fifth and final year.

(e) Description of Survey Plan: The respondent universe consists of the District of Columbia, Puerto Rico, and the 47 States which are participating in the career education program under Pub. L. 95–207. The intention is to use the entire universe in collecting the data.

(f) Tabulation and Publication Plans: The date will be tabluated and the report will be prepared, published, and submitted to Congress by September 30, 1982.

(g) Time Schedule for Data Collection and Publication: Data collection will begin in November of 1981 and will be completed by February 1982. Tabulation of data and drafting and clearing of the report will take place between then and April of 1982. The elapsed time between completion of data collection and issuance of the published report (September 30, 1982) will be six months.

(h) Consultations Outside the Agency: In-depth consultations concerning this data collection activity have been held with the following State Coordinators of Career Education who will be among the respondents:

Robert Meyer, Wisconsin; Jack Ford, Ohio; Paul Peters, California; Sadie Chandler, Tennessee; Edward Strack, New York; and Kathleen Conway, Nebraska.

In addition, in a national meeting of State Coordinators of Career Education which was held in Washington, D.C. in August of 1980 and which was attended by 45 State Coordinators, the proposed data collection activity was discussed with the entire group. The State Coordinators indicated that they perceived no problems in regard to the availability of records or the reportability of the kinds of data being sought.

(i) Estimation of Respondent Reporting Burden:

Type: SEA Official (The State Coordinator of Career Education).
Number: 49.
Estimated average person-hours per respondent: 2.

Section 8(a)(2) of Pub. L. 95–207 specifies 7 purposes for which SEAs can use funds received under the Act. No SEA is required to address all 7 purposes. Rather, it can choose any combination which best suits its own needs. Therefore, there will be 6 data collection instruments, one addressing each of 5 of the purposes and 1 covering 2 of the purposes which are similar. Based on information presently available, it appears that each SEA receiving Pub. L. 95–207 funds addresses an average of 4 of the 7 allowable purposes. Therefore, on the averge, 3 or 4 data collection instruments would be used by any given State. About 30 minutes are required to complete each instrument, which would involve a maximum of 2 person-hours at each SEA for responding.

(j) Sensitive Questions: There are no sensitive questions in the data collection instruments.

(k) Estimate of cost to Federal Government: The cost of this data collection effort is estimated at $2,760.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary use of the information will be in preparing the report to Congress required under Section 14(c) of Pub. L. 95–207. Different readers of the report will use the information in varying ways. See item (d) above.

(m) Methods of Analysis: Data will be aggregated across all States and the report will include only tabulations and discussions of descriptive data.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: This data collection responds to the reporting required by Section 14(c) of the Career Education Incentive Act, 20 U.S.C. 2613, Pub. L. 95–207. (See item (d)).

(o) Timetable for Dissemination of Collected Data: The completed report will be submitted to Congress by September 30, 1982. The report will also be printed and made available to the public through the Government Printing Office and through the ERIC System.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours required to respond is estimated to be 98 (49 States at 2 hrs. each) at a total person-hour cost estimated to be $1,372 (98 hrs. at $14 per hr.)

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the data collection instruments may be obtained from Dr. John Lindia, Deputy Director, Office of Career Education, U.S. Department of Education, Room 3100, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: The proposed data-collection activity was discussed at a national meeting of State Coordinators of Career Education which was held in Washington, D.C. in August of 1980 and which was attended by 45 State Coordinators. In addition, in-depth consultations concerning the data collection activity have been held with the State Coordinators of Career Education in Wisconsin, Ohio, California, Tennessee, New York, and Nebraska. None of the officials with whom consultations have been held have perceived any problems with the availability or reportability of the kinds of data being sought.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The States will be requested to report in early December 1981 on activities conducted during the Fiscal Year 1981 which will have ended on September 30, 1981. Since the activities are recorded as they take place, and since most of them will have taken place during the school year 1980–81, which ends in June 1981, there will be ample lead time for response.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Review of a Sample of Local Educational Agency Programs Funded Under the Career Education Incentive Act (Pub. L. 95–207).

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Educational Support, Office of Career Education.

(c) Agency Form Number: ED 829.

(d) Justification: Section 14(c) of the Career Education Incentive Act (Pub. L. 95–207) requires that the Department of Education "conduct a comprehensive review of a random sample of the State programs funded under this Act and submit a report on such review to the Committee on Education and Labor of the House of Representatives and the Committee on Human Resources of the Senate by no later than September 30, 1982." In order to fulfill this requirement, the Office of Career Education will conduct a comprehensive review of the Pub. L. 95–207 activities in a random sample of eight States. As part of the comprehensive review, site visits will be made to, and structured information will be collected from, a total of 70 local educational agencies.

This information will serve three purposes:

(1) It will provide a basis for the report which is required to be submitted to the Congress by September 30, 1982.

(2) It will be useful to the Congress in considering what, if any, further legislation is needed regarding career education. (The current legislation under Pub. L. 95–207 will expire on September 30, 1983.)

(3) It will be useful to program managers in the U.S. Department of Education and in the State Education

Agencies in making administrative improvements in the implementation of Pub. L. 95–207 for its fifth and final year.

Currently, there is no mechanism or no data collection activity in place to collect these kinds of data on the local-level implementation of career education activities under Pub. L. 95–207.

(e) Description of Survey Plan: (1) The potential respondent universe consists of the District of Columbia and the 47 States which are participating in the career education program under Pub. L. 95–207.

(2) The plan calls for the selection of a random sample of eight from the universe of 48 mentioned above (i.e., a 16% sample). Reports currently available to the Office of Career Education indicate that, on the average, each State is awarding 18 grants per year to LEA's to enable them to carry out local-level implementation of career education activities under Pub. L. 95–207. By the school year 1981–82, it is assumed that each State will have awarded three annual rounds of these grants, for a total of 54. Therefore, in the eight States chosen for review, there should be a total of 432 LEA grantees by the school year 1981–1982. The plan calls for taking a random sample of 70 of these LEA grantees (i.e. a 16% sample). Site visits will be made to each of these 70 LEA's in the 8 States, and structured information will be collected at each site.

(f) Tabulation and Publication Plans: The data will be tabulated and the report will be prepared, published, and submitted to Congress by September 30, 1982.

(g) Time Schedule for Data Collection and Publication: (1) Site visits for data collection will begin in November of 1981 and will be completed by April of 1982. Tabulation of data and drafting and clearing of the report will take place between May and August of 1982.

(2) The elapsed time between completion of data collection (April 30, 1982) and issuance of the published report (September 30, 1982) will be five months.

(h) Consultations Outside the Agency: In-depth consultations concerning this data collection activity have been held with the following State Coordinators of Career Education:

Robert Meyer, Wisconsin; Jack Ford, Ohio; Paul Peters, California; Sadie Chandler, Tennessee; Edward Strack, New York; and Kathleen Conway, Nebraska.

In addition, in a national meetng of State Coordinators of Career Education which was held in Washington, D.C. in August of 1980 and which was attended by 45 State Coordinators, the proposed data collection activity was discussed with the entire group.

The State Coordinators indicated that they perceived no problems in regard to the availability of records or the reportability of the kinds of data being sought.

In-depth consultations with local-level officials have been scheduled for the first week of January, 1981.

(i) Estimation of Respondent Reporting Burden:

Type	Number	Estimate of average person hours
LEA Official (normally, the LEA's local coordinator of career education)	70	4

Section 8(a)(3) of Pub. L. 95–207 specifies 13 purposes for which an LEA can use funds that it receives under the Act. No LEA is required to address all 13 purposes. Rather, an LEA can choose any combination of the purposes that best suits its own needs. Therefore, there will be 14 data collection instruments, one addressing each of the 13 purposes specified under Section 8(a)(3) and one providing general background information on the LEA and its overall career education effort. Based on information received from the States, it appears that, on the average, each LEA that receives Pub. L. 95–207 funds addresses about seven of the 13 allowable purposes. Therefore, on the average, 8 data collection instruments would be used during the site visit to a typical LEA. These would be the general instrument, plus the 7 instruments dealing with the seven purposes which that LEA had chosen to address. About 30 minutes are required to complete each instrument, which would involve a total of 4 person hours at each LEA.

(j) Sensitive Questions: There are no sensitive questions in the data collection instruments.

(k) Estimate of Cost to Federal Government: The cost of this data collection effort is estimated at $138,268.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary use of the information will be in preparing the report to Congress required under Section 14(c) of Pub. L. 95–207. Different readers of the report will use the information in varying ways. See item (d) above.

(m) Methods of Analysis: The data will be aggregated across the eight States selected for the comprehensive review. It is planned that only tabulations and discussion of descriptive data are to be reported.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The Department of Education "shall conduct a comprehensive review of a random sample of the State programs funded under this Act and shall submit a report on such review" to the Congress. (Section 14(c) of the Career Education Incentive Act, 20 U.S.C. 2613).

(o) Timetable for Dissemination of Collected Data: The completed report will be submitted to Congress by September 30, 1982. It is also planned that the report will be printed and made available to the public through the Government Printing Office. In addition, the report will be made available to interested persons through the ERIC System.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 280, for a total person-hour cost estimate to be $3,780.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the data collection instruments may be obtained from Dr. John Lindia, Deputy Director, Office of Career Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: In a national meeting of State Coordinators of Career Education which was held in Washington, D.C. in August of 1980 and which was attended by 45 State Coordinators, the proposed data collection activity was discussed with the entire group.

In addition, in-depth consultations concerning the data collection activity have been held with the State Coordinators of Career Education in Wisconsin, Ohio, California, Tennessee, New York, and Nebraska. In-depth consultations with local-level officials have been scheduled for the first week of January, 1981.

None of the officials with whom consultations have been held have perceived any problems with the availability or reportability of the kinds of data being sought.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The random sample of eight States will be selected in August of 1981, followed immediately by the random selection of 70 LEA's within

those States. Thus, by the beginning of the school year 1981–1982, the States and LEA's concerned will know that they are to be involved in the data collection activity. The actual site visits for data collection will begin in November of 1981 and will be completed by April of 1982. This will provide sufficient lead time for the respondents.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Assesment of the Processes and Outcomes of Career Education in Three Local Settings.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Educational Support, Office of Career Education

(c) Agency Form Number: ED 830–1 thru –5.

(d) Justification: Section 10 of the Career Education Incentive Act (Pub. L. 95–207) authorizes The Department of Education to support discretionary projects "to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models." Pursuant to this authority, the Department of Education awarded three contracts, in mid-December of 1980, for the development of exemplary K–12 career education models in the local school districts of Pinellas County, Florida; Upper Arlington, Ohio; and Ceres, California. In order to determine whther or not the career education projects in these three local settings actually do become "exemplary career models," as called for by the Congress, and are, in fact, worthy of emulation by other local school districts, it is necessary for the three projects to conduct a regorous assessment of the processes and outcomes of their career education activities. The three local school districts concerned understand the need for such an assessment, and in the proposals which they submitted in the competitive bidding process for these contracts, they agreed to perform such an assessment. Of course, some of the assessment data to be collected will consist of scores on standardized tests which the local districts routinely administer each year and which do not require clearance. However, other kinds of data which are needed will require the development and use of special data collection instruments for which clearance is required.

As soon as pre-test and post-test data have been collected for the school year 1981–1982, the data will be analyzed to determine whether or not: (a) The career education processes have been faithfully carried out, and (b) the desired student outcomes have been obtained. If the are positive, the data will then be used to prepare submissions to the Joint Dissemination Review Panel (JDRP). If the JDRP approves the submissions, the projects can be officially cited as "exemplary models" and steps can be taken to encourage other local school districts to emulate the models.

(e) Description of Survey Plan: The potential respondent universe consists of students, teachers, school administrators, parents, and individual citizens in Pinellas County, Florida; Upper Arlington, Ohio; and Ceres, California; as well as in three similar schools districts in Florida, Ohio, and Calfornia which will be used for comparision purposes. Random sampling will be used to select the respondents, and both pre-test and post-test data will be collected.

The data are to be collected under three Federally-sponsored contracts.

The contractors are:

School Board of Pinellas County, Clearwater, Florida;

Uper Arlington Board of Education, Upper Arlington, Ohio;

American Institues for Research, Palo Alto, California (with sub-contract to Ceres Unified School District of Ceres, California).

Each contractor is responsible for, first of all, conducting a project to demonstrate effective methods and techniques in career education and to develop an exemplary career education model. In addition, each contractor is responsible for developing a plan for assessing the processess and outcomes of career education in the local setting, for collecting and analyzing the assessment data, and, if the data are postive, for preparing and submitting a JDRP submission document for review by the Joint Dissemination Review Panel. The three contractors are committed to protecting the confidentiality of the collected data.

(f) Tabulation and Publication Plans: Tabulation of the data will take place immediately after the post-test results become available in June of 1982. By the Fall of 1982, JDRP submission documents will be prepared and submitted to the Joint Dissemination Review Panel. If the projects are approved by JDRP, summary descriptions of the projects and thier evidence of effectiveness will be published in the annual compilation document entitled *Educational Programs That Work* and will be widely disseminated through the National Diffusion Network. The Office of Career Education will publish and distribute more complete descriptions of the projects and their evidence of effectiveness (providing about 50 pages of information about each project). In addition, each project will submit a full and formal report on the assessment effort, setting forth the data, the findings, the conclusions, and the limitations of their assessment of the effectiveness of the project activities. These full and formal reports will be entered into the ERIC System, where they will be available to researchers and other interested persons.

(g) Time Schedule for Data Collection and Publication: The project as a whole will begin in December of 1980 and will end in December of 1982. The period from December of 1980 to August of 1981 will be used to bring the demonstration project activites into full operation. Pre-test data will be collected at the beginning of the school year in September of 1981 and post-test data will be collected at the end of the year in June of 1982. By September 1982, JDRP submission documents will be prepared and presented to the Joint Dissemination Review Panel; these documents will represent the first official reports on the results of the projects. Thus the elapsed time between the completion of data collection (June 1982) and the issuance of the first reports on the results (September 1982) will be three months. During the Fall of 1982, the results of the projects will also be reported, published, and disseminated in a variety of other ways. See item (f) above.

(h) Consultations Outside the Agency: Consultations have been held with Ms. Myrtle Hunt, Dr. Thomas Tocco, and Mr. John Blank of the Pinellas County School System, with Ms. Nancy Losekamp, Dr. Homer Mincy, Mr. Edward Orazen, Mr. David Shelby, and Ms. Marcia Kepley of the Upper Arlington Public Schools, with Dr. Jack Hamilton and Dr. Steven Jung of the American Institutes for Research, with Mr. Robert Adkison and Ms. Virginia Lish of the Ceres Unified School District, with Mr. Rodger Irvine of the Oakdale Joint Union High School District in California, and with Mr. Edward Lakey of the Worthington City Schools in Ohio. They all expressed agreement with this data collection activity and perceived no problems with regard to availability of records or reportability of data.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
School administrators and supervisors	36	4.0
Teachers, elementary/secondary	200	5.0
Students, public elementary/secondary schools	2400	10.0
Parents	300	1.0
Individuals	100	1.0

(j) Sensitive Questions: There are no sensitive questions in the data collection instruments.

(k) Estimate of Cost to Federal Government: The total cost of the three demonstration projects to the Federal Government will be $925,980. However, about 40 percent of this amount will go into operational costs of the project activities. The cost of planning the data collection effort, compiling and analyzing the data, and reporting and disseminating the results will be about $555,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Once the data are collected, they will be used to determine whether or not these three demonstration projects are, in fact, "exemplary career education models" as called for by the Congress. If it is determined that the projects *are* exemplary models, the data will be used to show potential adopters of the models the kinds of outcomes that can be expected from a faithful replication of the project activities.

In the short run, the data will be put to immediate use for presentation to the Joint Dissemination Review Panel, in order to establish the effectiveness of the projects and their eligibility to participate in the National Diffusion Network. In the long run, the data will provide valuable research findings about the effectiveness of a comprehensive career education program when applied in different local settings.

(m) Methods of Analysis: The analyses of outcomes will consist of computing summary statistics and tests of significance comparing changes in the treatment and non-treatment groups over the period of the 1981–1982 school year. Comparisons will be done separately by grade level for each learner outcome measure. In addition, frequencies, cross-tabulations, and percentages will be tallied as measures of process variables.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The Department of Education is authorized to "support projects to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models." (Section 10 of the Career Education Incentive Act, 20 U.S.C. 2609). This data collection activity is necessary to determine whether or not these three demonstration projects are successful in becoming the "exemplary career education models" called for by the Congress.

(o) Timeable for Dissemination of Collected Data: The data will be available for initial use in JDRP presentations by September of 1982. In the Fall of 1982, the data will be published and disseminated through the National Diffusion Network, the ERIC System, and publications distributed by the Office of Career Education. See item (f) above.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours (non-student) to respond is estimated to be 1,544, for a total person-hour cost estimated to be $19,872. Students, 24,000 total hours.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the data collection instruments may be obtained from Dr. John Lindia, Deputy Director, Office of Career Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: In order to receive the contracts to carry out these demonstration projects, the three local educational agencies involved submitted proposals in a competitive bidding process. In preparing these proposals, the officials of the local educational agencies discussed the data collection efforts that would be required with building principals, teachers, and community leaders. Each proposal contained letters from building principals, other school administrators, and community leaders agreeing to the proposed data collection efforts and promising to cooperate in the data collection activities.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The contracts for these three projects were awarded in mid-December of 1980. Therefore, the respondents will have ample lead time before the pre-testing which is to start in September of 1981, and the post-testing which is to be conducted in June of 1982.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Activity Report of State Monitoring and Enforcement Efforts, Title I, ESEA.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Compensatory Education.

(c) Agency Form Number: ED 831.

(d) Justification: The Title I statute, Pub. L. 95–561, Sec. 171(b) requires that each monitoring and enforcement plan submitted by a State education agency under this section shall include a report, in such form as the Secretary shall prescribe, of the activities undertaken by the State in the years since the previous plan was filed to carry out its monitoring and enforcement efforts under this Title.

This report will be used by the Office of Compensatory Education, Office of Migrant Education, and the Office of Special Education and Rehabilitative Services to determine what actions have been taken by States to implement the approved monitoring and enforcement plans and a basis for negotiating approval of the plans to be submitted in 1982.

No other similar data are available in the subject field to be used for these purposes.

(e) Description of Survey Plan: Report forms designed to describe monitoring and enforcement activities will be submitted to each State education agency. The State agency will complete the form and submit it with the new plans.

The contractor, AIR, will consult with State officials during the development of the form.

(f) Tabulation and Publication Plan: No publication of these data is planned. Hand tabulation of these data will be made for purposes of determining State technical assistance needs. These data will be used solely for approval of the new plans and for determining technical assistance.

(g) Time Schedule for Data Collection and Publication: The report forms will be provided to the State officials in early September, 1981. The States will be requested to complete the report and return the information to the Department of Education no later than May 15, 1982. The reports will be analyzed and used in negotiation of the new State plans in June, 1982. State plans will be approved in July, 1982 and State technical assistance will be provided in early September, 1982.

(h) Consultation Outside the Agency: A draft report form will be presented to a national meeting of State Title I

Directors in March, 1981 for discussion purposes and constructive comments. After the meeting the form will be revised or adjusted taking the comments of the State Directors under advisement. The final report will be presented at a national meeting of State officials in September, 1981 to explain the form and procedures for submitting the report to the Department of Education.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies	57	80

The reporting burden is expected to vary considerably because of differences in the size and complexity of the State education agencies. States with few local education agencies to serve and with small staffs and simple organization will require approximately 16 person hours compared to opposite situations which may require 200 person hours.

(j) Sensitive Questions: There will be no sensitive questions in the instrument to be presented. No confidential or personal data will be collected.

(k) Estimate of Cost to Federal Government: $75,000.

(l) Detailed Justification of How Information Once Collected Will be Used: *Program Management:* The information collected will be used to determine the extent the State education agencies comply with the terms of the approved monitoring and enforcement plans and to establish the basis for negotiating the approval of newly submitted plans.

Technical Assistance: The collected information will be used to determine administrative areas for which States need technical assistance.

(m) Methods of Analysis: Each report will be analyzed by the staff who will negotiate the approval of the monitoring and enforcement plans to be submitted in 1982. The data will be aggregated by hand in the Office of Compensatory Education.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Each plan submitted by a State educational agency under this section shall include a report, in such form as the Secretary shall prescribe, of the activities undertaken by the State in the years since the previous plans were filed to carry out its monitoring and enforcement efforts under this title." (Sec. 171(b) of the Elementary and Secondary Education Act, as amended by Pub. L. 95-561, 20 U.S.C. 2821.)

(o) Timetable for Dissemination of Collected Data: There are no plans to disseminate the data collected.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 4,800 person-hours for a total cost estimated to be $48,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The instrument will be developed by September 1981. Copies of the instrument will be available after that date from Benjamin F. Rice, Room 3660, ROB No. 3, 7th and D Streets, SW, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The officers of the National Title I Director's Association has been made aware of the plans for developing this report.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The report is due in May or June, 1982. The first draft will be discussed with the respondents in March, 1981 and the final report will be discussed with the respondents in early September, 1981. The respondents will have approximately nine months to collect and report the data.

(u) Specific Justification for a Multi-Year Approval: This report is due every three years and, therefore, multi-year approval is not requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for School Assistance in Federally Affected Areas and Instructions to Applicants.

(b) Name of the Sponsoring Agency/Bureau-Office: Department of Education, Office of Elementary and Secondary Education, Office of Education Support, Division of Impact Aid, Maintenance and Operations Branch.

(c) Agency Form Number: ED Form 4019 (RSF-1).

(d) Justification: Title I of Pub. L. 81-874 authorizes the payment of funds to eligible school districts in federally affected areas which apply for Federal assistance for current operating expenses.

The Act provides that specific groups or specific categories of federally connected pupils are entitled to receive varying percentages of the rate of payment, i.e., Local Contribution Rate. (There are some 16 separately identified categories of pupils.) Five (5) basic tables are used to report pupils claimed. Automatic data processing assists in the placement of pupils claimed in the appropriate federal-connected category. One, or all, tables may be used depending upon the number and types of federally connected children in the school district.

(e) Description of Survey Plans: The information requested is for the purpose of processing applications for Federal funding under Sections 2, 3, and 4 of Pub. L. 81-874, as amended.

(f) Tabulation and Publication Plans: Some of the information contained in the application form will be published in the Secretary's Annual Report to the Congress on the Administration of Pub. L. 874 and 815.

(g) Time Schedule for Data Collection: The application must be filed with the Secretary on or before January 31, of the fiscal year for which the local educational agency is applying for assistance.

(h) Consultation Outside the Agency: No other agencies have been consulted with respect to the application. Revisions required by Acts of Congress dictate the type of information required to fulfill the intent of the law.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Local education agencies	5,000	12

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: Approximately $1.8 million. This estimate is based upon salary and expense projections for the Maintenance and Operations Branch and supporting groups within the Division.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program Management:* The Federal property and membership data which is supplies by the local education agencies is used to determine if the basic eligibility requirements are met and to determine the payments due the applicant agencies.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Sec. 5(a) Any local educational agency desiring to receive payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall

submit an application therefor through the State educational agency of the State in which such agency is located to the Secretary. Such applications shall be submitted at such time, in such form, and containing such information as the Secretary may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of such payment."

(20 U.S.C. 240(a))

Pub. L. 81–874, as Amended-United States Code 20 U.S.C. 240–45 CFR 115.10—**Federal Register** V. 40, 4/8/75, P 16034.

(o) Timetable for Dissemination of Collected Data: Payments, based upon the data collected, are made by June 30 of the year in which application is made. Some of the data collected is published in the Secretary's Annual Report to the Congress which is generally published a year after the data collection.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 60,000 manhours is estimated, based upon approximately 5,000 applicants, with an average of 12 hours each required to complete an application. A total cost to the applicants of $300,000 is estimated.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: *Contact:* William L. Stormer, Director, Division of Impact Aid, Room 2107, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Organizations: The respondent organizations (local educational agencies) have been applying for financial assistance under the provisions of Pub. L. 81–874 for 30 years, and the majority of LEAs applying for Pub. L. 81–874 benefits are continuing applicants with whom year-round communication is maintained. All interested LEAs have the opportunity to attend annual State meetings where the program and method of application is explained by Dept. of Education staff members.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The applicant local education agencies must file their applications by January 31 of the fiscal year for which assistance is sought. The forms are supplied in sufficient time to meet this deadline date.

(u) Specific Justification for a Multi-Year Approval: Pub. L. 81–874 was enacted in 1950 and has been administered continuously since that time. The applicant local educational agencies must file ED–4019 (RSF–1) in order to receive payments.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Annual report by an LEA on any contract awarded for construction of a new school building between July 1 and June 30 and the SEA report of minimum school requirements for school construction. (Pub. L. 81–815)

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education/SCB.

(c) Agency Form Number: ED–4038, ED–4038–1.

(d) Justification: Data is used to assist the Secretary in determining the State average per pupil cost of constructing minimum school facilities. The per pupil cost, along with other factors, is used to arrive at a cost of constructing minimum school facilities in a school district which has submitted an application for assistance under Pub L. 81–815.

(e) Description of Survey Plan: See item (a).

(f) Tabulation and Publication Plans: Data is not published.

(g) Time Schedule for Data Collection and Publication: Data is collected each year during the fall.

(h) Consultation Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average-person/hours
LEA	300	1
SEA	50	1

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $2,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program Management:* Data used in determining amount of grant award.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The average per pupil cost of constructing minimum school facilities in the State in which the school district of a local educational agency is situated shall be determined by the Secretary of Education on the basis of the contract cost per square foot under contracts for the construction of school facilities . . ."

(Pub. L. 81–815, Sec. 15(6)) (20 U.S.C. 645)

(o) Timetable for Dissemination of Collected Data: Data is not disseminated.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 350 person-hours; $3,500.

(q) Evidence of Any urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument. William W. Chase, Room 2069, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Make contacts by letter to each SEA annually. Same forms have been used for many years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data is collected annually in the fall.

(u) Specific Justification for a Multi-Year Approval: Legislative authorization for program extends through September 30, 1983. Forms have been used successfully for many years.

Data Activity Plan Summary

(a) Title of Proposed Activity: Institutional Characteristics of Colleges and Universities: 1981–82.

(b) Agency/Bureau/Office: Department of Education/Office of Education Research and Improvement/National Center for Education Statistics/Division of postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

(c) Agency Form Number : ED (NCES) 2300–1.

(d) Justification: The Institutional Characteristics survey collects basic information on all newly accredited institutions of higher education in the United States and Outlying Areas and updates these same items for all other institutions. Data are published annually in the *Education Directory, Colleges and Universities* which has become a standard reference manual for many Federal planners and policymakers as well as others in private agencies and institutions who are concerned with higher education. Published data include information pertaining to the accreditation status of each institution in the Directory.

(e) Description of Survey Plan: The survey forms will be mailed as part of the HEGIS XVI package in May 1981 to all institutions already included in the HEGIS XV survey and institutions newly certified by the Division of Eligibility and Agency Evaluation (DEAE) of the Bureau of Higher and

Continuing Education of the U.S. Education Department as eligible for listing in the Education Directory. Followup requests will be made at no more than two-week intervals, with a maximum of three requests. Nonrespondent institutions will be contacted by telephone prior to closeout. Responses will receive a preliminary desk audit before computer processing. Computer edit will then be used to assess the accuracy of data prior to publication.

The following publication is planned: *Education Directory, Colleges and Universities: 1981–82.* For each institution in the Directory, the following information will be provided: Name of institution, location (address including zip code), phone number (including area code), identification of parent institution or system (if applicable), county in which located, Federal Interagency Committee on Education (FICE) identification code, entity number year established, accreditation (including national, professional, and other), control or religious affiliation, sex of student body, calendar system, highest level of offering, types of programs offered, undergraduate tuition and required fees, enrollment as of fall 1980, and finally a list of each institution's chief administrative officers and deans of the schools and colleges.

(f) Tabulation and Publication Plans: In addition to the institutional listings described in (e) above, data will be displayed in tabular format showing the number of institutions of higher education and the number of branches by classification of institution. Classification will be revised to provide users with a more meaningful breakout. New classifications include: doctoral, comprehensive, general baccalaureate, two-year, medical and other specialized. Charts will be designed to reflect the changes in the number of public and private institutions and their branches within the higher education sector over a seven-year time span.

(g) Time Schedule for Data Collection and Publication:

Survey response due date: July 1981.
Survey closeout date: September 1981.
Education Directory to GPO: January 1982.

The results of the survey will be available in the form of a computer tape approximately two months after the closeout of data collection. The *Education Directory* will be published and mailed five months after closeout.

(h) Consultation Outside the Agency: In preparation for each Higher Education General Information Survey (HEGIS), the University and College Surveys and Studies Branch (UCSSB) attempts to ascertain the needs of the postsecondary education institutions and associations as well as State and Federal agencies that utilize the information produced by these surveys. In keeping with this practice, on August 22–23, 1980, UCSSB personnel met with representatives of approximately 40 States and institutions at an NCES sponsored conference for postsecondary education planners. HEGIS coordinators were asked to provide NCES representatives with their data needs and any HEGIS data collection problems they may have encountered. This meeting served as a basis for revisions to the HEGIS package (including the Institutional Characteristics survey and the Directory) and it is assumed that future meetings will provide additional insight and will lead to further improvement in the surveys and the data they provide.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person hours
Colleges & Universities	3,422	0.5

(j) Sensitive Questions: None.

(k) Estimated Cost to the Federal Government: Approximately $241,600.

(l) How Information Collected Will Be Used: The information will be used for policy, planning and analysis by the education community and will provide a basis for further research and development. Information pertaining to the accreditation status of institutions and programs is utilized by both private and governmental agencies for a multiplicity of reasons.

(m) Methods of Analysis: Data will be displayed in tabular format showing the number of public and private institutions of higher education and their branches by classification of institutions, including a comparison of the growth in the number of these institutions over a seven-year span.

(n) Legislative Authority for This Activity: ". . . The (National) Center (for Education Statistics) shall . . . collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States . . ." (Sec. 501. (a) of Pub. L. 93–380; Sec. 406. (G) of the General Education Provisions Act, 20 U.S.C. 1221e–1).

(o) Timetable for Dissemination of Collected Data:

Survey closeout: September 1981.
Tape available: November 1981.
Education Directory to GPO: January 1982.
Directory disseminated: February–March 1982.

(p) Estimate of the Total Person-Hours and Cost Required to Complete the Request: 0.5 hours per institution × 3,422 institution = 1,711 hours. Clerical time at $5.00 per hour = $8,555, or $2.50 per institution.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: An exact copy of the survey instrument may be obtained from the Project Officer, Mrs. Susan G. Broyles, Department of Education, Office of Educational Research and Improvement, NCES, DPVES/UCSSB, Room 905—Presidential Building, Prince George's Plaza, 400 Maryland Avenue, S.W., Washington D.C. 20202 (301) 436–6425.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: HEGIS has been the major survey program specifically designed to collect national data on postsecondary colleges and universities. The 1981–82 cycle will be the 16th survey year in which institutional characteristics have been collected from the nation's colleges and universities. In developing this survey program, NCES holds an annual conference with respondents to brief them on completing the survey forms. In addition, the conferences have provided respondents an opportunity to comment on the data collection process, and to suggest changes in the process to improve the utility and feasibility of the HEGIS surveys.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: All institutions are notified one year in advance as to changes in HEGIS surveys and definitions. In addition, the NCES/SHEEO network provides for a direct communication line with institutions as to probable changes to the survey forms.

(u) Specific Justification for a Multi-Year Approval: Recognizing the respondents' need for consistency in reporting practices, no changes to the survey instrument are anticipated. For these reasons, multi-year aproval is requested.

Data Activity Plan Summary

(a) Title of Proposed Activity: Post-Survey Validation Study of Higher Education General Information Survey, (HEGIS XIII).

(b) Agency/Bureau/Office: Department of Education/Office of Educational Research and

Improvement/National Center for Education Statistics/Office of Research and Analysis.

(c) Agency Form Numbers: ED (NCES) 2426.

(d) Justification: The legislative mandate for the study is provided in Section 406(b)(1)(2) of the General Education Provisions Act, as amended. "The purpose of the Center shall be to collect and disseminate statistics and other data related to education in the United States and in other nations. The Center shall collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States; conduct and publish report on specialized analyses of the meaning and significance of such statistics; . . ."

(2 U.S.C. 1221e-1) Pub. L. 93-380.

Due to the complex nature of reporting higher education finance data, there exists the possibility of differing interpretations of data items; thus, creating a high potential for errors and discrepancies in the original HEGIS responses. The nature and extent of such errors and discrepancies can only be assessed with defined precision through a statistically oriented validation study such as this one. Through this study, an evaluation of the level of confidence of the HEGIS data can be easily obtained for the first time. NCES, as well as those inside and outside of the Government who are mainly the users of the data, are keenly interested.

A recently concluded survey of HEGIS data indicates that improvement of the accuracy of financial data is of a very high priority. The result of this study will be used to validate financial data collected by HEGIS and to institute necessary improvements in the HEGIS surveys.

(e) Description of Survey Plan: Interviews are to be administered to a sample of 120 institutions, stratified by type and control. They will be selected from the universe of 3,058 institutions that are listed in the NCES Directory of Colleges and Universities.

(f) Tabulation and Publication Plan: Tabulations of analysis results are made in terms of errors, and specifically in terms of gross and net differences.

Three main areas of analyses are institutional, imputational, and editing. By institutional, it is meant the errors that are made by the individuals who are filling out the survey.

These errors include a variety of omissions and commissions, including computational errors, misunderstanding of definitions, incompatibilities of recordkeeping systems, and lack of data availablility. An inputation is a must wherever a nonresponse or a partial response or a partial nonresponse exists.

The results of the entire study, including the tabulation of errors, will be shown in the final report, which is due on June 30, 1981. Briefly, the final report will include:

An abstract stating the purpose and major findings of the study.
Introduction.
Description of precision and accuracy of HEGIS XIII.
Description of sources of errors.
Summary and recommendations.
Appendix.

The Technical Report on the validation study, an official NCES, publication, will become available on November 30, 1981.

(g) Time Schedule for Data Collection and Publication: Data collection begins on January 1, 1981 and ends on March 15, 1981.

(h) Consultations Outside the Agency: Among those consulted were a consultant for the American Association of University Professors (AAUP), the chief business officer at Georgetown University, and the National Association of College and University Business Officers (NACUBO).

Much uses were made of contents in the Manual of American Institute of Certified Public Accountants (AICPA) in formulating the questionnaires. Similar AICPA's Manuals in some past years were used in developing the HEGIS finance nd salary definitions.

NCES/State Postsecondary Education Network provides a communication network among the states organized by State Higher Education Executive Officers (SHEEO) and with NCES.

There remains no disagreement with those consulted.

(i) Estimation of Respondent Reporting Burden:

Respondent	Number	Estimate of average person-hours
Colleges and universities	120	6

(j) Sensitive Questions: No sensitive questions are contained in this post-survey validation study.

(k) Estimate of Cost to Federal Government:

S&E	$42,000
Contract	247,000
Total	289,000

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary purpose of this study is to obtain information in assessing the accuracy of published NCES statistics and identifying areas for improvement within HEGIS. These areas for improvement include HEGIS definitions, editing, imputations, process control, and tabulations.

(m) Methods of Analysis: Three main areas of analyses are institutional, imputational, and editing.

The magnitude of each error or difference derives from the comparison of the HEGIS published data and the newly obtained corresponding reconstructed data.

The tabulations of gross and net errors or differences will be made by error sources, that is, institutional, imputational, and editing for each of the following six categories, i.e., universities—public and private; other 4-year—public and private; and 2-year—public and private institutions.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: See item (d) above.

(o) Timetable for Dissemination of Collected Data: The accuracy statements and the error analyses, the two principal objectives of the validation study, will become available to NCES in the final report, due on June 30, 1981.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: There will be 120 respondents. Each respondent will be administered a two-part interview; on the average, each part will require 3 hours. The total person-hours comes to 720. Per-hour salary of $12.00 will be assumed. The total costs to the respondents will be $8,654.00

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: See item (d) above.

(r) Copy of the Exact Data Instrument: A copy of the data instrument may be obtained from:

Office of the Assistant Administrator for Research and Analysis, National Center for Education Statistics, Room 205, Presidential Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Development and Communications With Respondent Population: NCES/State Postsecondary Education Network provided a communicaiton network among the SHEEO States and with NCES. Through SHEEO some information such as the forthcoming validation study were conveyed to the States. In particular, the members were

intersted in the NCES's latest data on the faculty salaries, and fringe benefits.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: At first NCES will inform by letter the HEGIS Coordinator in the respective State agency and the president of each of the 120 institutions of the forthcoming survey. Thereafter, a member of the contractor's staff will telephone each of the respective respondents to discuss the validation study and to arrange for an appointment at a time convenient to the respective officials at the institution.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

[FR Doc. 81-5178 Filed 2-12-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

General Exploration Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration, (ERA) of the Department of Energy (DOE) announces 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: January 9, 1981.

COMMENTS BY: March 16, 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 January 9, 1981, the Office of Enforcement of the ERA executed a Consent Order with General Exploration Company, of Dallas, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 or more in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and General Exploration Company 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 General Exploration Company effective as of the date of its execution by the DOE and General Exploration Company.

I. The Consent Order

General Exploration Company (General) 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 General, the Office of Enforcement, ERA and General entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through November 30, 1980, General allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. General and the DOE have agreed to settlement of $100,000. Beginning with January 15, 1981, General shall refund $15,000 per month for six months and shall refund $10,000 on the seventh month. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and General.

3. This Consent Order constitutes neither an admission by General that ERA regulations have been violated nor a finding by the ERA that General 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 the Consent Order, General 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 $100,000 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. 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 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 General Consent Order". We will consider all comments we received by 4:30 p.m., local time March 16, 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 5th day of February 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-5042 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

Roark & Hooker; 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: November 20, 1980.

COMMENTS BY: March 16, 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 November 20, 1980, the Office of Enforcement of the ERA executed a Consent Order with Roark & Hooker, of Abilene, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 or more in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Roark & Hooker 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 Roark & Hooker effective as of the date of its execution by the DOE and Roark & Hooker.

I. The Consent Order

Roark & Hooker 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 Roark & Hooker, the Office of Enforcement, ERA and Roark & Hooker entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through July 31, 1980, Roark & Hooker allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Roark & Hooker and the DOE have agreed to a settlement of $300,000. This amount will be refunded on or before December 15, 1980. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Roark & Hooker.

3. This Consent Order constitutes neither an admission by Roark & Hooker that ERA regulations have been violated nor a finding by the ERA that Roark & Hooker 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, Roark & Hooker 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 $300,000 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. 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 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 Roark & Hooker Consent Order". We will consider all comments we received by 4:30 p.m., local time March 16, 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 5th day of February 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-5041 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-036; OFC Case No. 55039-2348-01-12]

Brown Co.; Availability of Tentative Staff Determination

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Availability of Tentative Staff Determination.

SUMMARY: On October 15, 1980, Brown Company (Brown) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting one new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's. Rules setting forth the procedure for petitioning and the criteria for exemptions from the prohibitions of FUA are contained in 10 CFR Part 500 *et seq.*

The MFBI for which the petition was filed is a field-erected boiler to be constructed at Brown's Berlin, New Hampshire, Kraft Pulp Mill. Brown requested a permanent fuels mixture exemption for the MFBI in order to burn No. 6 oil in a mixture with bark and wood waste generated by Brown's papermaking operation.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been made. The analysis recommends that ERA issue an order which would grant the requested permanent exemption to use a mixture of petroleum and wood waste. The petroleum (No. 6 fuel oil) to be used in the unit will not exceed 25 percent of the total annual Btu heat input of the primary energy source of the unit.

DATES: Written comments on the Tentative Staff Analysis are due on or before March 2, 1981. A request to convene a public hearing should be made within the same period.

ADDRESSES: Fifteen copies of written comments on the Tentative Staff Analysis shall be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, DC 20461. Docket No. ERA-FC-80-036 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, DC 20461, (202) 653-4226

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, DC 20461, (202) 653-4477

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-2967

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials is available upon request at: ERA, Room B-110, 2000 M Street, NW, Washington, DC, Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published rules (10 CFR Part 500 *et seq.*) implementing the provisions of Title II of the Powerplant and Industrial Fuel Use Act (FUA or the Act) in the **Federal Register** on June 6, 1980 (45 FR 38276 and 45 FR 38302). Title II of the FUA prohibits the use of natural gas or petroleum in certain new MFBI's unless an exemption for such use has been granted.

Brown Company (Brown) is planning to construct, at its Kraft Pulp Mill in Berlin, New Hampshire, a field-erected boiler which will have a design heat input rate capability of 253 million Btu's per hour, a steam generating capacity of 200,000 pounds per hour, and will be capable of burning petroleum in a mixture with bark and wood waste.

On October 15, 1980, in accordance with 10 CFR 503.38, Brown filed a petition with ERA requesting a permanent fuels mixture order for Boiler No. 14 which would enable Brown to burn a fuels mixture of petroleum and bark and wood waste. ERA accepted the petition and published notice of its acceptance in the **Federal Register** on December 1, 1980 (45 FR 74531). A 45 day public comment period closed January 15, 1981.

ERA's staff had reviewed the information contained in the record of this proceeding to date. Based upon that review, the Tentative Staff Analysis recommends that an order be issued which would grant a permanent fuels mixture exemption for Boiler No. 14 to use a petroleum and wood waste mixture. The recommendation is made with the provision that the amount of No. 6 fuel oil used does not exceed 25 percent of the total annual Btu heat input of the primary energy source used in the MFBI. This Tentative Staff Analysis also takes into account the purposes for which the minimum percentage of petroleum allowed by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, start-up, testing, flame stabilization, and control uses for Boiler No. 14.

This recommendation is based upon the petitioner's demonstration pursuant to section 212(d)(1)(A) and (B) of the Act, that it proposed to use a mixture of petroleum and wood waste as a primary energy source in the installation, and that the amount of petroleum to be used will not exceed 25 percent of the annual Btu heat input of the unit.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption to use a fuels mixture, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Brown provided as a part of its petition a duly executed certification that prior to operating Boiler No. 14 under the requested exemption it will secure all applicable environmental permits and approvals. The Environmental Checklist completed and certified to by Brown pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel. It has been determined that Brown's responses to the questions therein indicate that the operation of the boiler will have no impact on those areas regulated by specified laws that impose consultations requirements on DOE, and otherwise affirm the application of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion status in this case. Therefore, no additional environmental review is deemed to be required.

Recommended Terms and Conditions

ERA's staff also has tentatively determined and recommends that any order which would grant the fuels mixture exemption to Brown should, pursuant to Section 214 of the Act, be subject to the following terms and conditions:

1. The amount of petroleum used in boiler No. 14 shall not exceed 25 percent of the total annual Btu heat input of the primary energy source of the unit.

2. In accordance with the reporting requirement in 10 CFR 503.38(g) Brown will submit an annual report to the Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461, each year on the anniversary of the boiler being placed in service. The certified statement should contain the following information and be presented in the format below.

Boiler No.	Fuel type	Amount used (tons/bbls)	Percent of annual fuel consumption
14	No. 6 Fuel Oil		
	Bark or wood waste.		

3. The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision shall, in accordance with 10 CFR 501.68 and 503.38, be based on the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

ERA will issue a final order granting or denying the permanent exemption from the prohibitions of the Act within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension together with a statement of reasons for such an extension will be published in the **Federal Register.**

Issued in Washington, DC, on February 8, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-5238 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Environment

Environmental Advisory Committee, Demand Subcommittee and Subcommittee on Nuclear Energy, Open Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following Subcommittee meetings:

Date and time: The *Demand Subcommittee* will meet Thursday, March 5, 1981, from 10:00 a.m. to approximately 4:00 p.m. in Room 4A110.

The *Subcommittee on Nuclear Energy* will meet Friday, March 6, 1981, from 9:00 a.m. to approximately 5:00 p.m. in Room 1G079.

Place: Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Contact: Rohoda Shechtel, Department of Energy, Forrestal Building, Room 4G052, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202-252-4616.

Purpose of parent committee: To advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

Tentative agenda:

Demand Subcommittee, March 5, 1981

The Subcommittee will scope the following issues which will be their agenda for 1981:

- Strategies for reduction of oil consumption
- Consuming sectors for near-term petroleum use reduction which offer most promise
- Environmental aspects associated with various power producing technologies
- Examination of regulations which encourage inefficient use of energy

Nuclear Energy Subcommittee, March 6, 1981

- Opening Remarks
- Briefing by DOE Office of Nuclear Energy
- Narrowing and defining scope
- Development of work plan of Subcommittee

Public participation: The meetings are open to the public. Any member of the public who wishes to file a written statement with the Subcommittees will be permitted to do so, either before or after the meetings. 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. Members of the public who have not previously requested an opportunity to make an oral presentation, but who wish to speak, will be permitted to do so at a time determined by the Chairperson.

Transcripts: 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 February 10, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-5236 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3845-000]

American Hydro Power Co.; Application for Preliminary Permit

February 10, 1981

Take notice that American Hydro Power Company (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791 (a)-825(r)] for proposed Project No. 3845 to be known as the B. F. Goodrich Project located on the Perkiomen Creek in Montgomery County, Pennsylvania. 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 Co., 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 project would consist of: (1) an existing concrete gravity dam approximately 8 feet high and 80 feet long; (2) an existing reservoir extending approximately 500 feet upstream; (3) a steel flume to transport water to; (4) a proposed overshot waterwheel to be located on the western bank of the creek, approximately 10 feet downstream of the dam; (5) a 290-kW generator, and (6) appurtenant works. The dam and the western bank of the creek is owned by the B. F. Goodrich Company. The eastern bank is owned by the Catholic Archdiocese of Philadelphia. The project would have a total installed capacity of 290 kW and an average annual generation of 1,270,000 kWh annually.

Purpose of Project—Project energy would be sold to local industrial concerns.

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 perform economic and environmental studies. Depending upon the outcome of the studies, the Applicant would file an application for FERC license. Applicant estimates that the total cost of permit studies would be $30,000.

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 April 20, 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 June 19, 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 April 20, 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. 3845. 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. 81-5067 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3705-000]

American Hydro Power Co.; Application for Preliminary Permit

February 6, 1981.

Take notice that the American Hydro Power Company (Applicant) filed on November 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3705 to be known as the Gilpin Falls Project located on Northeast Creek in Cecil County, Maryland. 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 project would consist of: (1) an existing dam approximately 150 feet long and 6 feet high; (2) a producing 2.75 acre reservoir with a storage capacity of 8 acre-feet; (3) an upgraded intake structure; (4) an existing concrete penstock 5 feet in diameter; (5) a new steel penstock 1,300 feet long; (6) a reconstructed powerhouse containing two 200-kW turbine/generator units; (7) a new transmission line and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,670,000 kWh.

Purpose of Project—Project power would be sold to the Philadelphia Electric Company.

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 $40,000.

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 April 10, 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 June 9, 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 April 10, 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. 3705. 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. 81-5068 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-12-000]

American McGaw Division; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 6, 1981.

On January 19, 1981, American McGaw Division of American Hospital Supply Corp. filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a topping-cycle cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be entirely owned by the applicant and will be located at the Headquarter's plant of the American McGaw Division, Irvine, California. American McGaw is installing a Solar Centaur turbine generator with a Deltak Heat Recovery Unit. The system will generate 2.8 megawatts of electricity and supply 15,600 pounds per hour of 125 psig process steam. The primary energy source of the facility will be natural gas. The applicant states that it will meet the applicable efficiency standard.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the Applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5069 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3905-000]

Richard L. Bean and Fred G. Castagna; Application for Preliminary Permit

February 6, 1981.

Take notice that Richard L. Bean and Fred G. Castagna (Applicant) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3905 to be known as Nelson Creek No. 1 Power Project located on Nelson Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard L. Bean and Fred G. Castagna, 741 Baker Road, Redding, California 96003. 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 diversion structure; (2) a penstock; (3) a powerhouse containing an 800-kW generating unit; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 7,000,000 kWh.

Purpose of Project—The power developed 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 24 months during which it would make a geographic study; prepare an environmental impact report; study the economic and financial feasibility; and apply for the necessary permits.

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 April 13, 1981, either the competing application itself or 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 June 12, 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 protests 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 April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing application, 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. 3905. 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. 81-5046 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3908-000]

Richard L. Bean and Fred G. Castagna; Application for Preliminary Permit

February 6, 1981.

Take notice that Richard L. Bean and Fred G. Castagna (Applicant) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3908 to be known as Slate Creek Power Project located on Slate Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard L. Bean and Fred G. Castagna, 741 Baker Road, Redding, California 96003. 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 diversion structure; (2) a penstock; (3) a powerhouse containing a 400 kW generating unit; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 3,480,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to the 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 24 months, during which it would make a geographic study; prepare an environmental impact report; study the economic and financial feasibility; and apply for necessary permits. The cost of these activities is estimated by the Applicant to be $110,000.

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 make. 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 April 13, 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 June 12, 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 April 13, 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. 3908. 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. 81-5047 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3756-000]

City of Bountiful, Utah; Application for Preliminary Permit

February 9, 1981.

Take notice that the City of Bountiful, Utah (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3756 to be known as East Canyon Dam Project located on the East Canyon Reservoir in Morgan County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. Berry Hutchings, Manager, Bountiful City Light and Power Department, 198 South 200 West, Bountiful, Utah 84010. 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 Army Corps of Engineers' East Canyon dam and would consist of: (1) a penstock 300 feet long; (2) a powerhouse with one generating unit having a total rated capacity of 1,750 kW; and (3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 7.94 GWh.

Purpose of Project—Project energy would be used by the Applicant for municipal purposes.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include a study of environmental impacts, economic analysis, and a preparation of preliminary engineering plans. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $81,000.

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 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 Utah Hydro Corporation's application for Project No. 3540-000 filed on October 8, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before February 27, 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 April 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 March 23, 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. 3756. 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. 81-5070 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-53-000]

Clatskanie People's Utility District; Application for Exemption

February 9, 1981.

Take notice that the Clatskanie People's Utility District (CPUD), on December 16, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, CPUD states that it should not be required to file the specified data for the following reasons:

(1) CPUD is a non-profit distribution only utility governed by a five-member

Board of Directors. They are elected by and from sub-districts, set by equal population, within CPUD's service area.

(2) All energy is purchased from Bonneville Power Administration (BPA).

(3) CPUD serves one large industrial at a 99% load factor. Without this customer CPUD would fall far short of the threshold for coverage by Section 290.101.

(4) The gathering and reporting of the information required by Section 133 of PURPA will not carry out the purpose of that section of the Act but would constitute an expensive and burdensome task which will not produce useful information.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Clatskanie People's Utility District, Attention: Mr. Dan Westlind, General Manager, P.O. Box 216, Clatskanie, Oregon 97016.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-5073 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3598-000]

Cook Electric Co.; Application for Preliminary Permit

February 9, 1981.

Take notice that Cook Electric Company (Applicant) filed on October 23, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3598 to be known as Barber Dam Project located on the Boise River in Ada Country, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. 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) the existing 31-foot high, earth-filled Barber Dam with a reinforced gunite spillway, and impounding a 125 acre-foot reservoir; (2) the modernization of the intake structures; (3) the rehabilitation of the existing concrete powerhouse at the base of the dam, containing three new generating units, each rated at 1,500 kW; and (4) an existing 2,300-foot long, 34.5-kV transmission line. The proposed project would be operated on a run-of-the-river basis. Barber Dam is owned by Ada County. The Applicant estimates that the average annual energy output would be 15.4 million kWh.

Purpose of Project—The energy output of the project would be sold to the Idaho Power 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 engineering studies and surveys, perform preliminary designs, conduct environmental and historical reviews, consult with agencies, and prepare an FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit is $48,000.

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 April 13, 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 June 12, 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 April 13, 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. 3598. 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. 81-5074 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3793-000]

John Cotton; Application for Preliminary Permit

February 9, 1981.

Take notice that John Cotton (Applicant) filed on November 23, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3793 to be known as the Sebec Project located on Sebec Lake in Sebec Village, Piscataguis County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Fred J. Ayer III, Kleinschmidt and Dutting Engineering, 73 Main Street, Pittsfield, Maine 04967. 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) the existing dam and reservoir owned by Bangor Hydro-Electric Company at Sebec Lake (2) a new 9-foot diameter, 850-foot long steel penstock; (3) a new powerhouse containing a single 1 MW turbine-generator; and (4) appurtenant facilities. The applicant does not propose any change to the existing lake management procedures.

The Applicant estimates that the average annual energy output would be 5,300,000 kWh saving the equivalant of 8,700 barrels of oil or 2,500 tons of coal.

Purpose of Project—Energy produced at the project would be sold to Bangor Hydro-Electric Company for distribution to its customers.

Proposed Scope and Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant has requested a preliminary permit term of 24 months. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 17, 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 June 16, 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 April 17, 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. 3793. 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. 81-5075 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-41-000]

Lee County Electric Coop., Inc., North Fort Myers, Florida; Application for Exemption

February 9, 1981.

Take notice that Lee County Electric Cooperative, Inc. (LCEC), North Fort Myers, Florida, on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, and biennially thereafter, certain information on the costs of providing electric service as specified in Subparts A, B, C, D, and E.

In its application for exemption, LCEC states that it should not be required to file the certain data because "the regulations require information of a type and level of detail that is either inappropriate for, or not applicable to, the LCEC's electric system operations, and, further, that denial of relief from the requirement of furnishing information that is otherwise appropriate and applicable to the LCEC's electric system operations would result in costs that would be unduly burdensome upon the LCEC's electricity ratepayers and would not further the purposes of this section of PURPA. The LCEC submits that the facts described in this application

support the LCEC's request for exemption from certain requirements and exemptions based on alternate compliance, as described within this application."

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: Lee County Electric Cooperative, Inc., Attention: Mr. James D. Sherfey, Executive Vice President and General Manager, P.O. Box 3455, North Fort Myers, Florida 33903.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5076 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-44-000]

Lubbock Power and Light; Application for Exemption

February 9, 1981.

Take notice that Lubbock Power and Light, on December 30, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290

In its application for exemption, Lubbock Power and Light states that it should not be required to file the specified data for the following reasons:

(1) All sides of rate proceedings are fairly represented already.

(2) Compliance with the Section will create an unacceptable and unwarranted financial burden on the utility's customers.

(3) Comparable data is already readily available from other sources.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Lubbock Power and Light, Attention: Mr. Carroll McDonald, Director of Electric Sales and Service, Tenth & Texas, Lubbock, Texas 79457.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5057 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3885-000]

Mears Creek Ranch; Application for Preliminary Permit

February 9, 1981.

Take notice that Mears Creek Ranch—a general partnership (Applicant) filed on December 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3885 to be known as Mears Creek Power Project located on Mears Creek in Shasta 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 H. Drumm, Partner and Agent, P.O. Box 1778, Redding, California 96099. 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) an intake structure within the north bank of the Mears Creek; (2) a 2400-foot long diversion conduit or channel; (3) an 24-inch diameter, 800-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 500 kW; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 2.4 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 24-month permit to prepare a project report including preliminary designs, results of environmental and economic feasibility studies. 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 $85,000.

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 April 16, 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 June 15, 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 April 16, 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. 3885. 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. 81-5058 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3752-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 9, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3752 to be known as Monongahela River Lock and Dam 2 located on Monongahela River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. 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' Lock and Dam 2 and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 6.7 MW; and (2) appurtenant facilities. Applicant estimates that the average annual energy output would be 35,462,000 kWh.

Purpose of Project—Project energy would be sold to the Duquesne Light Company or another local utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 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—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 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 June 12, 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 April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital leters 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. 3752. 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. 81-5059 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-40-000]

Monongahela Power Co.; Application for Exemption

February 9, 1981.

Take notice that the Monongahela Power Company (Monogahela), on January 5, 1981, filed an application for

exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Section 290.405(a) of Part 290.

In its application for exemption, Monongahela states that it should not be required to file the specified data for the following reasons: Monongahela is part of the Allegheny Power System, Inc. (System).The areas served by the subsidiaries of the System are contiguous and similar in character. Monongahela proposes to use System-wide (borrowed) load data for its Schedule C customers.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426 on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Monongahela Power Company, Attentioin: Mr. Richard E. Myers, Comptroller, 1310 Fairmont Avenue, Fairmont, West Virginia 26554.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5080 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-43-000]

Pacific Power and Light Co.; Application for Exemption

February 9, 1981.

Take notice that the Pacific Power and Light Company (Pacific), on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.202(a), 290.303(a)(g) and 290.403(a).

In its application for exemption, Pacific states that it should not be required to file the specified data for the following reasons:

(1) Hourly marginal cost data for a combined hydro/thermal based system such as Pacific's are extremely varied and complex. Pacific is proceeding on schedule with a unique state-of-the-art model to estimate such load data but it is not expected to be operational before September 1981.

(2) Because of the flexibility of operation of Pacific's system the average hourly energy costs are essentially independent of time of service.

(3) For Idaho only the use of metered data would not justify the cost. Idaho territory served by Pacific represents less than 0.8% of their system load.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Pacific Power and Light Company, Attention: Mr. Fredric D. Reed, Vice President, Public Service Building, Room 1500, 920 S.W. Sixth Avenue, Portland, Oregon 97204.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5081 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-50-000]

Pedernales Electric Cooperative, Inc.; Application for Exemption

February 9, 1981.

Take notice that Pedernales Electric Cooperative, Inc. (PEC), on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption, PEC states that is should not be required to file the specified data for the following reasons:

(1) PEC is a small non-profit rural electric cooperative corporation. PEC purchases all of the electric energy that it distrubutes.

(2) Full compliance would result in an unacceptable and unwarranted financial burden on its members.

(3) Many portions of Section 133 are inappropriate for a full requirements distributing cooperative.

(4) The PURPA goals have been substantially achieved by PEC.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Pedernales Electric Cooperative, Inc., Attention: Mr. Bennie R. Fuelberg, General Manager, P. O. Box 467, Johnson City Texas 78636.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5082 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-47-000]

City of Port Angeles, Lighting Department; Application for Exemption

February 9, 1981.

Take notice that the City of Port Angeles, Lighting Department, on December 30, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, the City of Port Angeles states that it should not be required to file the specified data for the following reasons:

(1) The City's unique operating characteristics in that 63% of its total sales (434,244 MWh) were sold to two industrial customers (ITT-Rayonier and Crown-Zellerbach).

(2) Absent these two jurisdictional customers, the City's basic retail sales

were approximately 256,000 MWh, well below the 500,000 MWh PURPA threshold.

(3) The City serves these industrial loads by "passing through" the Bonneville Power Administration's purchased power costs in order to insure a continuing power supply to these customers since BPA cannot legally provide direct service to them. In other words, the City has little control over the pricing method, and C-Z and ITT have little peak to move or valley to fill.

(4) At current growth rates, the City's retail sales, exclusive of these two industrial customers, will not reach the PURPA threshold until after the year 2000.

(5) Given the above, the City requests a total permanent exemption from these information reporting requirements.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on the City of Port Angeles, Department of Lighting, Attention: Mr. Robert Orton, Director of Finance and Administrative Services, P.O. Box 1150, Port Angeles, Washington 98362.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5052 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-38-000]

Public Utility District No. 1 of Chelan County; Application for Exemption

February 9, 1981.

Take notice that Public Utility District No. 1 of Chelan County (Chelan), on December 22, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, Chelan states that it should not be required to file the specified data for the following reasons:

(1) Chelan proposes an alternative compliance program.

(2) The mainstay of Chelan's energy and capacity resource for the present and the future is existing hydro generation.

(3) The cost of energy sold is relatively insensitive to time of use.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District No. 1 of Chelan County, Attention: Mr. G. L. Copp, Director, Customer Service and Engineering, P. O. Box 1231, Wenatchee, Washington 98801.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5063 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-51-000]

Public Utility District No 1. of Franklin County; Application for Exemption

February 9, 1981.

Take notice that Public Utility District No. 1 of Franklin County (Franklin), on January 6, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, Franklin states that it should not be required to file the specified data for the following reasons:

(1) An alternate program for compliance with the goals of PURPA is proposed.

(2) Franklin is a distribution system only and purchases all energy from the Bonneville Power Administration (BPA).

(3) Rate of return is not calculated nor thought to be useful.

(4) Because of the heavy reliance on hydro power, generation costs are relatively insensitive to time of use.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District No. 1 of Franklin County, Attention: Mr. Gary McBroom, Auditor, P.O. Box 2407, Pasco, Washington 99302.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5064 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-39-000]

Public Utility District No. 1 of Lewis County, Washington; Application for Exemption

February 9, 1981.

Take notice that Public Utility District No. 1 of Lewis County on December 30, 1980 filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, the PUD No. 1 of Lewis County states that it should not be required to file the specified data for the following reasons:

(1) An alternate compliance program through which: (a) the District holds ratemaking meetings open to public participation; (b) all cost and ratemaking information available for public inspection; (c) information currently employed for District management and ratemaking policies are submitted in other governmental reports which are readily available to the public; (d) the District's current ratemaking policies depend heavily upon the system's costs of service; and (e) an alternate compliance program for certain information provided in the application.

(2) The distribution nature of the District.

(3) The residential and small commercial nature of the District's system load.

(4) Given the proceeding, the District believes it currently complies with the spirit of these regulations via this alternate compliance program.

Copies of the applicatioin for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District No. 1 of Lewis County, Washington, Attention: G. H. Kalich, Manager, 321 NW., Pacific Avenue, Chehalis, Washington 98532.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5065 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3658-000]

Ramel Corp.; Application for Preliminary Permit

February 10, 1981.

Take notice that Ramel Corporation (Applicant) filed on November 3, 1980, an application for preliminary permit [prusuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3658 to be known as the White River L/D #1 Hydro Project located on the White River in Independence County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard H. Davis, Jr., President, Ramel Corporation, Route 5, Box 46B, Nashville, Arkansas 71852. White River Lock and Dam No. 1 is owned and operated by the City of Batesville, Arkansas. 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 be run-of-the-river and would consist of: (1) an existing dam, 660 feet long and 31 feet high, constructed of concrete with an ogee spillway over the entire length and a navigation lock at the left river bank; (2) a reservoir having negligible pondage; (3) a new intake structure; (4) a new penstock, approximately 100 feet long, at the right river bank (or, alternatively, the existing lock, with gates, at the left river bank, utilized as intake structure and forebay); (5) a new powerhouse containing generating units having a total rated capacity of 5,000 kW; (6) a tailrace; (7) a new 161-kV transmission line, approximately one mile long; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 29,000,000 Kwh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necesssary 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 April 20, 1981, either the competing application itself or a notice of intent to file a 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 June 19, 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 April 20, 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. 3658. 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. 81-5066 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI61-1408-000, et al.]

Ringwood Gathering Co. (Formerly: Oklahoma Natural Gas Gathering Corp.; Redesignation

February 6, 1981.

On October 27, 1980, Ringwood Gathering Company filed an application to amend the certificates currently held by Oklahoma Natural Gas Gathering Corporation to substitute the Applicant as certificate holder pursuant to a corporate name change.

Accordingly, the authorizations issued* by this Commission and by the Federal Power Commisssion, the FERC Gas Tariff on file and any other records or proceedings relating to Oklahoma Natural Gas Gathering Corporation are redesignated as those of Ringwood Gathering Company.

This action is taken pursuant to 18 CFR 375.302(s) of the Commission's rules.

Kenneth F. Plumb,
Secretary.

Appendix.—*Ringwood Gathering Co. (Formerly: Oklahoma Natural Gas Gathering Corp.)*

	Date of Commission order
Certificate proceedings:	
CI61-1408	3/30/62
CP70-257	8/10/70
CP80-141	5/8/80
Rate proceedings:	
RP71-44	12/29/70
RP72-115	6/30/72
RP74-44	3/1/74
RP75-92	5/19/75
RP78-57	5/19/78
RP79-70	2/27/80
RP80-60	1/17/80
Miscellaneous proceedings:	
TC79-92	12/21/79
SA79-18	8/24/79
SA80-137	12/19/80
GP80-37	(1)
GP80-83	(2)

[1] Pending.
[2] Protest is pending.

[FR Doc. 81-5048 Filed 2-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3802-000]

City of Rome, New York; Application for Preliminary Permit

February 10, 1981.

Take notice that the City of Rome, New York (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3802 to be know as the Boyd Dam Project located on Fish Creek in the Town of Lewis, Lewis 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: Mayor Carl J. Eilenberg, City of Rome, City Hall, Rome, New York 13440. 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 City-owned water supply facility and would consist of: (1) a concrete gravity dam 85 feet high and 515 feet long, including an ogee-type spillway 150 feet long; (2) an earth dike 7 feet high and 300 feet long located at the right (east) abutment; (3) a reservoir with a surface area of 210 acres and a storage capacity of 4,345 acre-feet at normal pool elevation 1,280 feet U.S.G.S.; (4) a gated intake structure and two 36-inch steel outlet conduits; and (9) appurtenant facilities. Applicant proposes to construct: (1) a powerhouse at the toe of the dam containing generating unit(s) having a total installed capacity of 1,750 kW; (2) a 400-foot long transmission line; and (3) appurtenant facilities. The applicant estimates that the average annual energy output would be 12,000 MWh.

Purpose of Project—The power generated from the project would be used by the City of Rome for municipal purposes.

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 perform operation, alternative, economic and environmental studies, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit to be $29,400.

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 enviromental 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 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 April 20, 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 June 19, 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, protests, or petition to intervene must be received on or before April 20, 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. 3802. 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

*Set forth in Appendix.

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. 81-5071 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3718-000]

Sequoia Energy Corp.; Application for Preliminary Permit

February 10, 1981.

Take notice that Sequoia Energy Corporation (Applicant) filed on November 13, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791 (a)-825(r) for proposed Project No. 3718 to be known as Sumner Hydro Project located on the Pecos River in De Baca County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lee Trent, President, Sequoia Energy Corporation, 20317 Arminta Street, Canoga Park, California 91306. Any person who wished 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 Water and Power Resources Service's Sumner Dam and would consist of: (1) a penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 3,800 kW and 4,100 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 9,000,000 kWh and 9,600,000 kWh.

Purpose of Project—Project energy would be sold to the Farmers Electric Cooperative. Other alternatives, such as sale to nearby public institutions or industrial users, will be investigated.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $48,000.

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 appplication 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 April 20, 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 June 19, 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 April 20, 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", 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. 3718. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by 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. 81-5049 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-49-000

South Central Power Co.; Application for Exemption

February 9, 1981.

Take notice that South Central Power Company (SPC), on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption, SCP states that it should not be required to file the specified data for the following reasons:

(1) SCP is small non-profit rural electric company operating on a cooperative basis. It purchases all its power.

(2) SPC does not have the required technical staff nor the load research equipment.

(3) SCP will need more time to develop the resources required to comply with Part 290.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: South Central Power Company, P.O. Box 250, Lancaster, Ohio 43130.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5050 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-46-000]

Southern Maryland Electric Cooperative, Inc.; Application for Exemption

February 9, 1981.

Take notice that Southern Maryland Electric Cooperative, Inc. (SMECO), on December 31, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.403 and 290.404.

In its application for exemption, Southern Maryland Electric Cooperative states that it should not be required to file the specified data for the following reasons:

(1) SMECO has a load research program currently underway. Load data from this load research program provides very good estimates of SMECO's residential and general service consumer load characteristics. This data is being used for SMECO's planning purposes and ratemaking in an effort to meet the objectives of PURPA Title I to promote energy conservation, efficient use of resources and equitable rates.

(2) SMECO proposes to submit load data based on their existing load research program. Although this load research program would not be based on a random sample, it would provide significant information for SMECO's use and would fulfill the purposes of Section 133 of PURPA.

(3) SMECO plans to conduct a survey of their consumers and analyze the results of their proposed load research program in order to improve the accuracy of load data for the June 30, 1984 filing date.

(4) It would be impractical for SMECO to implement a new load research program based on individual sampling of residential and general service consumers by January 1, 1981.

(5) Because of its size and limited resources, SMECO lacks the necessary manpower, equipment and funds to administer a large load research program based on individual sample metering. It is estimated that such a load research program would cost approximately $200,000 to $400,000 per year based on a sample of 200 residential and general service consumers. Meeting the requirements of a large research program constitutes an undue burden on SMECO's resources.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Southern Maryland Electric Cooperative, Inc., Hughesville, Maryland 20637.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5051 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-37-000]

Toledo Edison Co.; Application for Exemption

February 9, 1981.

Take notice that The Toledo Edison Company (Toledo) on December 22, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.305(a)(3); 290.306(b); 290.403(a)(1), (2), (3), (4); 290.406(a)(1), (2), (3); 290.501(a), (b), (c); and 290.502(a), (b), (c) for certain small rate classes, as defined in Subpart D, §§ 290.404(b) and 290.404(g)(2).

In its application for exemption, Toledo states that it should not be required to file the specified data for six small rate calsses for the following reasons:

(1) They will become extinct in 1981, or

(2) They have been closed to new customers by order of the Ohio Public Utilities Commission, or

(3) They are night time off-peak loads, and/or

(4) The extent of service load is extremely small.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: The Toledo Edison Company, Attention: Mr William E. Huepenbecker, Rate Director, 300 Madison Avenue, Toledo, Ohio 43652.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5053 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3877-000]

City of Ukiah, California; Application for Preliminary Permit

February 10, 1981.

Take Notice that the City of Ukiah, California (Applicant) filed on December 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3877 to be known as Lake Pillsbury Project located on Eel River in Lake County, California. The application is on file with Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. S. Kruth, Director of Public Works, City of Ukiah, 203 South School Street, Ukiah, California 95482. 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 72-inch diameter, 50-foot long penstock, connecting the existing outlet of the Lake Pillsbury (part of Licensed Project No. 77) with; (2) a powerhouse containing a single generating unit with a rated capacity of 5,000 kW; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 15 million kWh.

Purpose of Project—Project energy would be sold to the Applicant's customers within the City of Ukiah.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 24-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environment 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 $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any 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 Rule. Any comments, protest, or petition to intervene must be received on or before March 27, 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. 3877. 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. 81-5072 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-42-00]

Umatilla Electric Cooperative Association; Application for Exemption

February 9, 1981.

Take notice that Umatilla Electric Cooperative Association (Umatilla), on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts A, B, C, D, and E of Part 290.

In its application for exemption, Umatilla states that it should not be required to file the specified data for the following reasons:

(1) An alternate compliance program is proposed.

(2) The distribution nature of Umatilla.

(3) Umatilla believes it currently complies with the spirit of these regulations via the alternate compliance program.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Umatilla Electric Cooperative Association, Attention: Mr. Russell N. Dorran, Manager, P.O. Box 48, Hermiston, Oregon 97838.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5084 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CI77-579-000, et al.]

Cities Service Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

February 10, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed with the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-579-001, C, 1/15/81	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, North one-half (N/2) of East Cameron Block 42, Offshore Louisiana.	(1)	15.025
CI61-691-001, C, 1/5/81	Arco Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company, Lloyd Vickery Unit, Well No. 3, Section 5, T22N, R16W, Major County, Oklahoma.	(2)	14.65
CI61-102-000, A, 12/31/801	Louisiana Land Offshore Exploration Company, Inc., 225 Baronne Street, P.O. Box 60350, New Orleans, Louisiana 70160.	Texas Eastern Transmission Corporation Blocks 369 and 386, Vermilion Area, Offshore Louisiana.	(3)	15.025
CI81-118-000, A, 1/8/81	Aminoil Development, Inc., 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Natural Gas Pipeline Company of America Block 78, South Pass Area, Offshore Louisiana.	(3)	15.025
CI81-119-000, A, 1/9/81	CNG Producing Company, Suite 3100, One Canal Place, New Orleans, Louisiana 70130.	Consolidated Gas Supply Corporation, Eugene Island Block 321, OCS G-2610, Offshore Louisiana.	(3)	15.025
CI81-120-000, A, 1/12/81	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Texas 77001.	Texas Eastern Transmission Corporation, Block 528, West Cameron Area, South Addition, Offshore Louisiana.	(3)	15.025
CI81-121-000, A, 1/12/81	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Transcontinental Gas Pipe Line Corporation, OCS Block A-443, High Island Area, South Addition, Offshore Texas.	(4)	14.65
CI81-127-000, A, 1/15/81	Chevron U.S.A., Inc., P.O. Box 7390, San Francisco, California 94120.	Tennessee Gas Pipeline Company and Columbia Gas Transmission Corporation, South Pass Blocks 78, *et al.*, Offshore Louisiana.	(3)	15.025
CI81-128-000, A, 1/16/81	Pioneer Production Corporation, P.O. Box 2542, Amarillo, Texas 79189.	Transcontinental Gas Pipe Line Corporation, OCS Lease G-3414 dated January 1, 1977: N/2 Block 34, West Delta Area, Offshore Louisiana, Gulf of Mexico.	(5)	15.025
CI81-129-000, A, 1/21/81	CNG Producing Company, One Canal Place, Suite 3100, New Orleans, Louisiana.	Texas Gas Transmission Corporation, Block 249 Field "D" Platform, Block 248 Ship Shoal Area, Offshore Louisiana.	(5)	15.025
CI61-130-000, E, 1/22/81 [6]	Getty Oil Company (Succ. to Getty Reserve Oil, Inc.), P.O. Box 1404, Houston, Texas 77001.	Texas Eastern Transmission Corporation, North Mineral Field, Bee County, Texas.	(7)	14.65
CI81-131-000, E, 1/22/81 [6]	do	Southern Natural Gas Company, Bayou Sale Field, St. Mary Parish, Louisiana.	(8)	15.025
CI81-132-000, E, 1/22/81 [6]	do	Michigan Wisconsin Pipe Line Company, Canadian County, Oklahoma.	(9)	14.65
CI81-133-000, E, 1/22/81 [6]	do	Tennessee Gas Pipeline Company, Bethany Field, Panola County, Texas.	(10)	14.65
CI81-134-000, E, 1/22/81 [6]	do	Internorth Inc. (formerly Northern Natural Gas Company), Hansford Field, Ochiltree County, Texas.	(11)	14.65
CI81-135-000, E, 1/22/81	do	Internorth Inc. (formerly Northern Natural Gas Company), Mocane Field, Beaver County, Oklahoma.	(12)	14.65
CI81-136-000, E, 1/22/81 [6]	do	Northwest Pipeline Corporation, Salt Wells field, Sweetwater County, Wyoming.	(13)	15.025
CI81-137-000, E, 1/22/81 [6]	do	Equitable Gas Company, South Glenville field, Gilmer County, West Virginia.	(14)	14.65
CI81-138-000, E, 1/22/81 [6]	do	Internouth Inc. (formerly Northern Natural Gas Company), Mocane field, Ellis County, Oklahoma.	(15)	14.65
CI81-139-000, E, 1/22/81 [6]	do	Tennessee Gas Pipeline Company, Cold Springs field, San Jacinto County, Texas.	(16)	14.65
CI81-140-000, E, 1/22/81 [6]	do	Texas Eastern Transmission Corporation, Anna Barre field, DeWitt County, Texas.	(17)	14.65
CI81-141-000, E, 1/22/81 [6]	do	Equitable Gas Company, South Glenville field, Gilmer County, West Virginia.	(18)	14.65
CI81-142-000, E, 1/22/81 [6]	do	Colorado Interstate Gas Company, Desert Springs field, Sweetwater County, Wyoming.	(19)	15.025
CI81-143-000, E, 1/22/81 [6]	do	Equitable Gas Company, South Glenville field, Gilmer County, West Virginia.	(20)	14.65
CI81-144-000, E, 1/22/81 [6]	do	Consolidated Gas Supply Corporation, South Glenville field, Gilmer County, West Virginia.	(21)	14.65
CI81-145-000, E, 1/22/81 [6]	do	Carnegie Natural Gas Company, Glenville Field field, Gilmer County, West Virginia.	(22)	14.65
CI81-146-000, E, 1/22/81 [6]	do	Arkansas Louisiana Gas Company, Kinta field, Leflore County, Oklahoma.	(23)	14.65
CI81-147-000, E, 1/22/81 [6]	do	Colorado Interstate Gas Company, Hugoton field, Kearny County, Kansas.	(24)	14.65
CI81-148-000, E, 1/22/81 [6]	do	Internorth, Inc. (formerly Northern Natural Gas Co.), Beaver County, Oklahoma.	(25)	14.65
CI81-149-000, E, 1/22/81 [6]	do	Internorth, Inc. (formerly Northern Natural Gas Co.), Bernstien field, Hansford County, Texas.	(26)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI81-150-000, E, 1/22/81[4]	do	Consolidated Gas Supply Corporation, South Glenville field, Gilmer County, West Virginia.	([27])	14.65
CI81-151-000, E, 1/22/81[4]	do	Consolidated Gas Supply Corporation, South Glenville field, Gilmer County, West Virginia.	([28])	14.65
CI81-152-000, E, 1/22/81[4]	do	Natural Gas Pipeline Company of America, Bloomington field, Victoria County, Texas.	([29])	14.65
CI81-153-000, E, 1/22/81[4]	do	Panhandle Eastern Pipe Line Company, Buffalo Wallow field, Hemphill County, Texas.	([30])	14.65
CI81-154-000, E, 1/22/81[4]	do	Arkansas Louisiana Gas Company, Calhoun field, Ouachita Parish, Lousiana.	([31])	15.025
CI81-155-000, E, 1/22/81[4]	do	Internorth, Inc. (formerly Northern Natural Gas Co.), Vici field, Dewey County, Oklahoma.	([32])	14.65
CI81-156-000, E, 1/22/81[4]	do	Columbia Gas Transmission Corporation, Otter field, Braxton and Gilmer Counties, West Virginia.	([33])	14.65
CI81-157-000, E, 1/22/81[4]	do	Internorth, Inc. (formerly Northern Natural Gas Company), NE Cedardale field, Woodward County, Oklahoma.	([34])	14.65
CI81-158-000, E, 1/22/81[4]	do	Internorth, Inc. (formerly Northern Natural Gas Company), South Pelto Area, Offshore Louisiana.	([35])	15.025
CI81-170-000 (CI76-34), B, 1/19/81.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, Grand Isle Block 43 Field, Offshore Louisiana.	([36])	
CI81-177-000, A, 1/22/81	Forest Oil Corporation, 1500 Colorado National Building, 950 17th Street Denver, Colorado 80202.	Columbia Gas Transmission Corporation, "B" Platform, South Marsh Island, Block 143 Field, Offshore Louisiana.	([37])	15.025
CI81-179-000, A, 2/2/81	Newmont Oil Comapny, 600 Jefferson Avenue, Suite 930, Houston, Texas 77002.	Natural Gas Pipeline Company of America, Block 139, High Island Area, Offshore Texas.	([38])	14.65
CI81-176-000, A, 1/28/81	Texas Gas Exploration Corporation, 3300 First International Plaza, 1100 Louisiana, Houston, Texas 77002.	Consolidated Gas Supply Corporation, "B" Platform in Block 143, South Marsh Island Area, Offshore Louisiana, OCS-G-1217.	([39])	15.025
CI81-110-000, A, 1/5/81	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Vermilion Area Block 370, Offshore Louisiana.	([40])	15.025
CI81-172-000, A, 1/26/81	Cabot Corporation, One Houston Center, Suite 1000, Houston, Texas 77010.	Columbia Gas Transmission Corporation, Block A-508, High Island Area, Offshore Texas.	([41])	14.65
CI81-173-000, A, 1/26/81	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Southern Natural Gas Company and United Gas Pipe Line Company, Ship Shoal Area Block 84, Offshore Louisiana.	([42])	15.025
CI81-178-000, A, 1/29/81	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Southern Natural Gas Company, Matagorda Island Area (Blocks 632, 656, and 657), Offshore Texas.	([43])	14.65
CI81-168-000, A, 1/22/81	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Transcontinental Gas Pipe Line Corporation, South Pelto Area Blocks 9 and 10, Offshore Louisiana.	([44])	15.025
CI81-175-000, A, 1/26/81	Case-Pomeroy Oil Corporation, P.O. Box 1511, Midland, Texas 79702.	Transcontinental Gas Pipe Line Corporation, Blocks A-447 and A-448, High Island Area, Offshore Texas.	([45])	14.65
CI81-174-000, A, 1/26/81	Felmont Oil Corporation, P.O. Box 2266, Midland, Texas 79702.	Transcontinental Gas Pipe Line Corporation, Blocks A-447 and A-448, High Island Area, Offshore Texas.	([46])	14.65
CI81-169-000, A, 1/22/81	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Brazos Block A-28, Offshore Texas.	([47])	14.65

[1] Applicant is filing under Gas Purchase and Sales Agreement dated April 1, 1977.
[2] Applicant is filing under Gas Purchase Contract dated June 20, 1980.
[3] Applicant agrees to accept a certificate conditioned on a price equal to the maximum lawful price under Section 104 of the NGPA.
[4] Applicant is filing under Gas Purchase Contract dated December 23, 1980.
[5] Applicant is filing under Gas Purchase Contract dated December 15, 1980.
[6] Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company.
[7] Applicant is filing under Gas Purchase Contract dated January 1, 1974.
[8] Applicant is filing under Gas Purchase Contract dated August 6, 1971 as ratified.
[9] Applicant is filing under Gas Purchase Contract dated September 19, 1978.
[10] Applicant is filing under Gas Purchase Contract dated September 1, 1979.
[11] Applicant is filing under Gas Purchase Contract dated March 8, 1971.
[12] Applicant is filing under Gas Purchase Contract dated October 15, 1971.
[13] Applicant is filing under Gas Purchase Contract dated October 17, 1975.
[14] Applicant is filing under Gas Purchase Contract dated May 11, 1976.
[15] Applicant is filing under Gas Purchase Contract dated August 29, 1975.
[16] Applicant is filing under Gas Purchase Contract dated June 5, 1980.
[17] Applicant is filing under Replacement Gas Purchase Contract dated July 15, 1975.
[18] Applicant is filing under Gas Purchase Contract dated October 2, 1975.
[19] Applicant is filing under Gas Purchase Contract dated January 10, 1964 as amended October 26, 1964.
[20] Applicant is filing under Gas Purchase Contract dated May 11, 1976.
[21] Applicant is filing under Gas Purchase Contract dated October 21, 1966.
[22] Applicant is filing under Gas Purchase Contract dated April 9, 1976.
[23] Applicant is filing under Gas Purchase Contract dated March 21, 1977.
[24] Applicant is filing under Gas Purchase Contract dated August 31, 1954.
[25] Applicant is filing under Gas Purchase Contract dated June 1, 1970, Letter Agreement dated December 22, 1972, and Amendments dated September 17, 1973 and August 26, 1978.
[26] Applicant is filing under Gas Purchase Contract dated June 29, 1973.
[27] Applicant is filing under Gas Purchase Contract dated October 17, 1975.
[28] Applicant is filing under Gas Purchase Contract dated May 28, 1976.
[29] Applicant is filing under a Replacement Gas Purchase Contract dated March 1, 1977.
[30] Applicant is filing under Gas Purchase Contract dated December 11, 1975.
[31] Applicant is filing under Gas Purchase Contract dated October 9, 1975.
[32] Applicant is filing under Gas Purchase Contract dated September 2, 1977.
[33] Applicant is filing under Gas Purchase Contract dated November 30, 1976.
[34] Applicant is filing under Gas Purchase Contract dated May 1, 1972.
[35] Applicant is filing under Gas Purchase Contract dated August 22, 1978, as amended April 18, 1980.
[36] The available supply of gas is depleted, and the contract has expired.
[37] Applicant is filing under Gas Purchase and Sales Agreement dated January 7, 1981.
[38] Applicant is filing under Gas Purchase Contract dated July 21, 1980.
[39] Applicant is filing under Gas Purchase Contract dated December 19, 1980.
[40] Applicant is filing under Gas Sale and Purchase Contract dated December 1, 1980.
[41] Applicant is filing under Gas Purchase Contract dated December 22, 1980.
[42] Applicant is filing under Exchange Agreements dated September 30, 1980, and August 20, 1980.
[43] Applicant is filing under Contract dated December 24, 1980.
[44] Applicant is filing under Exchange Agreement dated October 7, 1977.
[45] Applicant is filing under Gas Purchase Agreement dated December 31, 1980.
[46] Applicant is filing under Gas Purchase Agreement dated October 8, 1980.
[47] Applicant is filing under Gas Purchase and Sales Agreement dated October 30, 1980.

Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total succession. F—Partial succession.

[FR Doc. 81-5180 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-60-001]

Cities Service Gas Co.; Amendment to Application

February 10, 1981.

Take notice that on January 12, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-60-001 pursuant to Section 7(c) of the Natural Gas Act an amendment to its application for a certificate of public convenience and necessity in the instant docket so as to reflect the addition of an exchange point with Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application filed November 17, 1980, it requested authorization to exchange up to 8,000 Mcf of natural gas per day with Panhandle pursuant to the terms of an agreement dated June 30, 1980. Petitioner also states that pursuant to its agreement with Panhandle it would receive volumes of gas for the account of Panhandle in Grant County, Oklahoma, and would redeliver such volumes to Panhandle at existing interconnections in Kingfisher County, Oklahoma, or in Grant County, Kansas. Applicant asserts that this is a gas for gas thermal exchange and would be balanced monthly.

Applicant states that Panhandle has contracted to purchase volumes of gas from Zenith Natural Gas Company in Barber County, Kansas. Applicant also states that it has agreed to accept delivery of this gas for Panhandle's account and would redeliver it to Panhandle at the existing points of interconnection pursuant to an amendment to their exchange agreement dated November 26, 1980.

Accordingly, Applicant proposes to amend its application in the subject docket to include the Barber County exchange point.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5181 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-161-000]

Columbia Gulf Transmission Co.; Application

February 11, 1981.

Take notice that on January 26, 1981, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-161-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a gas turbine package, and a centrifugal compressor unit and appurtenant facilities located at Applicant's Stanton, Kentucky, compressor station, 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 abandon a 7,500 horsepower General Electric Frame III gas turbine package, and Ingersoll Rand Model CDP-230 centrifugal compressor unit and appurtenant facilities located at Applicant's compressor station in Stanton, Kentucky.

The 7,500 horsepower compressor facilities were installed to increase Applicant's mainline capacity but Applicant has installed horsepower of compression in excess of that actually required, it is stated. Applicant, therefore, proposes to abandon the compressor facilities. It is asserted that retention of such facilities would also necessitate the replacement of the regenerative unit which is uneconomical.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5182 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-23-000]

Eastern Shore Natural Gas Co.; Tariff Filing

February 10, 1981.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on February 5, 1981 tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

To Be Effective March 1, 1981

Seventeenth Revised Sheet No. 5
Seventeenth Revised Sheet No. 6
Third Revised Sheet No. 7
Seventeenth Revised Sheet No. 10
Seventeenth Revised Sheet No. 11
Seventeenth Revised Sheet No. 12

Eastern Shore states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment, to reflect a Demand Charge Adjustment, to reflect a Deferred Gas Cost Adjustment and to report the Projected Incremental Pricing Surcharges. This filing is being made in accordance with Sections 20, 21 and 23 of Eastern Shore's FERC Gas Tariff and the Purchased Gas Cost Adjustment reflects rates payable to Eastern Shore's supplier during the period March 1, 1981 through August 31, 1981.

Eastern Shore states that copies of the filing have been mailed to each of its

jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 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 Feb. 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5183 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-142-000]

El Paso Natural Gas Co.; Application

February 10, 1981.

Take notice that on January 15, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-142-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas with Phillips Petroleum Company (Phillips) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas exchange agreement with Phillips dated December 5, 1980, pursuant to which Applicant would deliver a minimum of 15,000 Mcf of natural gas per day to Phillips at two proposed points of interconnection between the field facilities of Applicant and Phillips located in Roberts and Moore Counties, Texas (Roberts and Coon delivery points).

Applicant further asserts that Phillips would concurrently deliver an equal volume of natural gas to Applicant at an existing point of interconnection between the jurisdictional pipeline facilities of Applicant and Phillips located in Moore County, Texas (Dumas Plant delivery point). Applicant states that Phillips is currently delivering up to 1,500 Mcf per day of exchange gas to Applicant at the Dumas delivery point.

Applicant asserts that no new or additional facilities would be required to effectuate deliveries at the Dumas Plant delivery point. Applicant proposes, however, to construct and operate a 6-inch O.D. tap and valve assembly with appurtenances at the proposed Roberts delivery point and a 2-inch O.D. tap and valve assembly with appurtenances at the Moore County delivery point. Applicant estimates that the cost of such facilities would be $10,871 to be financed through the use of internally generated funds.

Applicant states that Phillips would be required to construct certain measurement facilities at both of the proposed points of delivery at its own expense.

It is asserted that the exchange agreement is for a primary term of five years effective December 5, 1980, and from year-to-year thereafter.

Applicant further requests blanket authorization for the addition and deletion of exchange points. Further, it is stated that in the event facilities subject to the jurisdiction of the Commission are required to be installed, Applicant would construct and operate such facilities under blanket authorization making annual reports of such construction to the Commission.

Applicant states that the subject proposals would assist both Applicant and Phillips in their ability to make available to their respective systems additional quantities of natural gas while obviating the need for the construction of extensive gathering and pipeline facilities which otherwise would be required to connect producing sources of gas directly to either party's existing pipeline systems and which, in part, would duplicate existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5184 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-160-000]

Florida Gas Transmission Co.; Application

February 11, 1981

Take notice that on January 23, 1981, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-160-000 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 a new delivery point for the delivery of natural gas to Central Florida Gas Corporation (CFG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a letter agreement dated October 23, 1980, Applicant proposes herein to construct and operate an additional delivery point for CFG at a mutually agreeable point on Applicant's 3-inch Lake Wales lateral pipeline in Polk County, Florida. It is asserted the new delivery point consisting of a tap, a valve, and a new meter and regulator station would cost $29,100 which would be reimbursed by CFG.

By this facility, Applicant would deliver on a firm basis up to 19,800 therms of natural gas per day to CFG for resale to residential and small commercial customers in CFG's Lake Wales, Florida, service area, it is stated.

Applicant further asserts that the October 23, 1980, agreement further provides that Applicant's obligation to deliver a maximum of 33,000 therms per day at the Lake Wales delivery point

would be reduced to 13,200 therms per day and that deliveries at the proposed point of delivery would not exceed 19,800 therms per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5185 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-578]

Kansas Gas and Electric Co.; Notice of Filing

February 10, 1981.

The filing company submits the following:

Take notice that on February 2, 1981, Kansas Gas and Electric Company submitted for filing a statement of compliance pursuant to Commission Opinion No. 80-A, dated August 21, 1980, and the Commission's letter order dated January 2, 1981.

A copy of this filing has been served upon the parties to this proceeding and the appropriate state regulatory agencies.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5186 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP76-90]

Kansas-Nebraska Natural Gas Co., Inc., Settlement Conference

February 10, 1981.

On February 3, 1981, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) advised the Commission Staff that it has been and currently is engaged in discussions with certain customer groups and with specific customers that are served by it in an attempt to arrive at a settlement of all of the outstanding issues in the above-styled proceeding. It further indicated that some of these discussions had advanced to the point where it felt that an over-all settlement conference between it, its customers, the parties to the above-styled proceedings and the Commission Staff might prove fruitful. It also expressed its view that the convening of such a conference in the general vicinity of its market area would facilitate the attendance of certain of its customers whose presence could prove to be of substantial assistance in the finalization of a settlement of the outstanding issues in Docket No. RP76-90.

Settlement conferences will therefore be convened in the vicinity of Denver, Colorado for the purpose of attempting to arrive at a settlement of all of the outstanding issues in the proceeding entitled *Kansas-Nebraska Natural Gas Company* in Docket No. RP76-90 on March 9th, 10th, and 11th, 1981. These conferences will convene at 10:00 a.m. M.S.T. each morning on the above-noted dates at the following address: Federal Center, 6th Avenue and Kipling Street (use entrance W-2), Building 25, Room 1204, Lecture Hall A, Denver, Colorado.

All interested parties are invited to attend these conferences.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5187 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-222-002]

Kansas-Nebraska Natural Gas Co., Inc.; Tariff Filing

February 10, 1981.

Take notice that on February 2, 1981 Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) filed, pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act, Third Revised Sheet No. 178, which sheet, when accepted for filing and permitted to become effective, will serve to revise Rate Schedule X-7 of Kansas-Nebraska's FERC Gas Tariff, Second Revised Volume No. 2.

Kansas-Nebraska states that Rate Schedule X-7 is comprised of the Sale, Exchange and Transportation Agreement (Agreement) dated June 5, 1974 between Kansas-Nebraska and Northern Natural Gas Company (Northern) which provides for the purchase by Kansas-Nebraska of a portion of the natural gas to be delivered by Northern to Kansas-Nebraska in Wyoming and the transportation and redelivery of the balance thereof, by exhange, to an interconnection of Kansas-Nebraska's system and Northern's system near Liberal, Seward County, Kansas. Under the Commission's order issued June 2, 1980 in Docket No. CP75-222, the parties to the Agreement are permitted to make an annual tariff filing showing additions or deletions of wells under the Agreement. The subject filing constitutes such an annual filing. Kansas-Nebraska further states that the tendered tariff sheet will revise Rate Schedule X-7 by deleting therefrom the Federal #1 well as this well proved non-productive and was plugged and abandoned and, therefore, was never connected as a delivery point under the Agreement.

Kansas-Nebraska requests that the tendered tariff sheet be accepted for filing and be permitted to become effective after thirty (30) days following the date of filing.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before February 26, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5186 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-60-000]

Locust Ridge Gas Co.; Change in Rates

February 10, 1981.

Take notice that on January 30, 1981, Locust Ridge Gas Company (Locust Ridge) submitted for filing as part of its FERC Gas Tariff, Original Volume No. 3 the following tariff sheets to be effective March 1, 1981: Fifth Revised Sheet No. 1A.

Locust Ridge states the purpose of the filing is to submit, for approval by the Commission, a revision in Locust Ridge's Purchased Gas Adjustment (PGA) clause. The overall effect of the filed for adjustments to Locust Ridge's G-1 sales rate is a decrease of $.009.

Locust Ridge requests waiver of the Commission regulations to the extent, if any, required to put the proposed tariff sheets into effect on March 1, 1981.

A copy of this filing has been mailed to Locust Ridge's jurisdictional customers.

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 Feb. 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copes of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5169 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-25-001]

Mississippi River Transmission Corp.; Rate Change Filing

February 10, 1981.

Take notice that on January 30, 1981, Mississippi River Transmission Corporation ("Mississippi") tendered for filing Seventy-Seventh Revised Sheet No. 3A and Third Revised Sheet No. 3D to its FERC Gas Tariff, First Revised Volume No. 1. An effective date of March 1, 1981 is proposed. Mississippi states that these tariff sheets reflect rate adjustments as follows:

(1) A PGA rate adjustment in accordance with Paragraph 17 of the General Terms and Conditions of Mississippi's Tariff which reflects changes in the current cost of gas purchased from pipeline and producer supplies;

(2) A PGA rate adjustment which reflects recovery of gas costs in the deferred purchased gas cost account and the flow through of pipeline supplier rate refunds received by Mississippi since the date of its last effective semi-annual PGA filing;

(3) A Louisiana First Use Tax (LFUT) rate adjustment in accordance with Paragraph 19 of the General Terms and Conditions of Mississippi's Tariff;

(4) An Advance Payment tracking adjustment pursuant to Article IV of the Stipulation and Agreement at Docket No. RP78-77;

(5) A Transportation and Compression tracking adjustment pursuant to Article V of the Stipulation and Agreement at Docket No. RP78-77;

(6) A Storage Loss Amortization tracking adjustement pursuant to Article VII of the Stipulation and Agreement at Docket No. RP78-77, and

(7) A revision to Mississippi's last previous "reduced PGA" rate, reflecting projected incremental pricing surcharges ("MSAC") for the period March 1, 1981 through August 31, 1981.

Mississippi states that the base tariff rates set forth on Seventy-Seventh Revised Sheet No. 3A are based upon the provisions of the Stipulations and Agreement at Docket No. RP78-77, which was approved by Commission letter order dated December 11, 1979.

Mississippi believes no waivers of the Commission's Rules and Regulations are required in order to permit its filing to become effective as proposed. However, Mississippi requests waivers be granted if in the Commission's view any such waivers are required.

Mississippi states that copies of its filing has been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5219 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-138-000]

Mississippi River Transmission Corporation; Application

February 10, 1981.

Take notice that on January 13, 1981, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP81-138-000 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 gas measurement facilities at its existing delivery station located in Pevely, Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been advised by Laclede Gas Company (Laclede) that Laclede intends to provide firm gas service to a new plant of the Foster-Forbes Glass Container Division of National Can Company through Laclede's Missouri Natural Division through a distribution system which is presently being supplied natural gas by Applicant through Applicant's Pevely delivery station, Jefferson County, Missouri.

Applicant states that Laclede has estimated that upon completion the new plant would have peak day

requirements of approximately 2,980 Mcf of gas per day and annual requirements of 960,000 Mcf which volumes would be delivered within the confines of Laclede's present contract demand with Applicant. It is asserted that Laclede's new service to the plant would not result in an increase in contract quantities Laclede is entitled to purchase from Applicant.

Applicant states that its Pevely delivery station presently utilizes measurement facilities which have a maximum capacity of 5,850 Mcf per day. Applicant asserts that with the addition of Laclede's proposed new service to the Foster-Forbes Plant, peak day deliveries through the Pevely station would exceed the maximum capacity of the existing measurement facilities.

Applicant, therefore, proposes to replace the existing measurement facilities with two 3-inch meter tubes, control and block valves, a gas scrubber, and other miscellaneous facilities for the measurement, pressure reduction and delivery of natural gas. Applicant also proposes to retire the existing facilities following their removal.

Applicant estimates the cost of the construction of the new facilities to be approximately $71,000 which would be financed from available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5220 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3725-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 11, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3725 to be known as Swift Dam Hydroelectric Project located at the United States Water and Power Resources Service's Swift Dam on the Birch Creek River in Pondera County, Valier, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. 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 a United States Water and Power Resources Service's dam. Project No. 3725 would consist of: (1) a proposed powerhouse located just below the dam on the shore of Birch Creek River, and having an estimated generating capacity of 4.3 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 19,000,000 kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to the Montana Power Company or a local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a 36 month time period. Within the 36 month time period, the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations is $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—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 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 June 19, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 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 April 20, 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. 3725. 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. 81-5221 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-135, et al.]

National Fuel Gas Supply Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

February 10, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, on or before February 25, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
Jan. 13, 1981	National Fuel Gas Supply Corporation	RP80-135	Report.
Jan. 23, 1981	Mississippi River Transmission Corporation	RP80-36	Report.
Jan. 29, 1981	East Tennessee Natural Gas Company	RP78-65-008	Report.
Jan. 30, 1981	Algonquin Gas Transmission Company	RP76-15-006	Report.
Feb. 2, 1981	Kansas-Nebraska Natural Gas Company	RP74-11-000	Report.
Feb. 2, 1981	Kentucky-West Virginia Gas Company	RP80-7-002	Report.
Feb. 2, 1981	Southern Natural Gas Company	RP77-31-007	Report.

[FR Doc. 81-5222 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-70-000; and ER81-71-000]

New England Power Co.; Filing

February 10, 1981.

The filing company submits the following:

Take notice that on January 28, 1981, New England Power Company (NEP) submitted for filing amendments to NEP's FERC Electric Tariff, Original Volume 1. Said filing is being submitted in compliance with the Commission's order, issued December 30, 1980, in the above referenced proceeding.

A copy of this filing has been served upon the affected regulatory commissions, and upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 4, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5225 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-27-000]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

February 10, 1981.

Take notice that North Penn Gas Company (North Penn) on January 30, 1981, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective March 1, 1981.

The change in rates contained in this filing reflects an increase of 43.919¢ per Mcf pursuant to § 14.1 (PGA Clause) of North Penn's tariff to reflect supplier rates which will be in effect on March 1, 1981.

Additionally, this filing reflects a surcharge credit of 72.690¢ per Mcf pursuant to § 14.2 and § 14.3 of North Penn's tariff which results from amounts accumulated in the Unrecovered Purchased Gas Cost Account for the period July 1, 1980 through December 31, 1980; the jurisdictional portion of supplier refunds received by North Penn for the same six-month period; carrying charges computed in accordance with Commission Regulations and a carry-over balance from the surcharge credit effective for the period March 1, 1980 through August 31, 1980.

North Penn respectfully requests a waiver of any of the Commission's Rules and Regulations as may be required to permit Sixty-Sixth Revised Sheet No. PGA-1 and Third Revised Sheet No. 15H, submitted herewith, to become effective March 1, 1981 as proposed.

Copies of this filing were served upon North Penn's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 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 Feb. 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5223 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP68-75-006]

Northern Natural Gas Company, Division of InterNorth, Inc.; Petition To Amend

February 11, 1981.

Take notice that on January 22, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP68-75-006 a petition to amend the order issued May 10, 1968,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional delivery point for the exchange of natural gas with Phillips Petroleum Company (Phillips), 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 by order issued May 10, 1968, it was authorized, *inter alia*, to transport and exchange natural gas with Phillips.

Pursuant to an amendment to the gas exchange agreement with Phillips dated December 31, 1980, Petitioner proposes herein to establish the wellhead meter facilities on the Deep Reef Hodges No. 1-39 well located in Roberts County, Texas, as an additional exchange point with Phillips.

Petitioner submits that because the Deep Reef Hodges No. 1-39 well has experienced declining production against its existing gathering line pressure, Petitioner would disconnect the well from its system and reconnect it to Phillips' low-pressure gathering system. Phillips would install side tap facilities to accommodate the receipt of exchange volumes and Petitioner would reimburse Phillips for all costs incurred in providing the side tap, it is stated.

Redelivery of gas exchange volumes by Phillips to Petitioner would be made at existing delivery points in Ellis County, Oklahoma, and Gray County, Texas, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5224 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. RP80-78-004]

Panhandle Eastern Pipe Line Co.; Change in Tariff

February 10, 1981.

Take notice that on February 4, 1981 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Thirty-Eighth Revised Sheet No. 3-A
Fifteenth Revised Sheet No. 3-B

An effective date of February 1, 1981 is proposed.

Panhandle states that this submittal implements the settlement in Docket No. RP80-78 approved by Commission Order dated January 27, 1981 utilizing the current 1981 GRI Funding Unit as approved by the Commission order in Docket No. RP80-108.

Panhandle states that copies of its filing have been served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5226 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3563-000 and 3653-000]

Ramel Corp. and Mitchell Energy Co., Inc.; Application for Preliminary Permit

February 11, 1981.

Take notice that the Ramel Corporation and the Mitchell Energy Company, Inc. (Applicants) filed on October 14, 1980, and November 3, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Projects Nos. 3563 & 3653 to be known as the Wappapello Lake Hydroelectric Project located on the St. Francis River in Wayne County, Missouri. The applications are on file with the Commission and are available for public inspection. Correspondence with the Ramel Corporation should be directed to: Mr. Richard H. Davis, Jr., President, Ramel Corporation, Route 5, Box 48B, Nashville, Arkansas 71852. Correspondence with Mitchell Energy Company, Inc. should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. 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—Each Applicant would utilize the existing U.S. Army Corps of Engineers' Wappapello Lake Dam.

Ramel Corporation intends to construct: (1) a new powerhouse containing generating units having a total rated capacity of 22,000 kW; (2) a transmission line; and (3) appurtenant facilities.

Ramel estimates that annual generation would average 44 GHw.

Mitchell Energy Company, Inc. intends to construct: (1) a powerhouse containing turbine/generators with a potential capacity of 22,000 kW; and (2) appurtenant facilities.

Mitchell estimates an average annual generation of 97 GWh.

Purpose of Project—Project energy developed from Projects Nos. 3563 and 3653 would be sold to a public or private utility.

Proposed Scope and Cost of Studies Under Permit—Ramel Corporation seeks issuance of a preliminary permit

for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic and environmental aspects of the project. Mitchell Energy Company, Inc. seeks issuance of a preliminary permit for a period of 24 months, during which time it would prepare similar studies. Depending upon the outcome of the studies, both Applicants would decide whether to prepare an application for an FERC license. Ramel Corporation estimates the cost of the studies under the permit would be $100,000. Mitchell Energy Company, Inc. estimates the cost 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—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 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 June 19, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 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 perliminary permit for Project no. 3563 & 3653. 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. 81-5227 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3478-001]

Stockton-East Water District; Application for Preliminary Permit

February 11, 1981.

Take notice that Stockton-East Water District (Applicant) filed on December 1, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3478 to be known as Goodwin Power Project located on the Stanislaus River in Calaveras and Tuolumne Counties, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James D. Beard II, General Manager, Stockton-East Water District, 2526 East Fremont Street, P.O. Box 5117, Stockton, California 95205. 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) an existing concrete double-arch diversion dam, Goodwin Dam, with a crest length of 460 feet and a height of 90 feet; (2) an existing reservoir with a surface area of 70 acres and a storage capacity of 500 acre-feet; (3) a steel penstock; (4) a power plant with a 5,200-kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 26,000,000-kWh.

Purpose of Project—The power developed by the proposed project would be used for the pumping of irrigation water or sold to a power company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time environmental impacts would be assessed; necessary permits and rights would be obtained; field investigations would be made; and cost estimates would be prepared. The cost of these activities is estimated by the Applicant to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for 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 Goodwin Hydroelectic Project No. 3552 under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before February 3, 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 April 6, 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 March 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state it is made in response to this notice of application for preliminary permit for Project No. 3478. 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, 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 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. 81-5228 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-17-003]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 10, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on January 30, 1981 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Fifty-seventh Revised Sheet No. 14
Fifty-seventh Revised Sheet No. 14A
Fifty-seventh Revised Sheet No. 14B
Fifty-seventh Revised Sheet No. 14C
Fifty-seventh Revised Sheet No. 14D

Texas Eastern is reducing its rates pursuant to Article VI, Rate Reductions for Repayments of Advance Payments, of the Stipulation and Agreement in Docket No. RP78-87, as approved by Commission Order issued April 4, 1980. According to the terms and conditions of Article VI of the Stipulation and Agreement Texas Eastern is required to file any rate reduction pursuant to this article the end of the month following the month during which repayments, requiring a rate reduction, are received. This filing is based on the balance of advance payments outstanding as of December 31, 1980. Adjustments have been reflected as required by the Stipulation and Agreement of Docket No. RP75-73 (AP 79-4) *et al.* which the Commission approved by order dated November 26, 1980 as clarified by order dated January 19, 1981.

The proposed effective date of the above tariff sheets is March 1, 1981.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before Feb. 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5229 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-156-000]

Texas Gas Transmission Corp.; Application

February 11, 1981.

Take notice that on January 22, 1981, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP81-156-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of a sales meter station in Union Parish, Louisiana, by purchase from Reynolds Metal Company (Reynolds), 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 purchase from Reynolds a sales meter station located on Applicant's 26-inch pipeline in Union Parish, Louisiana, at a price of $5,000. Such acquisition, it is asserted, would be financed from funds on hand.

Pursuant to authorization granted in Docket No. CP77-58, Applicant states that it was authorized to construct and operate the sales meter station to be acquired herein under a leasing arrangement with Reynolds which took title to the meter station.

Applicant asserts that the subject meter station was used in the transportation of natural gas for Reynolds which service expires January 21, 1981, and that Reynolds has informed Applicant that it does not desire to extend such service. It is further asserted that during the term of the transportation service Applicant entered into a long-term gas purchase contract with Ergon, Inc. (Ergon) under which reserves were dedicated to Applicant in the Monroe Field, Union Parish, Louisiana. It is submitted that the gas purchase contract between Applicant and Ergon provides that when those reserves are no longer needed to fulfill Ergon's obligations to Reynolds such reserves would be dedicated to Applicant. Applicant indicates that under the transportation agreement with Reynolds, Reynolds agreed to lease the subject sales meter station to Applicant for its use until January 31, 1981. Because Applicant requires the use of the station to accept deliveries of gas from Ergon, it proposes herein to

purchase the meter station from Reynolds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5230 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-506-001]

Transcontinental Gas Pipe Line Corp.; Petition to Amend

February 11, 1981.

Take notice that on January 19, 1981, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-506-001 a petition to amend the order issued January 10, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act as implemented by Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize an increase in the total annual cost 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 by order issued January 10, 1980, it was authorized, to construct and operate gas supply facilities within an annual total project cost limitation of $20,000,000.

Petitioner asserts that during the calendar year 1980 its expenditures for minor, routine gas supply facilities essential to the attachment of new resources exceeded the $20,000,000 limitation by approximately $19,370,900 requiring Petitioner to file eleven separate applications to have numerous projects certificated.

Petitioner, therefore, requests a $40,000,000 total cost limitation in order to avoid such multiple filings in 1981.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5231 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-277-002]

Transwestern Pipeline Co.; Petition To Amend

February 11, 1981.

Take notice that on January 16, 1981, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-277-002 a petition to amend the order issued November 15, 1976,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize revised annual quantity limitations for facilities used for the direct sale of natural gas to two of Petitioner's right-of-way grantors, 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 by order issued November 15, 1976, in the instant docket, it was authorized to construct and operate facilities for the direct sale of natural gas to H. Blevins McKenzie and Marjorie McKenzie at two delivery points pursuant to right-of-way grants.

By order issued April 4, 1979, the November 15, 1976, order was amended to provide for annual quantity limitations of 13,000 dekatherms (dt) equivalent for the Blevins McKenzie #1 contract and 5,000 dt equivalent for the H. Blevins McKenzie and Marjorie McKenzie #2 contract, it is stated.

Petitioner states that acreage served by the #1 contract is to be conveyed to Robert E. Richardson and John Hinson who desire that Petitioner continue service under the #1 contract which they have ratified and adopted. It is further stated that all parties have agreed to equalize gas quantities between each contract as acreage and usage are nearly equal with no increase in the total combined annual quantity sought. Accordingly, Petitioner proposes annual quantity limitations as follows:

Blevins McKenzie #1 Contract—8,500 dt equivalent

H. Blevins and Marjorie McKenzie #2 Contract—9,500 dt equivalent

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5232 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. TA81-1-20-001]

Algonquin Gas Transmission Co.; Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

February 9, 1981

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on January 29, 1981, tendered for filing 55th Revised Sheet No. 10 and 3rd Revised Sheet No. 10-B to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that these sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1. The rates as shown on Sheet No. 10 reflect the following: (i) an adjustment to amortize the December 31, 1980 balances in Algonquin Gas' Unrecovered Purchased Gas Cost Account (Account 191) and (ii) an adjustment to reflect higher purchased gas costs to be charged by its supplier, Texas Eastern Transmission Corporation ("Texas Eastern"), to Algonquin Gas proposed to be effective February 1, 1981, under Texas Eastern's Fifty-sixth Revised Sheet No. 14D; Sheet No. 10-B reflects Projected Incremental Pricing Surcharges for the period March, 1981 through August, 1981.

Algonquin Gas requests that the proposed effective date of the revised tariff sheets as prescribed in Section 17 be as of March 1, 1981.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Feb. 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5201 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA78-4]

Bayou State Oil Corp.; Requesting Supplemental Filing

Issued: February 6, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)), which exempts all crude oil and petroleum products from the Mandatory Petroleum Price and Allocation Regulations. As a consequence, certain cases on review before the Commission may be moot. The issues raised in the above-captioned case may not be moot since they involve a request for retroactive exception from the regulations for a period prior to the issuance of the Executive Order.

By February 17, 1981 each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that this case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5202 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-22-002]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

January 13, 1981.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on December 4, 1980 tendered for filing Substitute Twenty-Third Revised Sheet No. 16 proposed to be effective January 1, 1981 in lieu of Twenty-Third Revised Sheet No. 16 filed November 26, 1980. The substitute tariff sheet was filed to correct a typographical error in columns (6) and (10) of the Demand Adjustment. No other changes were made to the filing which reflects the 1981 GRI funding unit of 0.56¢ per Mcf (0.54¢ per Dt).

Consolidated requests a waiver of the Commission's Rules and Regulations, specifically Section 154.22, Notice Requirements. Additionally Consolidated requests a waiver of any other of the Commission's Rules and Regulations as may be deemed necessary to permit Substitute Twenty-Third Revised Sheet No. 16 to become effective January 1, 1981.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any persons desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 21, 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 persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5203 Filed 2-12-81 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. TA81-1-22-002 (PGA 81-1) (IPR81-1) (R&D81-1)(LFUT81-1)(TT81-1) and (AP81-1]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

February 9, 1981.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on January 30, 1981, tendered for filing revised tariff sheets, pursuant to Sections 12 (PGA Clause), 12A (Incremental Pricing Surcharges), 13 (Research, Development and Demonstration Cost Adjustment) and 14 (Louisiana First Use Tax Adjustment) of the General Terms and Conditions of its tariff, and the transportation cost and revenue and advance payment tracking provisions of the proposed "Stipulation and Agreement Resolving Cost of Service and PGA Issues" in Docket No. RP80-61. The revisions, shown on Twenty-Fourth Revised Sheet No. 16 and Fourth Revised Sheet No. 72-C, provide for Consolidated's semi-annual PGA to be effective March 1, 1981.

Consolidated has included in its filing:

(a) Rate changes from pipeline suppliers in the amount of $32.4 million;

(b) A rate reduction from producer suppliers in the amount of $11.9 million;

(c) A rate change to reflect a surcharge credit of 5.74¢ per dekatherm to return excess amounts accumulated in Account 191, Unrecovered Purchased Gas Costs;

(d) A rate change to reflect a Louisiana First Use Tax Adjustment of 0.23¢ per dekatherm;

(e) A rate change to reflect changes in transportation costs and revenues since June 30, 1980, of 0.58¢ per dekatherm pursuant to Article X of the proposed settlement; and,

(f) A rate decrease of 0.17¢ per dekatherm to track changes in advance payment balances pursuant to Article XI of the proposed settlement.

Consolidated states that he proposed rates are developed on the "unit-of-sales" method which will become effective as of December 1, 1980, upon approval of the referenced, proposed settlement. It is stated that the "unit of sales" method was also reflected in revised tariff sheets filed in Docket No. RP81-12-000 on October 31, 1980. The tariff sheets were rejected for filing by letter order of Director of OPPR issued December 10, 1980, which order has been appealed to the Commission by Consolidated. Consolidated asks the Commission to approve the "unit of sales" method consistent with the proposed settlement and the theory advanced by Consolidated on appeal. Additionally, Consolidated included in its filing the rejected tariff sheets. Consolidated has also filed Alternate Twenty-Fourth Revised Sheet No. 16 reflecting the currently effective "unit of purchase" method in the event the Commission rejects Twenty-Fourth Revised Sheet No. 16.

Consolidated asks for appropriate waiver of the regulations to permit it to track transportation costs, transportation revenues and advance payments pursuant to the proposed settlement in Docket No. RP80-61 in the event the settlement is not approved by the Commission prior to March 1, 1981.

Additionally, Consolidated states that the rates contained on Twenty-Fourth Revised Sheet No. 16 reflect old pipeline production (production from wells drilled prior to January 1, 1973, on leases acquired prior to October 8, 1969) on a cost-of-service basis and new pipeline production priced pursuant to the Natural Gas Policy Act of 1978. In certain past filings Consolidated has filed alternative tariff sheets including old pipeline production priced pursuant to the NGPA, and those tariff sheets have been rejected (Consolidated Gas Supply Corp., Docket No. RP79-22, order issued January 30, 1979). Consolidated has petitioned for court review of the Commission's order rejecting its tariff sheets based on NGPA treatment of old pipeline production.

The filing in this proceeding on the basis of the inclusion of old pipeline production on a cost-of-service basis is without prejudice to Consolidated's position that old pipeline prodution is entitled to NGPA treatment and the outcome of the court proceedings. Consolidated has omitted the alternative filing to avoid the burden of Commission rejection of a tariff sheet, to be followed by another application for rehearing and petition for court review. Consolidated reserves its right to make collections based on NGPA treatment for old pipeline production.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Feb. 24, 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 persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5204 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-249-000]

Duquesne Light Co.; Proposed Tariff Change

February 9, 1981.

The filing Company submits the following:

Take notice that on January 30, 1981, the Duquesne Light Company (DLC), tendered for filing a proposed change in its FERC Municipal Electric Resale Service Tariff for Pitcairn, Pennsylvania. DLC requested that the proposed rate schedule change be effective on April 1, 1981. DLC indicates that the proposed change would increase revenues from jurisdictional sales by $121,360.13 based on the twelve month period ending March 31, 1982. DLC indicates that it has experienced increased costs for service to the Borough.

DLC states that copies of the filing were mailed to the Pennsylvania Public Utility Commission and to the Secretary of the Borough of Pitcairn on January 27, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5205 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-172-001]

Florida Gas Transmission Co.; Petition To Amend

February 10, 1981.

Take notice that on December 22, 1980, Florida Gas Transmission Company (Petitioner), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP79-172-001 a petition to amend the order issued August 2, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of additional volumes of natural gas for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by order issued August 2, 1979, in the instant docket to transport up to 12 billion Btu of natural gas per day for Transco, it is stated. Petitioner asserts it receives the subject gas at a point on Shell Oil Company's Vermilion Block 22 Platform, offshore Louisiana, and delivers the gas to Transco at an interconnection of Petitioner's, Transco's and Sea Robin Pipeline Company's facilities with Transco's Central Louisiana gathering system in the Pecan Island area, Vermilion Parish, Louisiana.

Pursuant to the terms of an amendatory agreement dated October 16, 1980, Petitioner proposes to transport up to 17 billion Btu of natural gas per day for Transco through Petitioner's undivided interest in the jointly owned Block 22 facilities to an interconnection point of said facilities with Transco's Central Louisiana gathering system, it is stated. Petitioner would accept such quantities of gas in excess of Transco's capacity in the Vermilion 22 facilities.

Petitioner further states that the agreement would be for a primary term of ten years from the date of initial delivery and from year to year thereafter.

Petitioner contends that the proposed service would provide additional gas supplies to the interstate market without the need to construct expensive offshore transmission facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5200 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-122]

Green Springs Chevron; Requesting Supplemental Filing

Issued: February 6, 1981

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 20, 1981 each participant that disagrees with this tentative conclusion shall file a statement explaining its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Finally, although certain documents filed by petitioner with the Office of Hearings and Appeals (OHA) and included in the record filed with the Commission were treated as confidential by OHA, petitioner did not request that any documents be treated as confidential before the Commission. The Commission's Rules of Practice and Procedure, 18 CFR 1.40(c), require such a request before any document, whether originally filed with OHA or with the Commission, can be treated as confidential. By February 17, 1981 petitioner may file a request for confidential treatment of any documents in the OHA record, explaining the basis for the request.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5207 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-250-000]

Gulf States Utilities Co.; Filing

February 9, 1981.

The filing Company submits the following:

Take notice that Gulf States Utilities Company (Gulf States) on February 2, 1981, tendered for filing a new Service Schedule CTOC and an Amendment No. 2 to a Power Interconnection Agreement between Gulf States and the Cajun Electric Power Cooperative, Inc. (CEPCO). Gulf States indicates that the Service Schedule makes provision for compensation of the parties for investments in certain transmission facilities. Gulf States further indicates that the Amendment No. 2 is for the purpose of adding the Service Schedule CTOC and deletes previous reference in the Power Interconnection Agreement which were made as to a certain nuclear power plant. The effective date of the Service Schedule and the Amendment is November 1, 1980.

According to Gulf States a copy of the filing was served on the Public Utility Commission of Texas and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5208 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-35-000]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in FERC Gas Tariff

February 9, 1981.

Take notice that on January 30, 1981, Michigan Wisconsin Pipe Line Company tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1.

Michigan Wisconsin asserts that this filing is being submitted for the sole purpose of revising the interest rate under Section 6.3 *Interest on Unpaid Amounts* and Section 6.6 *Errors in Billing* of the General Terms and Conditions to conform to the Commission's Order No. 47 at Docket No. RM77-22.

Michigan Wisconsin further asserts that copies were served upon its customs and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before Feb. 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5209 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 346]

Minnesota Power and Light Co.; Application for Amendment of Exhibit R

February 9, 1981.

Take notice that on November 20, 1980, pursuant to Article 38 of it's license, the Minnesota Power and Light Company (Licensee) filed an application for approval of an amendment to the approved Exhibit R for it's Blanchard

Project, FERC No. 346. The project is located on the Mississippi River in Morrison County, Minnesota. Correspondence with the Applicant should be directed to: Mr. Kirk O. Kuwitzky, Minnesota Power and Light Company, 30 W. Superior Street, Duluth, Minnesota 55802. Article 38 required the Licensee to file for Commission approval a construction and operation schedule, to be developed in cooperation with the appropriate agencies, within 6 months after the date of the order issuing license (May 20, 1980). Licensee proposes to widen and surface an existing boat launch ramp, and add parking and sanitary facilities, and to improve an existing fisherman's access area by expanding the existing parking lot and by adding sanitary facilities. Licensee proposes to construct these improvements in the spring of 1981. The other two facilities propose for initial development in the approved. Exhibit R, a picnic area and a canoe portage, are proposed to be deferred until the Licensee resolves competing proposals for development or cooperative agreements with the Minnesota Department of Natural Resources. The two facilities scheduled for ultimate development in the Exhibit R, a family campground and a wayside campground are also planned to be developed when a need is demonstrated or when competing development proposals are resolved.

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. Additional information on the proposal may be obtained from the Applicant at the above address. 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.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In 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, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before March 20, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-5210 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-247-000]

NEPOOL—NYPP Agreement; Filing

February 9, 1981.

The filing Company submits the following:

Take notice that on February 2, 1981, counsel for the member electric corporations of New York Power Pool filed an agreement amending and supplementing the Interconnection Agreement between the New England Power Pool and the New York Power Pool, dated as of April 4, 1977 and subsequently supplemented. A certificate of concurrence was filed on behalf of NEPOOl by the Executive Committee.

The services to be furnished under the redesignated section 5.3 and the resulting deletion of section 5.1, 6.1 and 6.5(a) are intended to bring the NEPOOL-NYPP Interconnection Agreement in substantial conformity with the parallel provisions of the amendments to the PJM-NYPP Interconnection Agreement as amended and filed July 1, 1980, in Docket Nos. ER80-509 and ER80-550 and to implement certain changes resulting from recent Commission determinations, particularly Order No. 84. Modifications have been made to rates for Supplemental Capacity and Energy and Conservation Energy services. Energy is priced on the basis of the cost of supplying such energy plus a fixed adder and adjustments for transmission losses. Capacity is priced on a similar basis. A different fixed adder is utilized with delivering energy from other systems not a party to this agreement.

The parties have requested that the Commission waive its notice requirements and permit the proposed amendment to become effective as of September 1, 1980 in accordance with Order 84-B.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5211 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-143-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

February 10, 1981.

Take notice that on January 15, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP 81-143-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transfer of a portion of the firm entitlement of Northern States Power Company (NSP) from St. Paul, Minnesota, to North Branch, Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transfer 17,000 Mcf of natural gas per day from NSP's firm entitlement under Applicant's Rate Schedule CD-1 assigned to St. Paul, Minnesota, to North Branch, Minnesota, for sale to NSP under Applicant's Rate Schedule PL-1. It is asserted that NSP currently has firm entitlements assigned to St. Paul of 171,351 Mcf per day under Applicant's Rate Schedule CD-1, 8,435 Mcf per day under Applicant's Rate Schedule SS-1 and 18,346 Mcf per day under Applicant's Rate Schedule PS-1. It is submitted that the proposal herein would reduce the volume available at St. Paul under Applicant's Rate Schedule CD-1 to 154,351 Mcf per day.

It is asserted that the proposed transfer would enable NSP to average down the retail cost of gas with gas purchased from Midwestern Gas Transmission Company (Midwestern). Midwestern pays its supplier, TransCanada PipeLines, Ltd., $4.47 (U.S.) per million Btu, it is stated. Such an export price translates into a burner-tip gas price of approximately $6.00 per

Mcf, it is asserted. It is stated that by replacing its gas with Applicant's lower-cost gas, NSP would reduce the substantial economic hardship on its Midwestern-supplied customers.

Applicant states that NSP would offset the reduction of available gas in the St. Paul area with liquefied petroleum gas.

Applicant further states that pursuant to the stipulation and agreement in Docket No. RP80-88, Applicant would reduce its daily vaporization entitlement for the 1981-82 and 1982-83 heating seasons and would reduce its annual LNG storage entitlement for the 1982 liquefaction season.

Applicant would deliver or cause delivery of gas sold to NSP pursuant to Applicant's Rate Schedule PL-1 to Midwestern at existing points of interconnection betweeen the facilities of Applicant and Midwestern located in Isanti County, Minnesota, and Chisago County, Minnesota, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 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 Procedures (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5212 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-245-000]

Pacific Gas and Electric Co.; Filing

February 9, 1981.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PGandE) on January 30, 1981 tendered for filing a signed letter agreement dated January 27, 1981, stipulating to an amendment to the United States Power Contract No. 14-06-200-2948A ("Contract") between the Western Area Power Administration (Western) and PGandE dated July 31, 1967, deferring review of certain other rates and charges pursuant to Article 32 of the Contract from April 1, 1981, to July 1, 1981. This agreement stipulates to the effective dates desired by the parties.

The parties have agreed to deferrment the rate review date to allow Western and PGandE to complete their joint review of the rates as provided therein in a more thorough manner.

It is proposed that this amendment become effective on April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervenue or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5213 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-246-000]

Pacific Gas and Electric Co.; Filing

February 9, 1981.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PGandE) on January 30, 1981 tendered for filing a signed letter agreement dated January 7, 1981, stipulating to an amendment to the United States Power Contract No. 14-06-200-2948A ("Contract") between the Western Area Power Administration (Western) and PGandE dated July 31, 1967, deferring the April 1, 1981, review of transmission rates pursuant to Article 32 of the Contract until an initial decision in Docket No. ER76-532 is issued or the parties decide to proceed absent the aforementioned initial decision.

It is proposed that this amendment become effective on April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5214 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-124-000]

Pacific Interstate Transmission Co.; Application

February 10, 1981.

Take notice that on December 31, 1980, Pacific Interstate Transmission Company (Applicant), P.O. Box 3249, Terminal Annex, Los Angeles, California 90051, filed in Docket No. CP81-124-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Pacific Lighting Service Company (PLS), 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 sell natural gas to PLS at the California-Arizona border which Applicant purchases from Michigan Consolidated Gas Company (Mich Con). The sales would be made for a period of two years from the date of the first deliveries and from year to year thereafter.

Applicant states that the gas would be delivered by Mich Con's affiliate, Michigan Wisconsin Pipe Line Company (Mich Wis), to Transwestern Pipeline Company (Transwestern) for the account of Applicant at an existing point of interconnection in Roberts County, Texas, or to any other interconnection with the Transwestern system mutually agreeable to Mich Wis and Transwestern as designated by Applicant. Transwestern would transport the gas for Applicant to the California-Arizona border where it would be sold by Applicant to PLS, it is stated.

Applicant states that Mich Con may notify Applicant of its daily volumes of gas available for purchase by Applicant with no less than a 24-hour advance.

It is further stated that PLS would deliver the gas through its existing facilities within the State of California for sale to Southern California Gas Company (SoCal) as part of SoCal's overall system supply. Applicant contends that SoCal would be aided in meeting its public utility responsibilities to gas consumers in the southern California market area.

Applicant would make the subject sale under its proposed Rate Schedule TS-2 which includes a 0.3 cent charge per million Btu to cover Applicant's administrative and general expenses.

It is asserted that the price which Applicant is to pay Mich Con for each million Btu of gas is to consist of the basic commodity rate permitted under § 284.144 of the Commission's Regulations and the transportation rate permitted under §§ 284.123 and 284.222 of the Commission's Regulations. It is stated that for the month of December 1980, Mich Con estimates that its basic commodity rate is $3.06 per million Btu. It is further asserted that the transportation rate would be 16.0 cents per million Btu.

It is indicated that the rate to be charged by Transwestern is that contained in its Rate Schedule TS-1, which is currently 37.83 cents per million Btu. Additionally, Transwestern would retain a portion of gas for shrinkage as effective under Rate Schedule TS-1.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 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 niotice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5215 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RA80-5 and RA80-82 (consolidated)]

San Ann Service; Requesting Supplemental Filing

Issued: February 6, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)), which exempts all crude oil and petroleum products. As a consequence, certain cases on review before the Commission may be moot. The issues raised in the above-captioned cases may not be moot to the extent they involve a requirement by the Secretary of Energy for restitution of relief granted on an interim basis.

By February 17, 1981 each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts the cases are not moot, petitioner shall state whether, in light of deregulation, it wished to continue its appeal or withdraw its petitions for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5216 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-9]

Southland Oil Co. and VGS Corp.; Requesting Supplemental Filing

Issued: February 6, 1981.

On January 26, 1981 petitioner requested an extension of time until March 2, 1981 to file comments on the proposed order of the presiding officer issued in this case. On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)), which exempts all crude oil and petroleum products from the Mandatory Petroleum Price and Allocation Regualtions. As a consequence, certain cases on review before the Commission may be moot. The issues raised in the above-captioned case may not be moot because they involve requests for exception from entitlements purchase obligations for a period prior to the issuance of the Executive Order.

The request for extension of time is granted and by March 2, 1981 petitioner may file comments on the proposed order. By the same date each participant that disagrees with the tentative conclusion concerning the possible mootness of the case shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5217 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-36-000]

Texas Gas Pipe Line Corp., Proposed Changes in FERC Gas Tariff

February 9, 1981.

Take notice that Texas Gas Piple Line Corporation (TGPLC), on January 26, 1981 tendered for filing proposed changes in its FERC Gas Tariff Second Revised Volume No. 1. The proposed changes would increase revenues, exclusive of purchased gas cost adjustments, from jurisdictional sales and service by $224,942 based on the 12 month period ending September 30, 1980,

as adjusted. TGPLC states that the principal reasons for the proposed rate increases are increased operating expenses and to offset a net operating revenue deficiency.

Copies of the filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 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. 81-5218 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-126-000]

Transcontinental Gas Pipe Line Corp.; Notice of Application

February 10, 1981.

Take notice that on December 31, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-126-000 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 near Louise, Wharton County, Texas (Louise), 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 approximately 13 miles of 24-inch pipeline extending from the discharge side of Applicant's Compressor Station No. 30 to the Louise interconnection. The pipeline would transport an average of up to 225,000 Mcf of natural gas per day and would have a maximum daily capacity of 380,000 Mcf of natural gas, it is stated.

Applicant states that such facilities would enable it to recommence deliveries to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at the Louise delivery point which deliveries were hindered by reductions in operating pressures on Applicant's McMullen Lateral. Such reductions are attributable, it is stated, to compliance with the provisions of U.S. Department of Transportation Pipe Line Safety Standards, Title 49, Part 192—Transportation of Natural and Other Gas by Pipe Line.

Applicant proposes to loop its existing 24-inch pipeline with the proposed pipeline which would extend from the discharge side of Station No. 30 to the interconnection at Louise. Applicant contends that such looping would allow quantities of gas at higher pressure to flow from Station No. 30 back to the Louise interconnection thus enabling delivery of gas by Applicant to Tennessee to recommence at Louise.

Applicant estimates the cost of the proposed facilities to be $6,850,000 which would be financed initially through short-term loans and available cash. It is stated that permanent financing would be undertaken as part of Applicant's overall long-term financing program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5198 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-136-000]

Trunkline Gas Co.; Notice of Application

February 10, 1981.

Take notice that on January 12, 1981, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-136-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification of its service agreements with Illinois Power Company (Illinois Power) and Central Illinois Power Service Company (CIPSCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to two service contracts with Illinois Power under Applicant's Rate Schedule SG-2, Applicant states that it provides up to 2,850 Mcf of natural gas per day to Illinois Power for resale to Odgen, Fithian and Muncie, Illinois, and up to 750 Mcf per day for resale to Royal, Illinois.

Applicant proposes, pursuant to an agreement dated September 1, 1980, to provide service to Illinois Power under a single contract pursuant to Applicant's Rate Schedule SG-2 with a combined contract quantity of 3,600 Mcf per day. Applicant contends that such a modification would provide flexibility in meeting peak loads and would promote diversity between the gas loads served from the two delivery points.

Applicant further states that it provides service to CIPSCO pursuant to two contracts under Applicant's Rate Schedule SG-1 and G-1 as follows:

Point of delivery	Contract quantity (Mcf)	Rate schedule
Cole County, Gays, Ill	400	SG-1.
Effingham County, Newton, Ill	3,200	SG-1.
Franklin County, Thompsonville, Ill	158	SG-1.
Cole County, Cook Mills, Ill	131	SG-1.
Teutopolis County, Ill	8,000	G-1
Total	11,889	

Applicant proposes pursuant to an agreement with CIPSCO dated

September 1, 1980, to combine the present Rate Schedule SG-1 contracts for Gays, Newton, Thompsonville and Cook Mills with the Rate Schedule G-1. It is asserted this would provide CIPSCO with more service flexibility in meeting peak demands of these communities. Accordingly, it is asserted that Applicant and CIPSCO have entered into a new contract pursuant to Applicant's Rate Schedule G-1 which provides for the sale of up to 11,889 Mcf of gas per day.

Applicant submits that the proposed modification in service for Illinois Power and CIPSCO would not result in any increase in peak day or annual entitlement for natural gas service nor would it adversely effect Applicant's ability to meet the requirements of its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5199 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-147-000]

United Gas Pipe Line Co.; Notice of Application

February 10, 1981.

Take notice that on January 16, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-147-000 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 25.8 miles of 36-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 states that in order to move additional natural gas into the eastern portion of its system, it proposes to construct and operate approximately 25.8 miles of 36-inch pipeline and appurtenant facilities from a point of interconnection with existing facilities located a the Bayou Sale Junction in St. Mary Parish, Louisiana, extending in a northeasterly direction through St. Martin Parish, Lousisiana, to the Napoleonville compressor station located on Applicant's 30-inch line in Assumption Parish, Louisiana.

Applicant states that by January 1982 it must move up to 1,050,000 Mcf of natural gas per day through a portion of its south to north Louisiana 30-inch line located between the Bayou Sale Junction and the Napoleonville compressor station. The proposed facilities would enable Applicant to move an additional 305,000 Mcf of natural gas per day into the eastern portion of its existing system to offset declining production from traditional sources of supply, it is stated.

Applicant estimates the total cost of the proposed facilities to be $36,846,600 which would be financed by 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 March 3, 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 reivew of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5200 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed Week of January 19 through 23,1981

During the week of January 19 through January 23, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before March 5, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed

on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 9, 1981.

Remedial Orders

Aptos Shell, Aptos, California, BRO-1365, motor gasoline

On January 22, 1981, Aptos Shell, 18 Rancho Del Mar, Aptos, California 95003, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 through November 13, 1979 Aptos Shell committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $4588.44 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Bubble Machine, Oakland, California, BRO-1364, motor gasoline

On January 22, 1981, Bubble Machine, 609 Oak Street, Oakland, California 94607, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 through July 18, 1980, Bubble Machine committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $52,979.24 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Cardoza Service, Rodeo, California, BRO-1374, motor gasoline

On January 22, 1981, Cardoza Service, 400 Parker Avenue, Rodeo, California 94572, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 through January 11, 1980, Cardoza Service committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $3,304.34 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Concord Chevron Service, Concord, California, BRO-1372, motor gasoline

On January 22, 1981, Concord Chevron Service, 2001 Willow Pass Road, Concord, California 94520, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period December 15, 1979 through May 28, 1980, Concord Chevron Service committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $19,307.40 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

CP Marketing Chevron Car Wash, Danville, California, BRO-1367, motor gasoline

On January 22, 1981, CP Marketing Chevron Car Wash, 485 San Ramon Valley Road, Danville, California 94526, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period September 20, 1979 through May 31, 1980, CP Marketing Chevron Car Wash committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $19,468.71 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Crossroad Texaco, Santa Rosa, California, BRO-1377, motor gasoline

On January 22, 1981, Crossroad Texaco, 2500 Guerreville Road, Santa Rosa, California 95401, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period February 1, 1980 through June 28, 1980, Crossroad Texaco committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $1,659.56 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Don Skilling Chevron Service, Mill Valley, California, BRO-1363, motor gasoline

On January 22, 1981, Don Skilling Chevron Service, 105 Tibivron Blvd., Mill Valley, California 94941, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through December 31, 1979 Don Skilling Chevron Service committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $24,380.85 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Gerald Bushman Chevron, Milipitas, California, BRO-1366, motor gasoline

On January 22, 1981, Gerald Bushman Chevron, 1490 S. Park Victoria, Milipitas, California, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through September 26, 1980, Gerald Bushman Chevron committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $55,340.00 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Harv's Sacramento Car Wash, Sacramento, California, BRO-1371, motor gasoline

On January 22, 1981, Harv's Sacramento Car Wash, 2105 Arden Way, Sacramento, California, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 through July 31, 1980, Harv's Sacramento Car Wash committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $6747.77 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

J.A.L. Oil Co., Inc., Great Neck, New York, BRO-1362, motor gasoline

On January 19, 1981, J.A.L. Oil Company, Inc., 17 Barstow Road, Great Neck, New York, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast Enforcement District of the Economic Regulatory Administration issued to the firm on December 29, 1980. In the Proposed Remedial Order, the Northeast District found that during the period November 1, 1979 through April 8, 1980, J.A.L. Oil Company, Inc. committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $25,140.30 of overcharges to its customers.

Ken Betts Montclair Chevron, Oakland, California, BRO-1370, motor gasoline

On January 22, 1981, Ken Betts Montclair Chevron, 6550 Moraga Blvd, Oakland, California 94611, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through June 26, 1980, Ken Betts Monclair Chevron committed pricing violations in its sales of motor gasoline. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Ken Betts Towing Service, Oakland, California, BRO-1368, motor gasoline

On January 22, 1981, Ken Betts Towing Service, 10th and Webster, Oakland, California 94606, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through June 25, 1980, Ken Betts Towing Service committed pricing violations in it sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $31,125.03 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Pinole Valley Chevron, Pinole Valley, California, BRO-1369, motor gasoline

On January 22, 1981, Pinole Valley Chevron, 2695 Pinole Valley Road, Pinole Valley, California 94564, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 13, 1979 through July 19, 1980, Pinole Valley Chevron committed pricing violations in it sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $20,425.99 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Ron's Shell, Danville, California, BRO-1375, motor gasoline

On January 22, 1981, Ron's Shell, 301 N. Hartz Avenue, Danville, California 94526, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through November 13, 1979, Ron's Shell committed pricing violations in it sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $3,965.38 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Sandusky's Service, Vallejo, California, BRO-1373, motor gasoline

On January 22, 1981, Sandusky's Service, 1201 Tennessee Street, Vallejo, California 94590, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through January 31, 1980, Sandusky's Service committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $1890.88 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Suds Machine Chevron Car Wash, Oakland, California, BRO-1376, motor gasoline

On January 22, 1981, Suds Machine Chevron Car Wash, 4400 Piedmont Avenue, Oakland, California, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through June 10, 1980, Suds Machine Chevron Car Wash committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $36,968.51 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

[FR Doc. 81-5043 Filed 2-12-81; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of December 22 Through December 26, 1980

During the week of December 22 through December 26, 1980, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Gulf States Oil and Refining Company, Corpus Christi, Texas, BEA-0293, crude oil

Gulf States Oil and Refining Company (Gulf States) filed an Appeal from a Decision and Order issued on February 15, 1980 by the Office of Petroleum Operations of the Economic Regulatory Administration (ERA). In the February 15 Order the ERA denied three applications for emergency allocations of crude oil which Gulf States had filed under the provisions of the DOE Curde Oil Allocation Program (the Buy/Sell Program), 10 CFR § 211.65 (c) (2). In its Appeal, Gulf States contended that for the purpose of evaluating its applications, ERA should have adjusted the firm's Corpus Christi refinery's base period runs to stills to reflect an expansion of refining capacity. In considering the Appeal, the DOE determined that the increase in the Corpus Christi refinery's capacity did not appear to be eligible under the provisions of 10 CFR 211.65 (a) (1) (iii). Accordingly, the Gulf States Appeal was denied.

Piketon Local No. 3-689 of the Oil, Chemical and Atomic Workers International Union, Piketon, Ohio, BFA-0468, freedom of information

Piketon Local No. 3-689 of the Oil Chemical and Atomic Workers International Union filed an Appeal from a denial by the Freedom of Information Officer of the Oak Ridge Operations Office of a Request for the waiver of fees associated with a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that a partial waiver of associated search and copying fees was in the public interest.

The Daily Oklahoman, Oklahoma City, Oklahoma, BFA-0533, freedom of information

The Daily Oklahoma filed an Appeal from a denial by the Director of Petroleum Allocation Regulations, Office of Regulatory Policy, of the Economic Regulatory Administration of a request for information that the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE concluded that the Director of Petroleum Allocation Regulations had correctly determined that no responsive records were in the possession of the DOE. The Appeal was therefore denied.

Requests for Exception

Blevins Exxon Garage, Sugar Grove, Virginia, BEO-1113, motor gasoline

Blevins Exxon Garage filed an Application for exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base allocation of motor gasoline. In considering the request, the DOE found that the firm failed to meet the criteria for exception relief. Specifically, the firm failed to show that, in the absence of exception relief, it would be unable to realize the intended benefits of the capital investment it made or that it would not be able to adequately supply the gasoline requirements of its community. Accordingly, exception relief was denied.

Bob's Mini Mart, Inc., Queenstown, Maryland, DEE-7585, motor gasoline

Bob's Mini Mart, Inc. filed an Application for exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that although the firm had received some benefit from the provisions of 10 CFR § 211.104, it nevertheless satisfied the criteria set forth in *Leo Anger, Inc.*, 4 DOE ¶81,037 (1979). Accordingly, exception relief was granted.

Hoffman Corner Oil Company, White Bear Lake, Minnesota, BEE-0610, gasohol

Hoffman Corner Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased allocation of unleaded gasoline for use in the production of gasohol. In considering the request, the DOE found that exception relief was necessary to provide the firm with an adequate assured supply of unleaded gasoline for its gasohol operations, thereby furthering important national policy objectives. Accordingly, exception relief was granted.

Oahu Gas Service, Inc., Honolulu, Hawaii, BXE-1191, propane

Oahu Gas Service, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought an extension of exception relief which permits the firm to charge a price for propane which is $.05 per gallon greater than the price it would otherwise be entitled to charge pursuant to the DOE pricing regulations. In considering the request, the DOE found that exception relief was necessary to enable the firm to continue its operations and to improve the competitive structure of the Hawaiian propane market. Accordingly, exception relief was granted.

Sandy's Chevron, Clearwater, Florida, BEO-0325, motor gasoline

Sandy's Chevron filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary in part to adjust an error in calculation of exception relief granted in the Proposed Decision and Order. Accordingly, exception relief was granted in part.

Southwestern Refining Company, Inc., Laborge, Wyoming, BXE-1268, crude oil

Southwestern Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm requested that it be excused from fulfilling its obligation under the DOE Crude Oil Entitlements Program. In considering the request, the DOE found that exception relief was necessary in order to allow Southwestern to achieve its historic profit margin. Accordingly, exception relief was granted. An important issue discussed in the Decision and Order is the inclusion of legal fees in the DOE's calculations of the appropriate amount of exception relief.

Texaco, Inc., White Plains, New York, DXE-7634, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought an extension of exception relief which permits the firm to sell crude oil which it produces from the Government Gwen Knapp Lease at prices in excess of applicable ceiling prices. In considering the request, the DOE found that exception relief was necessary to provide Texaco with an economic incentive to continue to produce crude oil from this lease. Accordingly, exception relief was granted.

Requests for Temporary Exception

Bon Wier Producing Company, Monroe, Louisiana, BEL-0067 through BEL-0069, crude oil

Bon Wier Producing Company filed Applications for Temporary Exception from the provisions of 10 CFR Part 212 in which the firm sought relief which would permit the firm to sell crude oil which it produces from three wells at world market prices. In considering the request, the DOE found that temporary exception relief was necessary to provide the firm with an economic incentive to make the capital investments required to maintain crude oil production at one of the three wells. However, the firm did not adequately demonstrate the need for temporary exception relief with respect to the production from the remaining two wells. Accordingly, temporary exception relief was granted in part.

Cities Service Company, Tulsa, Oklahoma, BEL-0059, gasohol

Cities Service Company filed an Application for Temporary Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased allocation of unleaded gasoline for company-operated retail outlets participating in its gasohol test marketing program. In considering the Application, the DOE determined that the applicant had not met the criteria for temporary exception relief set forth at 10 CFR 205.125(b). The Cities Service temporary exception request was therefore denied.

Requests for Stay

Road Oil Sales, Inc., Washington, D.C., BES-1550, crude oil

Road Oil Sales, Inc., filed an Application for Stay from the requirement that it purchase 51,566 entitlements at a total cost of $1,344,325.62 as specified in the Entitlements Notice for September (10 CFR 211.67). In considering the Application, the DOE determined that Road Oil failed to provide sufficient information to establish its claim that the firm's resources are insufficient to permit it to meet its September entitlements obligation. Road Oil's stay request was therefore denied.

Supplemental Order

Office of Special Counsel for Compliance, Washington, D.C., BRX-014, refined petroleum products

The Office of Special Counsel for Compliance (OSC) filed a submission styled as a "Motion to Correct" a November 21, 1980 Decision and Order granting the Champlin Petroleum Company a stay of a Modified Remedial Order (MRO) pending the firm's Appeal of that order. *See Champlin Petroleum Co.*, 7 DOE ¶82,001 (1980). In considering the OSC's request, the Office of Hearings and Appeals noted that it had erroneously stated in the stay decision that Champlin had filed certain information as required by the MRO. Consequently, the stay decision was modified to omit any reference to Champlin's compliance with that requirement. The DOE also modified the previous stay order so that it could not be read to relieve Champlin of its obligation to file such calculations.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be denied.

Company Name, Case No., and Location

Vern's Standard Service, BEO-0593, Cedar Rapids, IA

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also availale in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 9, 1981.

[FR Doc. 81-5044 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51223; TSH-FRL 1752-7]

Aliphatic Triol; Premanufacture Notice

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 a PMN and provides a summary.

DATE: Written comments by February 28, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Carolyn Brown, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, DC 20460, (202-426-3980).

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** 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 16, 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 use(s) 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 identify 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(s), 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(s), 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, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 28, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 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-51223]" and the PMN number. Comments received may be seen in 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: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-370.

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic triol.

Use. Coatings coreactant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Viscosity (25°C)—5.9 Pa·S (59 poise).
Refractive index (n_D^{25})—1.4766
Specific gravity (30/30°C)—0.9426
Flash point, °C—>110
Flash point, °C—266
Fire point, °C—274
Dielectric constant, 23°C—12.87
Power factor, 23°C—0.1248
Surface tension, dynes/cm, 25°C—39.3

Toxicity Data.

Acute oral toxicity (male and female rats)—LD_{50} > 10 ml/kg.
Primary skin irritation (rabbit)—Non-irritating.
Ocular irritation (rabbit)—Non-irritating.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration	Concentration	
			Average	Peak
Manufacture: Dermal	1 per shift	1-2 hr per shift		

The manufacturer states that occupational exposure to the PMN substance should be negligible and limited to sampling, analysis, packaging, and cleanup operations.

Environmental Release/Disposal. The manfacturer states that there will be no disposal of the PMN substance; conversion to finished product is near quantitative.

[FR Doc. 81-5079 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51220; TSH-FRL 1753-5]

Adipic Acid, 1,2-Propanediol, Monocarboxylic Acid Polyester; Premanufacture Notice

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 a PMN and provides a summary.

DATE: Written comments by February 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St. SW., Washington, D.C. 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St. SW., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 26040)], 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** 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 16, 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 use(s) 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(s), 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(s), 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, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 27, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St. SW., Washington, D.C. 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-51220]". Comments received may be seen in 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: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-382

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—2869, "Industrial Organic Chemicals."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Adipic acid, 1,2-propanediol, monocarboxylic acid polyester.

Use. Plasticizer for PVC.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific Gravity, 25° C/25°—1.14.

Viscosity, centistokes at 25° C—725-850.

Flash point (COC), ° F—420.

Gardner color—1.

Acid number—1.

Hydroxyl number—45.

Solubility in water—Negligible.

Toxicity Data. No data were submitted.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration (unit: mg/m³)	
		Hours/day	Days/year	Average	Peak
Manufacture: Dermal	6	2	13	0-1	

The manufacturer states that operators can be exposed during filtration of the product, sample taking and drumming, and during analysis of the product in the laboratory.

Environmental Release/Disposal. Claimed confidential business information.

[FR Doc. 81-5088 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51219; TSH-FRL 1753-4]

Alkenylsuccinic Acid, Monoester; Premanufacture Notice

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 permanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Sections 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 a PMN and provides a summary.

DATE: Written comments by February 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Cynthia Work, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 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** 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 16, 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 use(s) 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(s), 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(s), 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 reveiw period for up to an aditional 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, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 27, 1981, Submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmemntal Protection Agency, Rm. E-447, 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-51219]" and the PMN number. Comments received may be seen in 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: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-368

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 19, 1981.

Manufacturer's Identify. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkenylsuccinic acid, monoester.

Use. Claimed confidential business information. Generic use description provided: Lubricant additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No toxicity data were submitted with the PMN, however, the manufacturer states that the following tests will be provided at a later date: estimated oral LD_{50} on rats, primary skin irritation index, and eye irritation score.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

[FR Doc. 81-5087 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51208; TSH-FRL 1753-2]

2-Propanol, 1-Methoxy-Acetate; Premanufacture Notice

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 a PMN and provides a summary.

DATE: Written comments by February 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460, (202-426-8815).

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** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substnces 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 16, 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 use(s) 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 identify 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(s), 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, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 27, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St. SW., Washington, DC 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-51208]" and the PMN number. Comments received may be seen in 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: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-360

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 12, 1981.

Manufacturer's Identity. The Dow Chemical Company, Midland, MI 48640.

Specific Chemical Identity. 2-Propanol, 1-methoxy-acetate.

Use. Solvent in industrial paint, coating, ink, and resin applications.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Colorless, transparent organic liquid.

Solubility—Very soluble in water (19.8 g/100 ml).

Vapor pressure at 20° C—3.7 mm Hg.

Viscosity at 25° C—1.14 cps.

Toxicity Data

LD_{50} (male rats)—>10,000 mg/kg.

LD_{50} (female rats)—8,500 mg/kg.

Eye irritation (rabbit)—Moderately irritating.

Skin irritation, intact and abraded skin:

Rabbit—Non-irritant.

Guinea pig—Negative.

Inhalation (rodent)—No observable adverse effects.

The manufacturer states that the PMN substance exhibits a low order of toxicity.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration [1]		Concentration (TWA 8)
		Hours/day	Days/year	
Manufacture: Inhalation and dermal	5	0.5	112	[2] 1

[1] Potential exposures in third year of manufacture.
[2] Parts per million minimum.

Environmental Release/Disposal. The manufacturer states that the potential for bioconcentration is low due to high water solubility. Very small quantities of the new product will require disposal, via incineration, resulting in essentially no environmental release.

[FR Doc. 81-5085 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51216; TSH-FRL 1752-8]

4-(Trifluoromethyl)-2-Chloro-1-(3-Substituted Phenoxy) Benzene Derivative; Premanufacture Notice

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 a PMN and provides a summary.

DATE: Written comments by February 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St. SW., Washington, D.C. 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Davil Dull, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St. SW., Washington, D.C. 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** 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 16, 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 use(s) 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(s), 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(s), 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, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 27, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 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-51216]" and the PMN number. Comments received may be seen in 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: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-374

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 23, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided:

Annual sales—In excess of $500 million.

Manufacturing sites—Middle Atlantic U.S. and West-South Central U.S.

Standard Industrial Classification Code—286, "Industrial Organic Chemicals".

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 4-(Trifluoromethyl)-2-chloro-1-(3-substituted phenoxy) benzene derivative.

Use. Claimed confidential business information. Generic use information provided: Chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—Liquid.

Appearance—Clear, brownish-red tint.

Density—1.26 gm/cc.

Solubility in water—Miscible.

pH—8-9.

Freezing point—< −10° C.

Vapor pressure—<water (est).

Toxicity Data

Dermal LD_{50} (rabbits)—>5 g/kg.

Eye irritation (rabbits)—Moderate.

Oral LD_{50} (rats)—>500 mg/kg.[1]

Dermal LD_{50} (rabbits)—>200 mg/kg.[1]

Eye irritation (rabbits)—Slight.[1]

Ames assay—Negative.[1]

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration	
		Hours/day	Days/year	Average	Peak
Manufacture (total sites): Dermal and ocular	8	2	304-365		
Processing (total sites): Dermal and ocular	16	2	304-365		

The manufacturer states that direct operator exposure to the new substance is limited to sampling at both sites.

Environmental Release/Disposal. The manufacturer states that there is no measurable release of the PMN substance to air, land, or water during normal manufacturing and processing.

[FR Doc. 81-5062 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[1] Data on purified related analog.

[OPTS-51213; TSH-FRL 1753-1]

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 three PMN's and provides a summary of each.

DATES: Written comments by February 26, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Mary Cushmac, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, DC 20460 (202-426-3980).

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** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-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 16, 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 28576 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 use(s) 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(s), 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's are published herein.

Interested persons may, on or before February 26, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 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-51213]" and the specific PMN number. Comments received may be seen in 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: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-371

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided: Annual sales—$500,000,000 and up. Manufacturing site—East-South Central U.S. Standard Industrial Classification Code—286, "Industrial Organic Chemicals."

Specific Chemical Identity. (Alkyl) Halothiophosphate.

Use. Commercial isolated pesticide intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—Liquid.

Color—Dark amber.

Solubility—Soluble in Organic solvents, e.g., acetone, ethyl acetate, toluene.

Molecular weight—192.9

Boiling point—50°C at 0.1 mm Hg.

Flash point—115°C/239°F.

Vapor pressure—106 microns at 25°C.

Viscosity—2.02 cts at 25°C. 1.56 cts at 40°C.

Density—1.35 g/ml.

Toxicity Data

Acute oral toxicity LD_{50} (male rat)—840 mg/kg.

Acute dermal toxicity LD_{50} (male rabbit)—0.25 ml/kg.

Acute inhalation toxicity (male & female rats)(1 hr.)—2.5 mg/L.

Primary skin irritation—Severely irritating.

Primary eye irritation—Severely irritating.

Ames *Salmonella* Assay—Negative.

Malignant transformation assay—Negative.

Exposure. The manufacturer states that because the new substance is produced in a closed system, occupational exposure occurs only as a result of sampling and analysis during manufacture. A maximum of five workers would be dermally exposed for 24 da/yr to the new substance, at an average concentration of 0-1 ppm.

Environmental Release/Disposal. The manufacturer states that there is no environmental release as a result of manufacture. Waste salt is directed to a deep well for disposal. Quality control samples are discarded with waste solvents from the control laboratory to an approved landfill.

PMN 80-372

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided: Annual sales—$500,000,000 and up. Manufacturing site—East-South Central U.S. Standard Industrial Classification Code—286, "Industrial Organic Chemicals."

Specific Chemical Identity. Halogenated diphenyl sulfide.

Use. No data were submitted.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—Waxy solid.

Color—Brown.

Solubility—Soluble in common organic solvents, e.g. acetone, ethyl acetate, and toluene.

Boiling point—188-189°C at 0.2 mm Hg.

Melting point—60-70°C (Tech). 79-79.5°C (pure para isomer).

Density—1.20g/cc at 65°C.

% Volatile by volume—1.

Vapor pressure—0.91 microns at 80°C. 2.90 microns at 95°C. 7.40 microns at 110°C.

Flash point—150°C/302°F.

Octanol/water partition coefficient—72,000.

Toxicity Data.

Acute oral toxicity LD_{50}—(rat)—1,950 mg/kg.

Acute dermal toxicity LD_{50}—(rabbit)—3,000 mg/kg.

Acute inhalation LD_{50}—(1 hr., rat)—3.8 mg/L (liquid state at 100°C).

Primary eye irritation—Severely irritating.

Primary skin irritation—Moderately irritating.

Ames *Salmonella* assay—Negative.

Mouse lymphoma multiple end-point—Negative.

Malignant transformation—Negative.

Exposure. The manufacturer states that because the new substance is produced in a closed system, occupational exposure occurs only as result of sampling and analysis during manufacture. A maximum of three workers would be exposed dermally to the new substance at an average concentraction of 0–1 ppm during quality control sampling.

Environmental Release/Disposal. The manufacturer states that there is no environmental release as a result of manufacture. Waste salt is directed to a deep well for disposal. Quality control samples are discarded with waste solvents from the control laboratory to an approved landfill.

PMN 80–379

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic information provided: Annual sales—Over $500,000,000. Manufacture site—Northeastern U.S. Standard Industrial Classification Code—286, "Industrial Organic Chemicals."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organosilicon polymer.

Use. Dispersive use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—Aqueous emulsion.

Color—Light yellow.

Odor—Vinous odor.

Solubility—Polar solvent, alcohols.

Average molecular weight—8,000–10,000.

Specific gravity—1.044 at 25°C.

Density—1.04 gm/cc at 25°C.

pH—7.5.

Viscosity—25–80 cs at 25 °C

Boiling point—212°F.

Vapor pressure, 20°C, mm—7.

% Volatile (by volume)—67.

Evaporation rate (Ether=1)—Same as water.

n-Octanol/water partition coefficient—<0.005.

Toxicity Data

Acute oral LD_{50} (male rats)—>5,000 mg/kg.

Acute oral LD_{50} (female rats)—>5,000 mg/kg.

Acute dermal LD_{50} (rabbit)—>2,000 mg/kg.

Skin irritation classification (24 hour)—Mild irritant.

Eye irritation classification—Mild irritant.

Ames *Salmonella* assay—Non-mutagenic.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentation (ppm)	
		Hour/day	Days/year	Average	Peak
Manufacture: Dermal	6				
Use: Dermal	100	8	365		>100

The manufacturer stated that the only worker exposure to the PMN substance during use will be by accidental dermal contact during opening and closing of shipping containers. Transfer is mechanical.

Environmental Release/Disposal. The manufacturer states that there is no environmental release of the PMN substance as a result of manufacture.

[FR Doc. 81-5083 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51217; TSH-FRL 1753-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environment 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 three PMN's and provides a summary of each.

DATES: Written comments by:

PMN 80–375, PMN 80–378—February 27, 1981.

PMN 81–4—March 3, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-3936).

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** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-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** issued of January 10, 1979 (44 FR 2242) and October 16, 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 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 use(s) of the substance, as well as 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(s), 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 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 periods ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review periods 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's are 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-447, 401 M St., SW, Washington, DC 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-51217]" and the specific PMN number. Comments received may be seen in 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: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-375

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 23, 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 methacrylic acid, alkyl acrylate, alkyl methacrylate, and an acrylic acid derivative.

Use. Claimed confidential business information. The manufacturer states that the new substance will be used in an open use that will release less than 50 kilograms (kg) to the environment per year; that manufacturing and processing of the new chemical will involve potential exposure to both chemical and non-chemical industry employees.

Production Estimates

Kilograms per year	Minimum	Maximum
1st year	10,000	27,000
2d year	25,000	60,000
3d year	60,000	80,000

Physical/Chemical Properties

Acid value—9.34 mg *KOH*/gm.
% Total solids—45.3
Viscosity—Z4.
Flash point (open cup)—44°F.
Color value—3-4.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at three sites controlled by the submitter from 21 to 125 manufacturing and processing workers may be exposed to the PMN substance dermally and ocularly for 3-8 hr/da, 6-250 da/yr, at average and peak concentrations of 0-1 mg/m^3. Workers at these sites may be exposed during quality control sampling and filling operations.

The manufacturer states that at a typical user site not controlled by the submitter, a maximum of six workers may be exposed to the PMN substance dermally and ocularly for 8 hr/da, 20 da/yr, at average and peak concentrations of 0-1 mg/m^3.

Environmental Release/Disposal. The manufacturer states that at the sites controlled by the submitter, less than 70 kg per year of the new substance will be released into the air and water; and from 20-200 kg per year will be released into the land. Cleanup sludges will be incinerated and used filter bags landfilled. At a typical user site not controlled by the submitter, less than 30 kg per year of the PMN substance will be released into the air, land, and water.

PMN 80-378

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 24, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: *N*-(Substituted)-*N*-(substituted) acetamide.

Use. Claimed confidential business information. Generic use information provided: Minor constituent in an article for commercial and consumer use.

Production Estimates

Kilograms per year	Minimum	Maximum
1st year	5	10
2d year	10	20
3d year	20	30

Physical/Chemical Properties

Solubility—Water insoluble, < 0.1 ppm.

Dissociation—Thermodynamically very unfavorable. Substance has an estimated solubility product of 10^{-14}.

Toxicity Data

Acute oral LD_{50}—3,000 mg/kg.
Acute dermal LD_{50}—20 ml/kg.
Skin irritation—Slight.

Environmental Tests

Total oxygen demand—1.19 g/g-organic content.

Biological oxygen demand (BOD_5)—0.56 g/g-organic content.

Biological oxygen demand (BOD_{20})—0.5 g/g-organic content.

Secondary waste treatment—compatibility study—Exposure to 22 ppm of this compound did not affect microbiological carbon metabolism.

Acute effects on 5 aquatic—species—The organisims were exposed for 96 hour to a 0.0067 ppm suspension of the compound with no adverse effects observed.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration (unit:mg/m³)	
		Hours/day	Days/year	Average	Peak
Manufacture: Dermal	2	0.5	50	0–1	0–1
Processing: Dermal	6	2.5	150	0–1	0–1

The manufacturer states that dermal occupational exposure will occur only during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that there is no expected release of the new substance to air, land, or water during preparation, storage, or processing. The maximum estimated concentration of the new compound that potentially could be discharged into a publicly owned treatment works (POTW) effluent is < 0.0008 ppm.

PMN 81–4

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of maleic anhydride, phthalic anhydride, dicyclopentadiene, diethylene glycol, and adipic acid.

Use. Cured, thermosetting, cross-linked polyester plastic for commercial articles.

Production Estimates

Pounds	Minimum	Maximum
1st year	1,200,000	1,500,000
2d year	1,400,000	1,600,000
3d year	1,600,000	1,600,000

Physical/Chemical Properties

Physical state—Viscous liquid.
Solubility—Insoluble in water.
Vapor pressure—Low.
Acid value—15–25.
Viscosity—100–250 cps.

Toxicity Data. No data were submitted.

Exposure. The submitter states that the new substance will be manufactured in a totally closed system with worker exposure limited to 2–3 minutes each hour when the resin is sampled.

Environmental Release/Disposal. The manufacturer states that any unusable polyester resin will be disposed of by incineration or polymerized and used in landfill.

[FR Doc. 81-5090 Filed 2-12-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51218; TSH-FRL 1753-6]

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 two PMN's and provides a summary of each.

DATE: Written comments by March 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460 (202-426-8815).

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** of May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50444–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 16, 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 use(s) 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(s), 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 PMN submitter, will publish an amended **Federal Register** notice. EPA immediately will review

confidentiality claims for chemical identity, chemical use(s), 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's are published herein.

Interested persons may, on or before March 27, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Peotection Agency, Rm. E-447, 401 M St., SW., Washington, DC 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-51218]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, exclusing legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-7

The following information is taken from data submitted by the manufacturer in the PNM.

Close of Review Period. April 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified resorcinol resin.

Use. Claimed confidential business information. Generic use information provided: Industrial chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that during manufacture, one operator will be exposed for 25 minutes while sampling the 33 batches required for the 1981 porduction volume.

Environmental Release/Disposal. No data were submitted. The manufacturer states that waste disposal will be by incineration or secure landfill.

PMN 81-8

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane resin.

Use. Claimed confidential business information. Generic use information provided: Industrial chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that during manufacture, two operators will be exposed for approximately 15 minutes while sampling the eight batches required for the 1981 porduction volume.

Environmental Release/Disposal. No data were submitted. The manufacturer states that waste disposal will be by incineration or secure landfill.

[FR Doc. 81-5089 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51222; TSH-FRL 1753-3]

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 three PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-1—March 3, 1981. PMN 81-14, PMN 81-15—March 16, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Denise Devoe, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, DC 20460 (202-426-3980).

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** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-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 16, 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 use(s) 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(s), 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 sumbitter 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's are 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-447, 401 M St., SW, Washington, DC 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-51222]" and the specific PMN number. Comments received may be seen in 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: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-1

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 2, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided: Annual sales—Between $100 million and $499,999,999. Manufacturing site—Northeastern U.S. Standard Industrial Classification Code—285; "Paints, Varnish, Lacquers, Enamels, Allied Products."

Specific Chemical Identity. Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride, benzoic acid.

Use. The manufacturer states that the new substance will be used in an industrial use as a resin for low volatile organic content coatings.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	6,000	30,000
1982	30,000	80,000
1983	30,000	100,000

Physical/Chemical Properties

Color (Gardner-Holdt—8 maximum.
Viscosity (Gardner-Holdt)—Z-Z2.
Acid value (Solid Basis)—8-14.
Weight per gallon—8.85± .05 lbs.
Non-volatile by weight—75±1%.
Non-volatile by volume—68.3%.
Volatile—25% Xylene, 25% Aromatic 100 (boiling range 310-350° F), 50% Methyl normal propyl ketone.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at two sites controlled by the submitter, manufacturing and processing of the PMN substance would expose dermally a maximum of 23 workers for 8 hr/da, 17-100 da/yr, to the new substance during sampling, filling drums or tank trucks, and cleaning the filter press.

At a site not controlled by the submitter, use of the PMN substance would expose by inhalation, and through the skin and eyes a maximum of 30 workers for 8 hr/da, 250 day/yr, to the new substance at average and peak concentrations of more than 100 ppm.

Environmental Release/Disposal. The manufacturer states that at one site, less than 10 kg/yr of the PMN substance will be released into the air; between 100 and 1,000 kg/yr released to the land by landfill; and less than 10 kg/yr released to a publicly owned treatment works (POTW) effluent.

At a second site, less than 10 kg/yr of the new substance will be released to the air 24 hr/day, 13 da/yr; between 100 and 1,000 kg/yr released to the land by landfill; and less than 10 kg/yr released to a POTW.

PMN 81-14

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 15, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and maleic anhydride.

Use. Cured, thermosetting, crosslinked polyester plastic for commercial articles.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1st year	400,000	600,000
2nd year	900,000	1,100,000
3rd year	900,000	1,100,000

Physical/Chemical Properties. The manufacturer states that the proposed polyester resin is a solid at ambient temperatures, is virtually insoluble in water, and has negligible vapor pressure.

Acid value—25-35.

Viscosity at 70% NV in styrene—800-1,800 cps.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that because the new substance is produced in a closed system, occupational exposure occurs only as the result of sampling, an operator being exposed to the resin for approximately 2 to 3 minutes once each hour of manufacture.

Environmental Release/Disposal. The manufacturer states that any unusuable polyester resin will be disposed of by incineration or polymerized and used in landfill.

PMN 81-15

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 15, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and fumaric acid.

Use. Cured, thermosetting, crosslinked polyester plastic for commerical articles.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1st year	400,000	600,000
2nd year	900,000	1,100,000
3rd year	900,000	1,100,000

Physical/Chemical Properties. The manufacturer states that the proposed polyester resin is a solid at ambient temperatures, is virtually insoluble in water, and has negligible vapor pressure.

Acid value—25–35.

Viscosity at 70% NV in styrene—800–1,800 cps.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that because the new substance is produced in a closed system, occupational exposure occurs only as the result of sampling, an operator being exposed to the resin for approximately 2 to 3 minutes once each hour of manufacture.

Environmental Release/Disposal. The manufacturer states that any unusable polyester resin will be disposed of by incineration or polymerized and used in landfill

[FR Doc. 81-5086 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-41006A; TSH-FRL 1753-8]

Seventh ITC Report to Administrator; Workshop on EPA's Response to the Report Recommendations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC) established under section 4(e) of the Toxic Substances Control Act (TSCA) transmitted its Seventh Report to the Administrator of EPA on October 24, 1980. This report adds two chemicals and two chemical categories to the Committee's Priority List of Chemicals for consideration by EPA in the promulgation of test rules under section 4(a) of TSCA. The Seventh Report of the ITC will be the subject of written comment and of a workshop in which EPA staff and representatives of other groups will participate actively and which other members of the public may attend as observers. The primary purpose of written comment and the workshop is to request industry, environmental groups, labor, academic experts, and the general public to help EPA staff identify and discuss issues regarding how the Agency should respond to the recommendations contained in the ITC's Seventh Report.

DATE: EPA requests written comments prior to the scoping workshop. If this is not possible, they should be received no later than March 26, 1981. The workshop will be held on March 12, 1981, from 8:30 a.m. to 6:00 p.m. See Supplementary Information for additional details on the workshop. The deadline for registration is March 3, 1981.

ADDRESS: The workshop will be held at: Hospitality House Motor Inn, 2000 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: John Ritch, Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-799), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll-free telephone number: 800-424-9065 (in Washington, D.C. call 544-1404).

SUPPLEMENTARY INFORMATION:

I. Statutory Framework

Section 4 of TSCA authorizes EPA to require manufacturers and/or processors of chemical substances and mixtures to perform testing "to develop data with respect to the health and environmental effects" of these compounds. In order to require that a chemical be tested in accordance with EPA test standards, the Administrator must make three findings relating to the chemical's risk or exposure potential, the insufficiency of data available to EPA, and the need to test.

First, the Administrator must find either that the manufacture, distribution in commerce, processing, use, disposal, or some combination of these activities involving the chemical "may present an unreasonable risk of injury to health or to the environment," under section 4(a)(1)(A)(i), or that the chemical is or will be produced in substantial quantities and that there is or may be significant or substantial human exposure to or substantial environmental release of the chemical, under section 4(a)(1)(B)(i).

Second, the Administrator must find that existing data and experience relating to the chemical are insufficient to reasonably determine or predict the effects on health or the environment of the manufacture, distribution in commerce, processing, use, disposal of the chemical or of any combination of these activities under section 4(a)(1)(A)(ii) and (B)(ii).

The third finding is that testing is necessary to develop the requisite data, under section 4(a)(1)(A)(iii) and (B)(iii).

These findings may be made with respect to individual chemicals or categories of chemicals. Section 26(c)(1) of the Act provides that any action authorized or required to be taken by EPA, under any provision of the Act as to a chemical substance or mixture, may be taken in accordance with that provision with respect to a category of chemical substances or mixtures. Section 26(c)(2)(A) explains that the term "category of chemical substances" means a group of chemical substances, the members of which are similar in molecular structure, in physical, chemical, or biological properties, in use, or in mode of entrance into the human body or the environment, or the members of which are in some other way suitable for classification as such for purposes of the Act, except that the term does not mean a group of chemical substances which are grouped together solely on the basis of their being new chemical substances.

II. The Role of the ITC and Its Seventh Report

Section 4(e) of TSCA established the Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for priority testing on the basis of potential risks to human health and/or the environment. In making its recommendations, the ITC is to consider all relevant factors, including, under section 4(e)(1)(A) (i) through (viii):

1. The quantities in which the substance or mixture is or will be manufactured.

2. The quantities in which the substance or mixture enters or will enter the environment.

3. The number of individuals who are or will be exposed to the substance or mixture in their places of employment, and the duration of such exposure.

4. The extent to which human beings are or will be exposed to the substance or mixture.

5. The extent to which the substance or mixture is closely related to a

chemical substance or mixture which is known to present an unreasonable risk of injury to health or the environment.

6. The existence of data concerning the effects of the substance or mixture on health or the environment.

7. The extent to which testing of the substance or mixture may result in the development of data upon which the effects of the substance or mixture on health or the environment can reasonably be determined or predicted.

8. The reasonably foreseeable availability of facilities and personnel for performing testing on the substance or mixture.

The ITC's recommendations take the form of a list of chemical substances and mixtures, or categories of substances or mixtures, together with the ITC's designation of specific testing needs to be addressed by EPA when it considers these entries for testing rules. The Committee is directed to make revisions to the Priority List, as it determines to be necessary, and to transmit such revisions to EPA at least every six months after submission of the initial list. The ITC may designate up to 50 entries at any one time for priority consideration by EPA. TSCA requires EPA to respond to designations of chemicals for priority consideration within 12 months of the date such designations are made, either by initiating rulemaking under section 4(a) or by publishing in the **Federal Register** reasons for not initiating rulemaking.

As of April, 1980, the ITC, through a total of six reports to EPA, had designated 39 entries (i.e., chemicals and categories of chemicals) for EPA's priority consideration. On October 24, 1980, the ITC issued its Seventh Report, which added to the Priority List four additional designated chemicals and chemical groups: benzyl butyl phthalate, butyl glycolyl butyl phthalate, fluoroalkenes, and alkyltin compounds. Also in its Seventh Report, the ITC noted the deletion of chloromethane from the List, leaving a total of 42 entries requiring EPA's priority consideration. The complete text of the Seventh ITC Report, was published in the **Federal Register** of November 25, 1980 (45 FR 78432).

The following list summarizes the ITC's most recent priority testing recommendations:

Chemical (or category)	Tests recommended by ITC
Benzyl butyl phthalate	1. Environmental effects.
	2. Carcinogenicity.
	3. Reproductive effects
Butyl glycolyl butyl phthalate	1. Environmental effects.
	2. Mutagenicity.
	3. Reproductive effects.
Fluoroalkenes	1. Carcinogenicity.
	2. Mutagenicity.
	3. Teratogenicity.
	4. Reproductive effects
	5. Other toxic effects.
Alkyltin compounds [1]	1. Environmental effects.
	2. Carcinogenicity.
	3. Mutagenicity.
	4. Teratogenicity.
	5. Reproductive Effects.
	6. Developmental effects.
	7. Epidemiology.
	8. Other chronic effects.

[1] The ITC noted that, with respect to this category recommendation, its suggested approach was through the use of tiered or sequenced testing.

III. Background of the Scoping Workshop

Section 4 of TSCA imposed significant new administrative, scientific, and legal responsibilities on EPA with regard to assessing the need for industry testing of various chemicals or categories of chemicals. In its early experience with section 4, the Agency was unable to meet the statutory one-year period for responding to ITC priority recommendations. In order to expedite and improve EPA's section 4 implementation process, the Agency has been re-examining existing procedures and developing improved mechanisms for meeting EPA's statutory responsibilities under section 4.

As a part of this re-evaluation, EPA requested the assistance of several consultants to develop options and recommended procedures for improving the effectiveness and efficiency of the section 4 rulemaking process. One of the approaches suggested was for EPA to convene a "scoping workshop." [2] The purpose of the recommended "scoping workshop" would be to provide an early opportunity and a nonadversarial setting for EPA to elicit the best available information, and to clarify the scope of the major issues to be addressed by the Agency in responding to the ITC recommendations.

EPA has decided to implement this "scoping workshop" recommendation in conjuction with written comment, on a trial basis, as part of its process for responding to the Seventh ITC Report. If this mechanism proves to be successful in helping to expedite and improve the decision making process on the Seventh ITC Report recommendations, then it may be used for future ITC recommendations as well. If this approach does not prove to be a promising tool in this particular case, it may be modified or discarded in the future.

The objectives of the workshop and written comment are outlined below. Not all of these purposes may be achieved within the workshop alone, but every effort will be made to meet these objectives through the combination of written comment and the workshop. It is important to note that this workshop is not an isolated event. Rather, it is intended to be part of an ongoing process which will assist the Agency in deciding whether to issue proposed test rules under section 4 of TSCA with respect to any of the chemicals and categories included in the Seventh ITC Report, and, if so, what the nature of those proposals should be.

The Agency notes that this new procedure is experimental in nature. To make it work will require a degree of patience, tolerence, and cooperation among a variety of parties who in the past have frequently seen themselves as adversaries. The Agency will attempt to set this tone of cooperation for the meeting, appreciating that all participants will be engaged in a learning process about how this approach can work under section 4 of TSCA.

IV. Objectives of This Request for Information

The major objectives of this scoping workshop and the request for submission of written information on the chemicals recommended for testing in the Seventh ITC Report are as follows:

1. To provide a nonadversarial setting for information sharing on these chemicals and categories at an early stage in the process.

2. To solicit and discuss varying views on the need for testing of the chemicals and categories recommended in the Seventh ITC Report for the effects discussed in that report, or for other effects.

3. To solicit and discuss views on the ways in which the alkyltin and fluoroalkene categories could most appropriately be dealt with by EPA.

4. To encourage identification of the critical studies which have been done (published and unpublished) which bear on the need for testing of the subject chemicals and categories.

5. To identify, in a clear and focused forum, the principal scientific, policy, and legal issues that should be addressed by EPA before the Agency decides whether to issue any proposed rules on the subject chemicals and categories.

6. To identify and focus areas of agreement and disagreement on the scientific and policy issues.

[2] This was one of the options identified and discussed in a report by Schwartz and Connolly, Inc. and is entitled, "Section 4 of TSCA: Options for Expediting and Improving the Rulemaking Process for Manufacturer Testing of Potentially Toxic Chemicals" (September, 1980).

7. To establish the relative priority or importance of any issue on which there is disagreement.

8. To the maximum extent feasible within the legal, time, and resource constraints under which the Agency must operate, to try to reach agreement with all interested parties as to the best way to resolve these issues and how best to proceed with respect to the ITC's recommendations.

9. To explore opportunities for voluntary testing, if appropriate, of the subject chemicals.

10. To encourage greater understanding and appreciation by each participant of the concerns and views held by those with whom in the past there may have been disagreement, and to begin to establish a process based on greater trust and cooperation, insofar as possible.

V. Written Submissions

Individuals who can provide useful data or other information on the subject chemicals are encouraged to submit such information to EPA. Any such submissions should include an explanation of how this information is specifically related to the Seventh ITC Report recommendations or to the issues raised in Section VII of this notice. Such written submissions should bear the Document Control Number OPTS-41006A, and should be sent to Document Control Officer, Management Support Division (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Submissions should be received no later than March 26, 1981.

VI. Workshop Arrangements

A. Registration and Participation

The scoping workshop will be open to all who wish to attend. However, it is anticipated that the group of active workshop participants will consist of no more than 20 individuals for each chemicals or category being considered.

Those who are interested in making presentations or otherwise actively participating in the workshop should inform EPA by contacting the Industry Assistance Office (see "For Further Information Contract"). In registering for the workshop, applicants will be expected to indicate the reasons for their interest in participating and the issues they wish to address within the scope and purposes of the workshop. This information will provide the basis for EPA to determine the final agenda for the workshop and, if necessary, to place time limits on presentations by participants.

In order to achieve the purposes of the workshop and to establish an informal setting, it may be necessary to limit the number of active participants. If so, EPA will make such determinations on the basis of the following criteria: (1) The potential usefulness of the applicants' contributions to the stated purposes of the workshop; (2) the need to assure an overall balance of points of view among the primary participants, and (3) other appropriate factors.

EPA solicits the active participation of all those who can offer information which will assist the Agency in developing its response to the Seventh ITC Report recommendations. This invitation is extended especially to those who have direct work and/or research experience with the subject chemicals. EPA also seeks the participation of individuals who can address general testing issues and policy implications specifically related to the Seventh ITC Report recommendations. It is important to note, however, that this scoping workshop will not entertain a discussion or presentation on generic issues or policies regarding the implementation of section 4 of TSCA.

The Agency wishes to establish an appropriate balance of participants representing labor, industry and environmental concerns. The Agency is also actively seeking the involvement of independent scientific experts, especially those experienced in testing the subject chemicals. EPA recognizes that, due to financial constraints, some of the experts who would be useful workshop participants could not afford to attend the meeting without financial assistance. The Agency has limited funds available to provide such assistance if it determines that participation by the individual expert in question would materially benefit the workshop.

B. EPA and ITC Participation

The Chief of EPA's Test Rules Development Branch (TRDB) within the Office of Toxic Substances will chair the workshop. In its chairmanship role, EPA/TRDB will not only serve as moderator at the meeting, but will also be prepared to intervene at any time necessary to assure accomplishment of the following purposes:

1. The establishment and maintenance of a nonadversarial tone and atmosphere.

2. The avoidance of inappropriate or irrelevant discussion topics.

3. The identification of and focus on important issues.

4. The encouragement of active discussion and exchange of ideas and information.

5. The assurance of appropriate opportunities for all participants to express relevant views and comments.

6. The maintenance of the agenda and following of the principles set forth for the workshop.

7. The accomplishment of the stated objectives established for the workshop.

In addition to moderating the workshop, EPA will also be represented by Agency scientists who will participate in the workshop. A representative of the ITC will make an initial presentation at the workshop. That presentation will indicate the general process which the ITC used in developing the Seventh Report. It will also summarize the conclusions of the Seventh Report.

After this presentation, the presentation of the other participants will occur on an issue by issue basis. These dialogues with EPA staff will be followed by an open discussion involving any attendees.

To facilitate productive discussion, there will be no recording or verbatim transcript of the workshop proceedings. Instead, notes will be taken during the meeting for later use in developing an official report of the workshop. In order to facilitate resolution of issues, and operating rule for the workshop will be that offers made by participants for the purpose of negotiation will not be binding in future administrative or judicial proceedings.

C. Workshop Agenda

The workshop is currently scheduled for 8:30 am to 6:00 pm on March 12, 1981. EPA will consider allowing additional time at the end of the day if such time is necessary for the completion of essential workshop activities. After a general introduction, three separate, consecutive sessions will be held, i.e. one each for alkytins, fluoroalkenles, and the two phthalates. The phthalate session will cover both butyl glycolyl butyl phthalate and benzyl butyl phthalate.

The order and the amount of time to be allotted for each of the sessions will be decided by EPA on the basis of preworkshop registration information. Therefore, at this time, a specific agenda for the workshop is not available. However, to further assist participants in understanding how the workship will function, a generalized agenda for the meeting has been developed, and appears below.

I. Introduction

A. Introduction by EPA, explaining the background, purposes, principles, and agenda of the scoping workshop.

B. Brief opportunity for questions, answers, and comments on background, purposes, principles, and agenda.

C. ITC presentation on the Seventh Report, explaining the process by which its recommendations were made.

II. Chemical Session 1

A. EPA's preliminary views on the testing needs and issues for the chemical or category.

B. Presentations by other workshop participants.

C. Questions and answers on EPA's and participants' remarks, for clarification purposes.

D. Give-and-take discussion of the issues raised in the presentations or of other relevant issues.

E. Summary and confirmation of major issues.

F. Identification of areas of agreement and disagreement.

G. Setting of priorities for resolving areas of disagreement.

H. Examination, in greater detail of the nature of disagreements involving high priority issues.

I. Identification and discussion of possible options for resolving disagreements.

J. Summary and confirmation of information generated in the previous step.

III. Chemical Session 2

(Repeat steps A through J under II)

IV. Chemical Session 3

(Repeat steps A through J under II)

D. Workship Report

Following the workshop, two weeks will be allowed for submission of additional information or documentation for inclusion in the workshop record. A final report on the workshop will be prepared primarily on the basis of minutes taken during the meeting; supplementary materials will be identified, but not analyzed in the final report. The final report of the scoping workship, together with all the written materials submitted in connection with this notice, will be placed in the public file established by EPA for comments on the Seventh ITC Report, under Docket No. OPTS–41006A, which is available for inspection at the Document Control Office, Management Support Division (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 8:00 am to 4:00 pm, Monday through Friday, except legal holidays.

EPA intends to use the written submissions and the final report of the scoping workshop as two sources of information which will be considered along with other appropriate information to assist the Agency in determining its future action with respect to the subject chemicals.

In issuing EPA's response to the ITC Seventh Report recommendations for publication in the **Federal Register**, the Agency will explain how its decisions relate to the major issues and recommendations identified in the scoping workshop.

VII. Types of Issues About Which EPA Is Seeking Information

This solicitation for information is designed to focus on the specific chemicals and recommendations included in the Seventh ITC Report. No issues relating solely to EPA's generic implementation of TSCA section 4 will be discussed at the workshop.

EPA has developed the following list of issues for which it solicits input. This list is not exhaustive, nor will all the issues necessarily be addressed at the workship. The list is intended to illustrate the types of questions which the Agency may be seeking to resolve with regard to the subject chemicals.

One of the principal objectives of this notice is to focus on the key issues which must be resolved by EPA in responding to the ITC's recommendations concerning these chemicals. Thus, while a lengthy list of possible issues is presented here, participants are encouraged to set priorities for issues which they wish to address at the workshop. Participants' comments, questions and data submissions should be addressed to what they have identified as the highest priority questions. EPA does believe that, if possible, it would be extremely useful to have all of the following issues addressed in detailed written submissions made prior to the date of the workshop, but in any case submissions should be received no later than March 26, 1981.

A. General Issues

1. What information (qualitative or quantitative) exists on the amounts and types of human exposure to the subject chemicals?

2. What information exists on the release of these chemicals into the environment?

3. What information exists on occupational or consumer exposure concentrations, or ambient concentrations, that would be useful in assessing the extent to which the subject chemicals may be present in workplaces or other environments?

4. What information exists, other than that referred to in the ITC report, as to the extent to which any of the subject chemicals are produced, used, transported, and disposed of in "closed" systems in normal practice? What data are available on the extent to which there is leakage from such "closed" systems? What information exists as to the existence, frequency, and seriousness of spills, accidents, leaching, or other unintentional releases of any subject chemical into the environment?

5. What specific information exists, other than that referred to in the ITC report, which indicates that the subject chemicals either may or may not present a risk of injury to health or the environment with respect to the effects named by ITC? Other effects? What information exists as to the nature or degree of risk, if any? Does specific information, other than test data, exist which indicates that the subject chemicals either do or do not present a potential unreasonable risk of injury to health or the environment? Is there any reason why information in response to the preceding three questions should be regarded as invalid or of limited or questionable validity? If so, what is the reason and what is its basis?

6. What specific information exists which indicates that the subject chemicals are being (or are planned to be) tested for any health or environmental effects? Is there any reason why the current or planned testing discussed in response to the preceding questions should be regarded as unlikely to provide sufficient information to assess the potential hazard being tested for? If so, what is the reason and what is its basis?

7. Does sufficient information, data, or experience exist to reasonably determine or predict the effects of the manufacture, distribution in commerce, processing, use, or disposal of the subject chemcials or of any combination of such activities on health or the environment? If so, why? If not, why not?

8. Noting the information presented in response to the preceding questions, including ongoing or planned testing activities, and the extent of test methodology development with respect to the effects under consideration, is testing of such chemicals to develop health and environmental effects data necessary?

9. Are there types of tests not called for specifically in the ITC Report which should be considered for any of the subject chemicals?

10. Are there any studies, other than those presented in the ITC Report, that may clarify or resolve any of the results that are termed "inconclusive" in the ITC Report?

11. Are there features of the studies referenced and assessed by the ITC that, if assessed differently could lead to more conclusive statements on the results of past tests?

2. If testing of any chemical is determined to be necessary for any effect for which EPA has published generally applicable test protocols, is there any reason specific to that chemical why the generally applicable protocol should not be applied or should be modified?

13. If testing of any chemical is determined to be necessary for any effect for which EPA has not published generally applicable test protocols, what protocols should be applied?

14. If testing of any category or subcategory of chemicals is determined to be necessary for any effect, how many members of that category should be tested for that effect? Which ones? Simultaneously or in sequence? If in sequence, what should the order of testing be? How should early test results of one or more members of a category or subcategory of chemicals bear on subsequent testing of other members?

B. Alkyltin Compounds

There are six specific issues related to alkyltin compounds that EPA wishes to have addressed on a high priority basis at the workshop. These are as follows:

1. Are the members of the category, as defined by the ITC, sufficiently similar in terms of molecular structure, physical, chemical, or biological properties, in use, or in mode of entrance into the human body or the environment, to allow relative ease of analysis in terms of potential testing needs? If not, why not? If, as suggested in several of the comments filed with EPA with respect to the ITC Seventh List, the category encompasses substances of considerable difference with respect to the above parameters, what subcategories would be most appropriate?

2. What would be a suitable cohort (i.e. study population) for an epidemiological study of workers exposed to alkyltins?

3. What, if any, unpublished epidemiological studies, reports or case histories are available which provide evidence of health effects among workers exposed to alkyltin compounds, during their manufacture, distribution, processing, use or disposal?

4. What is the most sensitive indicator to use in assessing the potential neurotoxic and neurobehavioral effects of alkyltin compounds and what is the best methodology for determining these effects?

5. What is the most sensitive indicator for assessing the post-natal developmental effects of alkyltin compounds and what is the best methodology for determining these effects?

6. What are the most predominant routes of exposure to alkyltin compounds in the occupational environment? What monitoring data are available to indicate the concentrations to which people are exposed? To which specific compounds are people most significantly exposed? Given that many alkyltin compounds occur as liquids or waxy solids, how are aerosols of these compounds generated?

In addition to the above-listed high priority issues, EPA is also seeking information on the following issues which are all related to alkyltin compounds but are not necessarily listed in order of priority.

7. What, if any, data more recent than those published in 1970 are available on the migration of alkyltins from items such as medical devices in contact with biological fluids or packaging materials in contact with food?

8. Is bis(tributyltin) oxide still used in latex paints? If so, how many workers are exposed in this fashion? It has been recognized that skin/eye irritation is a common short-term effect. What, if any, long-term health effects have been reported among these workers?

9. Should the results of oncogenicity studies on dibutyltin diacetate cited in the ITC Report be considered inconclusive or negative?

10. Given the reported chronic health effects of exposure to several alkyltin compounds, is it necessary to conduct further tests for these effects? If so, on what specific compounds and for what specific effects?

11. How do the pharamacokinetic and metabolic data compare for various alkyltin compounds? If alkyltin compounds are metabolized (i.e., progressively dealkylated) to Sn^{+4}, what are the rates of metabolism, what factors affect these rates, and how does this process affect the toxicity of alkyltin compounds?

12. How do the toxicological and other health effects data compare for various alkyltin compounds? What evidence exists, in addition to that referenced in the ITC report, to suggest that trialkyltin compounds are the most toxic of the alkyltin compounds? What information exists on the possible oncogenicity of any alkyltin compounds other than dibutyltin diacetate? What, if any, structure-activity relationships are suggested by the available metabolic and health effects data on alkyltin compounds? From the answers to the above-listed questions, what, if any, conclusions can be drawn about the selection of certain high priority compounds from the alkyltin group for testing purposes?

13. The ITC Report referenced negative results of mutagenicity testing of certain inorganic tin compounds in bacterial test systems. Do these results suggest any structure-activity relationships that could affect what specific compounds should be selected for testing and what tests should be included in mutagenicity test sequences on the organic tin compounds?

14. What is known about the purity of alkyltin compounds used in pre-1960 (or other) biochemical or toxicological testing? Does this provide cause for these tests to be regarded as invalid or of questionable validity or reliability?

15. What, if any, data or other information are available on the extent and effects or direct discharges of alkyltin compounds into water or air?

16. A 1977 study by the Midwest Research Institute (reference by ITC) suggests that alkyltin compounds are not readily leached from the soil. Is this conclusion correct? What, if any, conclusions does this suggest about the priority which should be assigned to environmental effects testing?

17. Should halogenated alkyltin compounds, e.g., tripropyltin bromide, be considered in the alkyltin category? If not, why not? If so, on what basis?

C. Benzyl Butyl Phthalate (BBP) and Butyl Glycolyl Butyl Phthalate (BGBP)

These are three specific issues related to BBP and BGBP, that EPA wishes to have addressed on a high priority basis at the workshop. There are as follows:

1. Is BGBP now in production in the U.S.? If so, in what quantities?

2. How do exposures to BBP or BGBP occur? What data are available on the types of human exposures and numbers of persons exposed? What, if any, materials balance studies have been performed at plants which manufacture or process BBP or BGBP?

3. Are there any data on how or in what amounts BBP and BGBP enter the environment? What, if any, monitoring studies, other than the data reported by Gledhill et al. (1980), have been performed specifically for BBP or BGBP?

In addition to the above-listed high priority issues, EPA is also seeking information on the following issues which are not necessarily listed in order of priority.

4. What information supports the belief that because di(2-ethylhexyl) phthalate (DEHP) has been reported to be carcinogenic, BBP or BGBP might also be carcinogenic?

5. Were the bioassay results on BBP truly inconclusive? If so, should these bioassay tests be repeated? If not, why not? If so, on what basis? If a new bioassay is necessary, what specific protocol modifications are desirable to maximize the possibility of obtaining conclusive results?

6. The ITC Report references several studies of the reproductive effects of BBP and BGBP, all of which have reported positive results. What, if any, additional studies are available on the reproductive effects of BBP or BGBP? What, if any, additional tests would be necessary in order to assess the risk of reproductive effects of these two compounds?

7. In view of the observed bioaccumulation of BBP and BGBP in several aquatic species, what evidence of effects to support or refute the need for chronic toxicity and/or reproductive effects testing of the species in which bioaccumulation has been observed and/or species at higher levels of the food chain?

8. Are copies available of the 1975 paper by Odashima and Ishidate (referenced in the ITC Report) in which genotoxic effects were observed in hamster cells exposed to BGBP in vitro? Have the results of these tests been confirmed by other data?

9. Have the environmental effects of BBP or BGBP been adequately characterized? If so, what data lead to this conclusion? If not, what additional testing for these effects needs to be performed?

D. Fluoroalkenes

There are three specific issues related to fluoroalkenes that EPA wishes to have addressed on a high priority basis at the workshop. These are as follows:

1. What is known about exposures to fluoroalkenes? How much exposure occurs during production of the monomers? During polymer synthesis? During use of the final products?

2. In view of the reported differences in toxicities between vinyl chloride monomer and polyvinyl chloride, should polymers formed from fluoroalkene monomers be considered separately from the fluoroalkene category? If so, on what basis?

3. It has been reported that there is a relationship between toxicity and degree of fluorination of fluoroalkenes. Do the reported data (or other information) suggest structure-activity relationships among fluoroalkenes? If so, how might such relationships affect the need for toxicity testing of individual fluoroalkenes? Also, how might such relationships affect the selection of representative members of the category for testing purposes?

In addition to the three issues listed above, EPA is also seeking information of the following issues which are all related to fluoroalkenes but are not necessarily listed in order of priority.

4. What, if any, studies of teratogenic or reproductive effects of any fluoroalkenes are available?

5. What, if any, studies address the issue of whether chronic exposure to fluoroalkenes affects the kidney, the liver or the cardiovascular system?

6. Does it follow from the recognized oncogenicity of vinyl chloride and the fact that vinyl bromide was reported to be oncogenic in a submission to EPA under section 8(e) of TSCA, that vinyl fluoride and other fluoroalkenes warrant oncogenicity testing? If no, why not? What, if any, oncogenicity testing has already been performed for fluoroalkenes, other than the 1979 Maltoni and Tovoli study on vinylidine fluoride (referenced in the ITC Report)?

7. What specific mutagenicity studies should be included in mutagenicity test sequences for characterizing the mutagenic potential of fluoroalkenes?

8. What, if any, aquatic organism toxicity data exist for fluoroalkenes other than vinylidine fluoride?

9. The rates of photodegradation of some organic compounds have been reported to vary depending upon whether the compounds are adsorbed onto particles or are free-floating. Are there data on the degradation of fluoroalkene molecules when adsorbed onto soil particles or onto airborne particulate matter? For example, would the degradation rate of adsorbed vinylidine fluoride be significantly different from the reported degradation rates for the free-floating compound?

VIII. Principles for the Workshop

The Agency recognizes that the "scoping workshop" is a new and unfamiliar procedure. The objectives of the workshop are ambitious. The development of a cooperative atmosphere where disagreements are acknowledged, but where consensus-building is encouraged insofar as feasible, is not a traditional part of the rulemaking process under the Administrative Procedures Act. Additionally, Agency involvement both as participant and moderator of the workshop imposes some special difficulties.

In addition to these factors, the Agency recognizes a number of potential constraints which may affect the implementation of this new process. Such constraints may include: (1) The complexity and potentially large number of issues to be addressed; (2) the limited time available for addressing and resolving issues; (3) the lack of experience with consensus-building and the "scoping workshop" mechanism; (4) the controversial nature of some topics to be addressed; (5) the lack of adequate information, in many cases, to resolve outstanding issues; (6) apprehension and/or possible mistrust on the part of participants about the workshop; and (7) the necessity to meet the legal requirements of TSCA.

In establishing the procedures and format for this trial workshop, EPA has attempted to take into account these potential problems. The Agency has determined that additional guidelines would be useful for establishing the proper tone and achieving the stated objectives of the workshop. These principles, which are modelled after similar guidelines used in other consensus-building forums, are as follows:

(1) To the greatest extent possible, participants should share whatever information (e.g., research data, opinions, etc.) may be available to assist in meeting the stated objectives of the workshop.

(2) Wherever possible, participants should be willing to propose and explore creative alternatives which might enhance the prospects for agreement by all participants on critical issues.

(3) Actions which delay proceedings, raise inappropriate issues, or prevent balanced and fair opportunity for all points of view to be presented, will be discouraged by the Chair.

(4) The limited time available should be used to focus on the most important issues, problems, and data relevant to the subject chemicals and categories.

(5) Discussion of general philosophical points should be kept to an absolute minimum. Focus should be kept on the specific chemicals and categories refered to in the Seventh ITC Report.

(6) Questions should be asked, positions presented, and discussions held in informal manner. The goal should be to enhance understanding, not merely to score points.

(7) To the greatest extent possible, participants should be willing to approach problems innovatively and with minimum prejudgment, and to demonstrate good faith efforts to achieve the stated objectives of the workshop and to abide by these principles.

The extent to which these principles are followed may have a significant

effect not only on the success of this workshop but also on prospects for additional workshops of this kind in the future.

Dated: February 6, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-5078 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[ER-FRL-1754-5]

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 (EIS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of February 2, 1981 to February 6, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from February 13, 1981 and will end on March 30, 1981. The 30-day review period for final EIS's as calculated from February 13, 1981 will end on March 16, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209 (703) 558-8270.

SUMMARY OF NOTICE: This notice sets forth a list of EIS's filed with EPA during the week of February 2, 1981 to February 6, 1981. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's. All additional information relating to EIS's such as time extensions or reductions of prescribed review periods, withdrawals, retractions, corrections or supplemental reports is also noticed under the appropriate agency.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 (202) 245-3006.

Dated: February 10, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

U.S. Army Corps of Engineers

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314 (202) 272-0121.

Draft

IRONDEQUOIT CREEK WATERSHED FLOOD PROTECTION: Monroe County, N.Y., February 3: Proposed is a flood protection plan for the Panorama Plaza area of the Irondequoit Creek Watershed in Monroe County, New York. The preferred alternative would involve: (1) a series of levees or flood walls along Irondequoit and Allen Creeks, (2) Internal drainage ditches along the back of the levees, (3) Culverts with flaggates and emergency sluicegates, and (4) Channelization realignment. (Buffalo District). (EIS order No. 810101).

Extension: The review period for the above EIS has been extended until April 30, 1981. (No. 810101).

Final

BOWLINE POINT GENERATING STATION: Rockland County, N.Y., February 3: Proposed is the continuance of permits for the operation of the Bowline Point Generating Station located on the Hudson River in Haverstraw, Rockland County, New York. The facility consists of two oil fueled steam electric generating units and related facilities. The alternatives consider: (1) Retain unaltered the permit and related conditions, (2) Modify conditions of the permit, (3) Suspend permit until closed-cycle cooling and or modifications are installed, and (4) Revoke permit. This statement also examines the continued operation of Roseton Station. (New York District). Comments made by: USDA, DOC, EPA, HEW, HUD, DOI, DOT, State and local agencies, groups and businesses. (EIS order No. 810100).

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A, Administration Building, Washington, D.C. 20250, (202) 447-3965.

Forest Service

Draft

Stibnite gold mine and mill, operation approval: Valley County, Idaho, February 2: Proposed is the approval of an operating plan for the mining and processing of gold ore located at the Stibnite mine properties within the Payette National Forest in Valley County, Idaho. The project would include two open pit mines, waste dumps, heap leaching facilities, personnel housing and associated transportation corridors. Alternatives are considered for various aspects of the project including mining areas and methods, facility locations, disposal, material transport, processing methods and materials, power sources and access corridors. (EIS Order No. 810099).

Mt. St. Helens Land Mgmt. Plan, Gifford Pinchot NF: Cowlitz, Lewis, and Skamania Counties, Wash., February 4: Proposed is a land management plan for Mount St. Helens within the Gifford-Pinchot National Forest in Cowlitz, Lewis and Skamania Counties, Washington. The preferred alternative would provide a large interpretive area for protection of significant geologic and biologic features, while providing for timber salvage and rehabilitation in some of the heavily damaged areas. Other allocations included are: (1) Unroaded recreation, (2) Prime habitat, (3) Existing research natural areas, (4) A botanical area, (5) General forest, and (6) A Tephra area. The cooperating agency is the geological survey. (EIS Order No. 810102).

EXTENSION: The review period for the above EIS has been extended until April 2, 1981. (No. 810102).

Final Supplement

San Antonio Channel Improvement (FS-1): Bexar County, Tex., February 2: Proposed is a channel improvement project for the San Antonio channel in Bexar County, Texas. The alternatives considered no action, structural and nonstructural measures. Nonstructural measures considered are flood proofing of existing structures, flood warning system, and flood plain evacuation. Structural alternatives considered are: (1) Vertical wall cross sections, (2) A grass lined trapezoidal channel cross section, and (3) A combination of cross sections. This statement supplements a final EIS, No. 721179, filed 11-9-71. (Fort Worth District). Comments made by: EPA, DOI, AHP, USDA, DOC, FERC, HUD, DOT, VA, State and local agencies. (EIS Order No. 810097).

Grays Harbor and Chehalis River Navigation (FS-1): Grays Harbor County, Wash., February 4: Proposed is the continued maintenance of the Grays Harbor Chehalis River navigation Project in Grays Harbor County, Washington. The main navigational channel is segmented into four parts for which maintenance dredging requirements are considered individually. The alternatives considered: (1) Yearly coordination of dredging plan, (2) Modify the present long range maintenance plan, and (3) Implement long range plan without change. This statement supplements a final EIS, No. 751683, filed 11-20-75. (Seattle District). Comments made by: AHP, DOC, DOI, EPA, State and local agencies, groups. (EIS Order No. 810105).

Correction: Irondequiot Bay Navigation Improvements, NY, published FR December 31, 1980—an extension was published in the February 6, 1981 FR which contained an incorrect date—the review has been extended from January 30, 1981 to February 13, 1981. (No. 800980).

DEPARTMENT OF DEFENSE, Air Force

Contact: Dr. Carlos Stern, Deputy for Environment and Safety, Department of the Air Force, Room 4C885, Pentagon, Washington, D.C. 20330, (202) 697-9297.

Final

Consolidated Space Operations Center: Several Counties in New Mexico, Montana and Colorado, February 6: Proposed is the construction of a Consolidation Space Operations Center (CSOC) which would combine the two mission elements of satellite control and space shuttle operations. The satellite control element of CSOC would consist of communications, command and control service functions for orbiting spacecraft. The shuttle element would involve DOD flight planning, readiness and control functions. the sites under consideration are: (1) Peterson AFB, Colorado Springs, Colorado; (2) Kirtland AFB, Albuquerque, New Mexico; and (3) Malmstrom AFB, Great Falls, Montana. Comments made by: HUD, USAF, EPA, DOE, DOT, DOI, State and local agencies, groups and individuals. (EIS Order No. 810107).

DEPARTMENT OF ENERGY

Contact: Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G-064, Forrestal Bldg., Washington, DC 20585, (202) 252-4600.

Bonneville Power Administration

Final

SAN JUAN ISLANDS, TRANSMISSION FACILITIES: San Juan and Skagit Counties, Washington, February 2: Proposed are transmission facilities to the San Juan Islands involving the counties of San Juan and Skagit in the State of Washington. The project will include: (1) a 4.5-mile 115 kV submarine cable across Rosario Strait from Fidalgo Substation to Decatur Island; (2) a 1.5-mile 115 kV underground cable across Decatur Island; (3) a 2.2-mile 115 kV submarine cable across Lopez Sound from Decatur Island to the Lopez Substation on Lopez Island; (4) replacement of 1000 feet of double-circuit wood-pole overhead line with two 34.5 kV underground cables on Decatur Island to move the existing terminal structure inland. (DOE/EIS-005-FS.) Comments made by: DOI, COE, USDA, HUD, EPA, DOT, State and local agencies, individuals (EIS Order No. 810096).

Federal Energy Regulatory Commission

Contact: Dr. Jack M. Heinemann, Advisor of Environmental Quality, Room 3000 S-22, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8228.

RETRACTION: Rocky Mountain Project, Dam Relocation, GA, published FR January 30, 1981, has been officially retracted due to noncompletion of distribution. (No. 810020.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Bureau of Land Management

Draft

PARADISE-DENIO LIVESTOCK GRAZING MANAGEMENT PROGRAM: Humboldt and Pershing Counties, Nevada, February 4: Proposed is a livestock grazing management program for the Paradise-Denio resource area in Humboldt and Pershing Counties, Nevada. The preferred alternative would consider options for: (1) vegetation allocation, (2) levels of grazing management, (3) livestock support facilities, (4) a general implementation schedule, and (5) standard operating procedures. The alternatives considered are: (1) no livestock grazing, (2) no action, (3) maximizing livestock, and (4) livestock reduction/maximizing wild horses and burros. (EIS Order No. 810103.)

Bureau of Indian Affairs

EXTENSION: Mount Tolman Open Pit Mine, WA, published FR January 30, 1981—review period has been extended from March 16, 1981 to March 31, 1981. (No. 810071.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

Federal Highway Administration

Draft

SAND ISLAND ACCESS ROAD WIDENING AND IMPROVEMENT: Honolulu County, Hawaii, February 2: Proposed is the widening and improvement of Sand Island access road within Honolulu County on the Island of Oahu, Hawaii, from Nimitz highway to the Sand Island State Park entrance, a distance of 2.6 miles. The facility has been divided into segments for which several alternatives are considered. Improvements would generally involve widening of the roadway, improvement of intersections, and replacement of the Bascule Bridge over the Kalihi Channel. The cooperating agency is the State of Hawaii. (FHWA-HI-EIS-80-02-D) (EIS Order No. 810098).

EXTENSION: The review period for the above EIS has been extended until April 15, 1981. (No. 810098.)

Draft

OLD RED TRAIL IMPROVEMENT, MANDAN: Morton County, North Dakota, February 5: Proposed is the reconstruction and improvement of the Old Red Trail from 56th Avenue to the Mandan Avenue/I-94 interchange in Mandan, Morton County, North Dakota. Three roadway sections, one rural and two urban, are being considered for different segments of the project. Also considered is the modification of the north ramps and access points of the Sunset Drive/I-94 interchange. Alternatives are considered for both the roadway improvements and the interchange improvements. The cooperating agency is the State of North Dakota. (FHWA-ND-EIS-81-01-D) (EIS Order No. 810106).

Final

MALECON AVENUE/PR-14, EXTENSION, PONCE: Puerto Rico, February 4: The proposed action involves extending Malecon Avenue/PR-14 from its present terminus at the PR-2 bypass northerly to an interchange with existing Arenas Avenue/PR-14. The project is approximately 3.5 kilometers in length and is located in the municipality of Ponce on the south central coast of Puerto Rico. The proposed highway will be a six-lane divided highway, with restricted access at specific intersections and interchanges. Just north of PR-2 bypass, Malecon Avenue will bridge over the recently constructed Rio Portugies diversion channel. The cooperating agency is the Commonwealth of Puerto Rico. (FHWA-PR-EIS-78-01F.) Comments made by: USDA, DLAB, DOT, COE, HUD, State and local agencies, individuals and businesses (EIS Order No. 810104).

CORRECTION: US 70, Alamogordo-Tularosa Section, NM, published FR December 12, 1981—EPA has been notified by the Agency that the DOT EIS identification number on document should have been (FHWA-NM-EIS-80-04-D) (No. 800931).

CORRECTION: HI-3/The North Halawa Valley Alignment, HI, published FR December 31, 1980—omitted commentors which were USDA, DJUS, HUD, DOT, DOI, EPA, COE, AHP, State and local agencies, groups, individuals and businesses (No. 800985).

[FR Doc. 81-5242 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-37-M

[EN-FRL 1754-2]

California State Motor Vehicle Pollution Control Standards: Opportunity for Public Hearing To Consider Requests for Waivers of Federal Preemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Opportunity for Public Hearing on Requests for Waivers of Federal Preemption.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to California's emission standards and test procedures for new motor vehicles, and requested waivers of Federal preemption, pursuant to section 209(b) of the Clean Air Act (Act), for these amended requirements, pertaining to special Oxides of Nitrogen (NO_x) standards for certain small-volume manufacturers. This notice announces that these proposed amendments will also be considered at the public hearing EPA has tentatively scheduled for March 5, and if necessary March 6, 1981, and announced in the **Federal Register** at 45 FR 10851 (February 4, 1981). Any party desiring to present oral testimony for the record at a public hearing, instead of or in

addition to written comments, must notify EPA by February 24, 1981. If no party informs EPA that it wishes to testify, EPA will consider the waiver request based on written submissions to the record. EPA will publish a notice in the **Federal Register** to announce that the scheduled hearing is cancelled if no party wishes to present testimony.

DATES AND ADDRESSES: EPA has tentatively scheduled a public hearing for March 5, and if necessary March 6, 1981, beginning at 9:00 a.m., if any party notifies EPA by February 24, 1981, that it wishes to present oral testimony regarding CARB's waiver requests.

EPA will hold the public hearing announced in this notice at: U.S. Environmental Protection Agency, Regional Office (Region IX), Sixth floor, 215 Fremont Street, San Francisco, California. Parties wishing to present oral testimony at a public hearing should notify in writing the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Any party also may submit written comments regarding the waiver request to the same address by March 20, 1981. Copies of all materials relevant to the waiver request will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A-120), Gallery I, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (Docket Number EN-80-23).

FOR FURTHER INFORMATION CONTACT: Jerry Schwartz, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Section 209(a) of the Clean Air Act, as amended, (Act) 42 U.S.C. 7543(a) provides in part: "No state or any political subdivision thereof shall adopt or attempt to enforce any standard relating to control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * [or] require certification, inspection, or any other approval relating to the control of emissions * * * as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any state which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that: (1) the determination made by the State is arbitrary and capricious, (2) the State does not need the State standards to meet compelling and extraordinary conditions, or (3) the State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

On January 14, 1981, CARB requested a waiver of Federal preemption for amendments to "California Exhaust Emission Standards and Test Procedures for 1981 and subsequent Model Passenger Cars, Light-Duty Trucks Medium-Duty Vehicles".[1] These amendments set special NO_x standards for qualifying "small-volume manufacturers," for model years 1982-1986. The proposed standards are consistent with special NO_x standards for model years 1980-1982 already covered by waivers of Federal preemption in that they allow these small-volume manufacturers additional lead time to meet the NO_x standards imposed upon other manufacturers.

Section 209(b) of the Act provides that the Administrator shall grant a waiver of Federal preemption after an opportunity for a public hearing, unless the Administrator makes one of the findings specified in section 209(b) of the Act. Therefore, this notice announces that all parties will be given the opportunity to present oral testimony regarding the amended standards and test procedures for which CARB requested waivers.

In a **Federal Register** notice published on February 4, 1981,[2] EPA tentatively scheduled a hearing for March 5, and if necessary March 6, 1981 to consider amendments pertaining to NO_x and particulate emissions from diesel passenger cars and evaporative emissions from motorcycles. In order to expedite the waiver process, EPA will also consider CARB's most recent set of proposed amendments at the hearing tentatively scheduled on that date. If no party notifies EPA by February 24, 1981, that it desires to present oral testimony on any of CARB's proposed amendments, EPA will publish a **Federal Register** notice cancelling the hearing. Whether or not EPA holds a public hearing, EPA will enter any written comments it receives by March 20, 1981 into the record for these waiver requests and will make its waiver determinations based on that record.

II. Procedures for Public Participation

If the tentatively scheduled hearing takes place, it will provide an opportunity for interested parties to state orally their views or arguments, or to provide pertinent information concerning the waiver request at issue. Any party desiring to make an oral statement should, if possible, file 10 copies of the proposed testimony and other relevant material along with its request for a hearing with the Director of EPA's Manufacturers Operations Division at the address listed above not later than February 24, 1981. In addition, the party should submit 25 copies, if feasible, of the proposed statement to the Presiding Officer at the time of the hearing.

Since a public hearing is designed to give interested persons an opportunity to participate in the waiver proceeding, there are no adversary parties as such. Statements by participants will not be subject to cross examination by other participants without special approval by the Presiding Officer. The Presiding Officer is authorized to strike from the record statements which he or she deems irrelevant or repetitious and to impose reasonable limits on the duration of the statements of any witness.

Participants at the hearing, if any, and interested parties who make written submissions should limit their presentations to the following considerations:

(1) Whether California's determination that the amended standards will be at least as protective of public health and welfare as applicable Federal Standards and regulations is arbitrary and capricious;

(2) Whether California needs its standards to meet compelling and extraordinary conditions; and

(3) Whether the California standards and accompanying enforcement procedures are not consistent with section 202(b) of the Act.

Whether or not EPA holds a hearing the record will remain open until March 20, 1981, for the submission of written information for consideration by the Administrator in formulating his waiver decision. If EPA does hold the hearing, the agency will make a verbatim record of the proceeding. Interested persons

[1] Section 1960.4, Title 13, California Administrative Code, "Special Standards for 1982 and Subsequent Model Passenger Cars, and 1983 and Subsequent Model Light-Duty Trucks and Medium-Duty Vehicle, 0-3999 Pound Equivalent Inertia Weight". Amended August 27, 1980.

[2] 45 FR 10851.

may obtain a copy of the transcript at their own expense from the reporter during the hearing. The Administrator will base his determination with regard to CARB's waiver requests on the record of the public hearing, if any, and on any other relevant written submissions. This information will be available for public inspection at the EPA Central Docket Section.

Dated: February 9, 1981.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-5282 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-33-M

[EN-FRL 1754-1]

Motor Vehicle Pollution Control; Waiver of Carbon Monoxide Emission Standards; Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing to consider applications for waiver of 1982 model year light-duty vehicle emission standard for carbon monoxide (CO).

SUMMARY: On January 20, 1981, Volkswagen of America, Inc. (Volkswagen) informed EPA of its intention to apply for a waiver for its 1982 model year 1.7 liter carbureted engine family by February 17, 1981. EPA plans to hold a public hearing on this waiver application and any others which EPA may receive in time for consideration at this hearing.

DATES: This notice announces that EPA will hold a public hearing in Washington, D.C., beginning at 9 a.m. on February 25, 1981, to consider Volkswagen's waiver application and any other manufacturer's application received by February 20, 1981. Interested parties may also submit written comments to the public docket on those waiver applications until March 9, 1981, to ensure consideration of those comments in the Administrator's evaluation of this waiver application.

ADDRESS: All public portions of the CO waiver applications and other relevant information are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, Central Docket Section (A-130), Gallery I Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Docket Number EN-81-3).

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Waivers Section, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 202(b)(5)(A) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(5)(A) (1977) ("Act"), at any time after August 31, 1978, any manufacturer may file with the Administrator an application requesting the waiver of the effective date of the carbon monoxide (CO) emission standard applicable to any model of light-duty motor vehicles and engines manufactured by the applicant during model years 1981 and 1982. Section 202(b)(5)(C) requires the Administrator to issue a decision granting or denying such waiver within 60 days after receipt of the application and after public hearing. Guidelines for the submission of such waiver requests have been previously published in the **Federal Register** at 43 FR 47272, October 13, 1978.

Section 202(b)(1)(A) requires that emissions of CO from 1981 and later model year light-duty motor vehicles be reduced by at least 90% from 1970 CO emission standards. A CO emission standard of 3.4 grams per vehicle mile, determined to achieve such reduction and made applicable by regulation to 1981 and later model year light-duty vehicles, has been published in the **Federal Register**, 43 FR 37972, August 24, 1978. If the Administrator determines that a waiver from the CO standard of 3.4 grams per vehicle mile (gpm/mi) should be granted, he must, simultaneously with such determination, prescribe by regulation CO emission standards to apply to those model vehicles or engines to which the waiver applies. Under section 202(b)(5)(B), the maximum CO level for which a waiver may be granted is 7.0 gpm/mi.

Under section 202(b)(5)(C), the Administrator may grant such a waiver only if he finds that protection of the public health does not require attainment of the statutory CO standard of 3.4 gpm/mi for those model years and vehicles for which the waiver is sought. In addition, a waiver may be granted only if the Administrator determines that (1) such waiver is essential to the public interest or the public health and welfare of the United States, (2) the applicant has made all good faith efforts to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy, and (4) studies and investigations of the National Academy of Sciences and other information available to him have not indicated that technology, process, or other alternatives are available to meet such standards.

EPA has held eight sets of public hearings regarding CO waiver applications. The Administrator's decisions on these applications have been published in the **Federal Register** (see 46 FR 1591, n. 1 (January 6, 1981)).

II. Waiver Applications

On January 20, 1981, Volkswagen submitted a letter of intention to file a CO waiver application which stated that Volkswagen intended to complete its application by February 17, 1981. EPA will hold a public hearing on Volkswagen's application and on applications from any other motor vehicle manufacturers received by EPA on or before February 20, 1981, at EPA Headquarters, Room 2126, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 on February 25, 1981 at 9:00 a.m. EPA encourages other manufacturers, if any, which still plan to request a CO waiver to file their applications by the February 20th deadline. This will facilitate review of as many outstanding waiver applications as possible in one consolidated proceeding. Submitting applications at a reasonable time before the scheduled proceedings will facilitate the Administrator in making a timely decision.

In addition to testimony provided by each waiver applicant, testimony has been given at these hearings by other automobile manufacturers and by several emission control system part suppliers. Information considered for each of these decisions is contained in public dockets EN-79-4, EN-79-17, EN-79-19, EN-80-1, EN-80-9, EN-80-13, EN-80-14, and EN-80-16 respectively. Each new docket in these waiver proceedings incorporates the previous waiver hearing docket by reference. Thus, public docket EN-8-13, pertaining to this waiver application of Volkswagen, will incorporate all of the previous dockets.

In order for a waiver to be granted, the Administrator must determine that the applicant has provided information sufficient to satisfy each of the waiver criteria set out above. However, the Administrator is not required to make his determination solely on the record of the public hearing, and may consider any additional information as well. All information considered by the

Administrator will be included in the public docket.

III. Hearing Procedures

The hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the action requested of the administrator by the applicant. Any person desiring to make an oral statement at the hearing should file a notice of such intention and 10 copies of the proposed testimony and other relevent material in the Central Docket Section at the address listed above no later than February 20, 1981. If feasible, at least 25 copies of such statement or material for the hearing record and for general circulation should be submitted to the Presiding Officer at the time of the hearing. In addition, any person may submit written questions at any time during the hearing to be propounded to the witness by the hearing panel to the extent practicable. Any person may file relevent statements and information not specifically required by the hearing panel in the public docket until March 9, 1981, to ensure their consideration in the Administrator's evaluation of the waiver application at issue. The Administrator will consider submissions received after that date to the extent practicable in reaching decisions within the time periods specified by the Act.

Where appropriate, EPA will require representatives of the applicants under the subpoena authority of section 307(a)(1) of the Act to attend the hearing and respond to the hearing panel's questions. Moreover, EPA may also subpoena other parties to produce relevent information and provide testimony before the hearing panel. Section 307(a)(1) also authorizes the administration of oaths to testifying parties.

The Presiding Officer will have the responsibilty for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, directing that corroborative material be submitted in writing and, to the extent possible, notifying participants of the time at which they may appear.

As was the case in the previous CO waiver public hearings, presentations by the participants in this hearing should address exclusively the following considerations:

1. Whehter protection of the public health requires attainment of the established CO standards of 3.4 gpm for the model years to which the waiver would apply.

2. Whether the requested waiver is essential to the public interest or public health and welfare of the United States, including whether the waiver request involves the type of concerns relating to economics and the applicant's ability to compete which EPA's Request for Public Comments of November 28, 1980 (45 FR 79116) addressed.

3. Whether the applicants have made all good faith efforts to meet the CO standard for those model years and vehicles for which the waiver is sought.

4. The risk that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy.

5. Whether studies and investigations of the National Academy of Sciences and other information indicate that alternatives are available to meet such standards.

6. The level of CO emissions, not to exceed 7.0 gpm, which could be met in each of the model years for which a waiver is requested and which would reflect the greatest degree of emission control achievable by use of available technology, giving appropriate consideration to the cost of applying such technology within the available time period.

A verbatim record of the proceedings will be available for public inspection. Any person may request a copy of the transcript from the hearing reporter during the hearing at the party's own expense. Any person also may obtain copies of other documents in the public record as specified in 40 CFR Part 2.

Dated: February 9, 1981.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-5283 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 81-17 and 18]

Vincent J. Petruso; Order to Show Cause and Hearing Designation Order

Adopted: January 21, 1981.

Released: February 5, 1981.

In the matter of revocation of license of Vincent J. Petruso, 5617 W. Ironwood Drive, Glendale, Arizona 85302, licensee of station KABE-8343 in the Citizens Band Radio Service, (PR Docket No. 81-17) and application of Vincent J. Petruso, 5617 W. Ironwood Drive, Glendale, Arizona 85302, for Amateur Radio station license and For Novice Class Operator license (PR Docket No. 81-18) designating applications for consolidated hearing on stated issues.

The Chief, Private Radio Bureau, has under consideration the Citizens Band radio station license KABE-8343 of Vincent J. Petruso which was granted for a five year term on August 9, 1976. Also under consideration is an application by Petruso for an Amateur radio station license and a Novice Class Operator license dated May 14, 1980.

1. Information before the Commission indicates that on January 11, 1980, Petruso made radio transmissions on the frequency 27.635 MHz. This frequency is assigned for the exclusive use of the United States Government Radio stations. Petruso did not possess a license authorizing the use of this frequency. Thus, Petruso's radio operations were in apparent violation of Section 301 of the Communications Act of 1934, as amended.

2. The above conduct was the subject of an Official Notice of Violation mailed to Petruso on January 25, 1980. The conduct described above calls into question whether Petruso possesses the requisite qualifications to be a licensee in any radio service.

3. Section 312(a)(2) of the Communications Act of 1934, as amended, provides that a station license may be revoked for conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that a station license may be revoked for wilful or repeated violation of the Communications Act or the Communication's Rules. In addition, based on the above, the Commission cannot conclude that a grant of Petruso's application would serve the public interest, convenience, and necessity.

4. Accordingly, it is ordered, pursuant to Sections 312(a) (2) and (4) and (c) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's Rules , the Vincent J. Petruso show cause why the license for station KABE-8343 should not be revoked. It is further ordered, pursuant § 1.973(b) and 0.331 of the Commission's Rules, the Petruso's application for an Amateur radio station license and for a Novice Class Operator license is designated for hearing.

5. It is further ordered, That is Petruso wants a hearing on the revocation or application matters he must file a written request for a hearing within 30

days.[1] [2] If a hearing is requested, the time, place and Presiding Judge will be specified by subsequent order.

6. It is further ordered, That if Petruso waivies his right to a hearing, this proceeding will be certified to the Commission for administrative disposition pursuant to § 1.92(c) of the Rules and if Petruso fails to file an appearance his application for Novice Class Amateur license will be dismissed with prejudice pursuant to §§ 1.221(c) and 1.961(b) of the Rules.

7. It is further ordered, That this proceeding will be resolved upon the following issues:

(a) To determine whether there were transmissions on January 11, 1980, in wilful violation of Section 301 of the Act.

(b) To determine whether Petruso has the necessary qualifications to remain a Commission licensee.

(c) To determine if Petruso's license for CB radio station KABE-8343, granted for a five year term on August 9, 1976, should be revoked.

(d) To determine whether granting Petruso's Amateur application would be in the public interest, convenience and necessity.

8. It is further ordered, pursuant to the provisions of § 1.227 of the Commission's Rules, that the revocation and application proceedings ae consolidated for hearing.

9. Any questions about this should be directed to the Compliance Division of the Private Radio Bureu at 202-632-7197. This order is being sent by Certified-Mail Return Receipt Requested and Regular Mail.

Chief, Private Radio Bureau.

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81-5009 Filed 2-12-81; 8:45 am]

BILLING CODE 6F12-01-M

[Docket Nos. 81-39 and 40]

John W. Phillips, Sr.; Order to Show Cause and Hearing Designation Order

In the matters of revocation of license of John W. Phillips, Sr., 15 Cottage Street, W. Springfield, Massachusetts 01089, Licensee of station KATK-2737 in the Citizens Band Radio Service, (PR Docket No. 81-39) and application of John Phillips, Sr., 15 Cottage Street, W. Springfield, Massachusetts 01089, for Amateur radio station license and Novice Class Operator license, (PR Docket No. 81-40) designating applications for consolidated hearing on stated issues.

Adopted: January 30, 1981.

Released: February 5, 1981.

The Chief, Private Radio Bureau, has under consideration the license of John W. Phillips, Sr., for station KATK-2737 in the Citizens Band (CB) Radio Service, issued May 18, 1977, for a five year term and an application filed by Phillips for an Amateur Radio station license and Novice Class Operator license.

1. Information before the Commission indicates that on September 8, 1979, Phillips made radio transmissions on the frequency 27.525 MHz. That frequency is assigned for use by Business Radio Service stations. Phillips did not possess a license authorizing the use of that frequency. Thus, the operation was apparently in violation of Section 301 of the Communications Act of 1934, as amended. Moreover, if the apparent operation of September 8, 1979, was under the color of authority of Phillip's CB station license KATK-2737, the operation was in violation of the following CB Rules: 17(a) (operation on an unauthorized frequency), 19(a) (non type-accepted equipment), 30 (a) (no station identification) and 42(b) (operation of modified transmitter).

2. Section 312(a)(2) of the Communications Act of 1934, as amended, provides that radio stations may be revoked for matters coming to the attention of the Commission which would warrant it is refusing to grant a license on an original application. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked for wilful violation of the Communications Act or Commission Rules. Accordingly, it is ordered, that Phillips show cause why the license for station KATK-2737 should not be revoked.

3. It is further ordered, That if Phillips wants a hearing on the revocation matter, he must file a written request for a hearing within thirty (30) days.[1] If a hearing is requested, the time, place and Presiding Judge will be specified by a subsequent order.

4. It is further ordered, That if Phillips waives his right to a hearing, this proceeding will be certified to the Commission for administrative disposition pursuant to § 1.92(c) of the Rules.

5. It is further ordered, That the matters in this proceeding will be resolved upon the following issues:

(a) To determine whether there were transmissions on September 8, 1979, in wilful violation of:

(1) Section 301 of the Communications Act, or

(2) CB Rules 17(a), 19(a), 30(a) and/or 42(b).

(b) To determine whether Phillips has the requisite qualifications to remain a Commission licensee.

(c) To determine whether the license for CB station KATK-2737 should be revoked.

6. The conduct described in the above Order also raises questions whether Phillips possesses the requisite qualifications to become a licensee in the Amateur Radio Service. Phillips' conduct precludes the Commission from determining that a grant of his Amateur application would serve the public interest, convenience, and necessity. Section 309(e) of the Communications Act requires the Commission to designate an application for hearing where it cannot find that grant of the application would serve the public interest, convenience, and necessity.

7. Accordingly, it is further ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's Rules, that Phillips' application for an Amateur radio station license and for a Novice Class Operator license is designated for hearing, at a time and place to be specified by subsequent Order upon the following issue:

(d) Whether, in light of the evidence adduced under Issues (a) and (b) above, the public interest, convenience and necessity would be served by a grant of the Amateur radio station and Novice Class operator license application of John W. Phillips.

8. It is further ordered, That, in order to obtain a hearing on his application, Phillips, in person or by his attorney, shall within thirty days of the mailing of this Order, state an intent to appear on a date fixed for hearing to present evidence on the issues specified in the foregoing paragraph. Failure to file a written appearance within the thirty days will result in the dismissal of the application with prejudice.[1] [2]

9. It is further ordered, pursuant to the provisions of § 1.227 of the Commission's Rules, that the proceedings on the above-stated issues regarding the Order to Show Cause and the Designation Order are consolidated for hearing.

10. It is further ordered, That the burden of proceeding with the

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[1] The attached form should be used to request or waive hearing. It should be completed and mailed to the Federal Communications Commission, Washington, D.C. 20554, in the enclosed envelope, within 30 days.

[2] Any contrary provisions of § 1.221(c) of the Rules are waived.

[1] The 20 day response time specified by § 1.221(c) is waived.

introduction of evidence and the burden of proof for revocation of the Citizens Band radio station license is on the Bureau, pursuant to Section 312(d) of the Communications Act of 1934, as amended; and the burden of introduction of evidence and the burden of proof for grant of the application is on the applicant, pursuant to Section 309(e) of the Communications Act.

11. It is further ordered, That a copy of this Order shall be sent Certified Mail—Return Receipt Requested and by Regular Mail to John W. Phillips at his address of record as shown in the caption.

——, ——,

Chief, Private Radio Bureau.

By:

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81-5098 Filed 2-12-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by February 20, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances siad to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 7680-43.

Filing Party: Dominick J. Manfredi, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Summary: Agreement No. 7680-43 would amend Article 1(e) of the basic agreement of the American West African Freight Conference to provide that the member lines may jointly discuss or negotiate rates and practices with the Negotiating Committee of the Minsterial Conference of West and Central African States on Maritime Transport.

By Order of the Federal Maritime Commission.

Dated: February 10, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5151 Filed 2-12-81; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Martime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by February 23, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T-3948.

Filing Party: Mr. Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Summary: Agreement No. T-3948, between Georgia Ports Authority (Port) and Sea-Land Services, Inc. (Sea-Land), provides for Sea-Land's lease and exclusive use of certain paved premises, suitable for parking trailers and containers, located within Container Central at Garden City Terminal, Chatham County, Georgia. The premises will be used for the storage and handling of containers (handled on or off ships using the Port's facilities only), including trailers and chassis used to transport containers. Sea-Land shall pay Port a monthly rental of $4,479.17 for 250 parking slots, plus applicable port tariff charges. If available, additional slots can be obtained at a monthly rate set forth in the agreement. The parties agree that Sea-Land shall generate no less than 320 short tons of containerized cargo, per parking slot, with reasonable allowances for operational time loss as set forth in the agreement. The term of this lease is one year, unless default occurs under provisions set forth in the agreement. The parties further agree to non-preferential berthing rights, indemnification, subletting and assignments, arbitration and other terms provided for in the agreement.

By order of the Federal Martime Commission.

Dated: February 10, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5152 Filed 2-12-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-13]

Charleston Warehouse Associates, et al. v. Barber Steamship Lines, Inc., et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Charleston Warehouse Associates, et al. against Barber Steamship Lines, Inc. et al. was served February 5, 1981. Complainants allege that respondents, since on or about January 2, 1981, have implemented the so-called 50 mile container rules at Charleston, South Carolina in violation of sections 14, 16, 17 and 18(a) of the Shipping Act, 1916 and sections 2 and 4 of the Intercoastal Shipping Act, 1933.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents of that nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5153 Filed 2-12-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Clayton Bancshares, Inc.; Formation of Bank Holding Company

Clayton Bancshares, Inc., Clayton, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Clayton Banking Company, Clayton, Alabama. 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)).

Clayton Bancshares, Inc., Clayton, Alabama, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of The Clayton Insurance Agency, Clayton, Alabama.

Applicant states that the proposed subsidiary would engage in the activities of selling, as agent, general insurance in a community that has a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Clayton, Alabama, and the geographic areas to be served are Clayton, Alabama. Applicant also proposes to engage *de novo* through a subsidiary in the activity of making or acquiring for its own account or for the account of others, loans and other extensions of credit. These activities will be performed from offices of Applicant's subsidiary in Clayton, Alabama, and the geographic areas to be served are Barbour County, Alabama. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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 interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by 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 the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 11, 1981.

Board of Governors of the Federal Reserve System, February 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5124 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

First DeKalb Bancshares, Inc.; Formation of Bank Holding Company

First DeKalb Bancshares, Inc., DeKalb, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank in DeKalb, DeKalb, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 11, 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, February 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5123 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover Corp., et al.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than March 11, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

MANUFACTURERS HANOVER CORPORATION, New York, New York (expansion of service areas of certain offices; Virginia, West Virginia, Arkansas, Mississippi, Missouri, Kansas, Nebraska, Colorado, Louisiana, New Mexico, Oklahoma, Texas): to engage in commercial finance and factoring activities in expanded service areas of two existing offices of Manufacturers Hanover Commercial Corporation (Delaware) and to engage in the commercial finance activity in expanded service areas of three existing offices of Manufacturers Hanover Commercial (Delaware). Under the proposal, the office engaged in the commercial finance activity located at 5775-B Glenridge Drive N.E., Atlanta, Georgia 30328 would expand its service area to include Virginia and West Virginia; the office engaged in the commercial finance activity located at 1 Commerce Place, Suite 1933, Nashville, Tennessee 37239 would expand its service area to include Arkansas, Mississippi and Missouri; the office engaged in the commercial finance

activity located at 100 South Wacker Drive, Chicago, Illinois 60606 would expand its service area to include Kansas and Nebraska; the office engaged in the commercial finance and factoring activities located at Kirby Building, 1509 Main Street, Dallas, Texas 75270 would expand its service area to include Colorado; and the office engaged in the commercial finance and factoring activities located at 425 Shatto Place, Los Angeles, California 90010 would expand its service area to include Arkansas, Kansas, Louisiana, Nebraska, New Mexico, Oklahoma and Texas. The application is only to expand the service area of existing offices; the application does not involve the commencement of any new activities. The offices will continue to serve customers in their existing service areas.

B. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

MELLON NATIONAL CORPORATION, Pittsburgh, Pennsylvania (finance and insurance activities; South Carolina): to engage through its subsidiary, Freedom Financial Services Corporation, in funding, purchasing, and servicing installment loan contracts originated in connection with the sale of real property; acting as insurance agent with respect to sales of life, accident and health, and property insurance directly related to such contracts. These activities would be conducted from the headquarters of Applicant's subsidiary in Oak Brook, Illinois, serving Beaufort County, South Carolina. Comments on this application must be received by March 9, 1981.

C. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

METROPOLITAN BANCORPORATION, Tampa, Florida (insurance activities; Florida): to act, through its subsidiaries, as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to extensions of credit by its subsidiary banks. These activities would be conducted from the offices of Applicant's subsidiary banks currently located in Hillsborough, Pasco and Jackson counties, Florida, and would serve those areas as well as portions of contiguous counties.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5122 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of December 18-19, 1980

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on December 18-19, 1980.[1]

The information reviewed at this meeting suggests that real GNP expanded more in the fourth quarter than in the third, and prices on the average continued to rise rapidly. In November retail sales, industrial production, and nonfarm payroll employment expanded substantially further, and the unemployment rate was essentially unchanged at 7-½ percent. Housing starts remained at their September-October level. The rise in the index of average hourly earnings has been somewhat more rapid this year than in 1979.

The weighted average value of the dollar in exchange markets has risen considerably further over the past month. The U.S. trade deficit was unchanged in October, remaining well below the rate in the first half.

Growth in M-1A and M-1B continued to moderate in November but was still relatively rapid; growth in M-2 continued to accelerate, reflecting a further pickup in expansion of its nontransaction component. In early December, growth of M-1A and M-1B slowed substantially further. From the fourth quarter of 1979 to November, growth of M-1A was in the upper part of the range set by the Committee or growth over the year ending the fourth quarter of 1980; M-1B and M-2 grew at rates somewhat above the upper limits of their respective ranges. Expansion in commercial bank credit was about as rapid in November as on the average in the preceding three months. Short-term market interest rates have risen sharply further in recent weeks. Long-term market yields have also risen, although considerably less, and average rates on new home mortgage commitments have continued upward. On December 4 the Board of Governors announced an increase in Federal Reserve discount rates from 12 to 13 percent and an increase in the surcharge from 2 to 3 percentage points on frequent borrowing of large institutions.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, encourage economic recovery, and contribute to a sustainable pattern of inernational transactions. At its meeting in July, the Committee agreed that these objectives would be furthered by growth of M-1A, M-1B, M-2, and M-3 from the fourth quarter of 1979 to the fourth quarter of 1980 within ranges of 3-½ to 6 percent, 4 to 6-½ percent, 6 to 9 percent, and 6½ to 9½ percent respectively. The associated range for bank credit was 6 to 9 percent. For the period from the fourth quarter of 1980 to the fourth quarter of 1981, the Committee looked toward a reduction in the ranges for growth of M-1A, M-1B, and M-2 on the order of ½ percentage point from the ranges adopted for 1980, abstracting from institutional influences affecting the behavior of the aggregates.

In the short-run the Committee seeks behavior of reserve aggregates associated with growth of M-1A, M-1B, and M-2 over the first quarter along a path consistent with the ranges for growth in 1981 contemplated earlier, which will be reviewed in February 1981. Those ranges, abstracting from the effects of deposit shifts connected with the introduction of NOW accounts on a nationwide basis, imply growth in these aggregates centered on 4-¼ percent, 4-¾ percent, and 7 percent respectively. It is recognized that the introduction of NOW and ATS accounts nationwide at the beginning of 1981 is likely to widen the discrepancy between growth in M-1A and M-1B to an extent that cannot now be accurately estimated, and operational reserve paths will be developed in the light of evaluation of those differences as they emerge. In the light of the rapid growth of monetary and credit aggregates in recent months, some shortfall in growth would be acceptable in the near term if that developed in the context of reduced pressures in the money market. If it appears during the period before the next meeting that fluctuations in the federal funds rate, taken over a period of time, within a range of 15 to 20 percent are likely to be inconsistent with the monetary and related reserve paths, the Manager for Domestic Operations is promptly to notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, February 6, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81-5235 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of Policy Actions of the Committee for the meeting of December 18-19, 1980, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on January 23, 1981, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4 billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on February 3, 1981.

Note.—For paragraph 1(a) of the authorization see 36 FR 22697.

By order of the Federal Open Market Committee, February 6, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81-5155 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipts of Report Proposals (NRC)

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on February 3 and 5, 1981. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before March 3, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests clearance of the application, recordkeeping and reporting requirements contained in new 10 CFR Part 11, Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material. Part 11 will require individuals involved in the operation of licensed fuel reprocessing plants, in the licensed use, processing, or storage of certain quantities of special nuclear materials and in the transportation by the private sector of certain quantities of special nuclear material to receive authorization for access to or control over special nuclear material. The NRC estimates respondents will number approximately 4,500 and that § 11.9 which requires filing of an application for exemption will require 2 hours burden for each respondent; § 11.11(a) which requires amendment of security plans will require 20 hours per amendment; § 11.13(b) which requires pre-ship confirmation will require 2 hours each transport; §§ 11.15 (b) and (c) which require a personnel security application be filed for access authorization will require 1.2 hours per respondent; and § 11.15(d) which requires filing of an application for change in level of access authorization will require 5 hours per application.

The NRC requests clearance of the reinstatement of 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material. The NRC estimates approximately 8,000 licensees will be subject to the requirements of Part 30 and that reporting burden will average 4 hours per request for § 30.32(b) which requires licensees to furnish additional information from time to time upon request of the Commission to that contained in the original application; 30 minutes for § 30.34(f) which requires that a report be filed when a licensee decides to permanently discontinue all activities authorized under the license; 6.5 hours per respondent for § 30.34(g) which requires testing for contamination in the washings of solvents in molybdenum-99/technetium-99m generators; 2 minutes for each recordkeeping entry for § 30.51 which requires licensees to keep records of receipt, transfer and disposal of byproduct material; and 25 minutes per report for § 30.55(b) which requires that a semi-annual report be submitted for a licensee's tritium inventory.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-5197 Filed 2-12-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0017]

Borg-Warner Chemicals; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that Borg-Warner Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of phosphorous acid, cyclic neopentanetetrayl bis(2,4-di-*tert*-butyl phenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for polypropylene in contact with food.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OB3478) has been filed by Borg-Warner Chemicals, Technical Centre, Washington, WV 26181, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of phosphorous acid, cyclic neopentanetetrayl bis(2,4-di-*tert*-butyl phenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for polypropylene in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 29, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-4877 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0010]

Rohm and Haas Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that Rohm and Haas Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of methylacrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer aminolyzed with dimethylaminopropylamine and quaternized with methyl chloride as an ion-exchange resin in the treatment of food, including sugar solutions.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic

Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1A3540) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that § 173.25 *Ion-exchange resins* (21 CFR 173.25) be amended to provide for the safe use of methylacrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer aminolyzed with dimethylaminopropylamine and quaternized with methyl chloride as an ion-exchange resin in the treatment of food, including sugar solutions.

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

Dated: January 28, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-4676 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-03-M

National Institutes of Health

Allergy and Clinical Immunology Research Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Clinical Immunology Research Committee, National Institute of Allergy and Infectious Diseases, March 16, and 17, 1981 at the National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Conference Room 740, Bethesda, Maryland.

The meeting will be open to the public on March 17 from 8:30 a.m. to approximately 10:30 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

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. 92-462, the meeting of the Committee will be closed to the public on March 16 for approximately eight hours from 8:30 a.m. until adjournment. On March 17 the meeting will be closed to the public from approximately 10:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Allergy and Clinical Immunology Research Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496-7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, Paramological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the descripton of "programs not considered appropriate" in setion 8(b)(4) and (5) of that Circular.

[FR Doc. 81-5036 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Amended Notice of Meetings; Applied Physiology and Orthopedics Study Section and Bio-Psychology Study Section

Notice is hereby given of a change in the meeting date or time of the following National Institutes of Health, Division of Research Grants, Study Sections which were published in the **Federal Register** on January 21, 1981 (46 FR 6073).

The Applied Physiology and Orthopedics Study Section was to meet March 11-14, 1981, at 1:00 p.m., but will meet March 11-14, 1981, at 8:30 a.m. in Conference Room 9, Building 31C, Bethesda, MD, the same dates and location for which it was originally scheduled.

The Bio-Psychology Study Section was to have met February 23-26, 1980, but will meet February 22-26, 1980, at 9:00 a.m. at the Maryland Inn, Annapolis, MD, the same time and location for which it was originally scheduled.

The meetings will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5031 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Cellular and Molecular Basis of Disease Review Committee; Meeting

Pursuant of Pub. L. 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, on March 23-24, 1981, at the National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on March 23, 1981, from 8:30 a.m. until 10:00 a.m. 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 on March 23, 1981, from 10:00 a.m. until 6:00 p.m. and on March 24, 1981, from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and 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, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7301) will provide a summary of the meeting and a roster of committee members.

Dr. Carl D. Rhodes, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 950, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7125) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, Cellular and Molecular Basis of Disease Research)

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: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5036 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, March 27-28, 1981, Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland 20205.

This meeting will be open to the public on March 27, 1981 from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. 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 March 27, 1981 from approximately 9:30 AM until adjournment on March 28, 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, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur Merrick, Executive Secretary, NHLBI, Westwood Building, Room 552, Bethesda, Maryland 20205, phone (301) 496-7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources 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: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5034 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, March 27, 1981, Building 31, Conference Room 9, at the National Institutes of Health, Bethesda, Maryland 20205.

This meeting will be open to the public on March 27, 1981, from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. 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 March 27, 1981, from approximately 9:30 AM until the adjournment on March 27, 1981 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, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, Bethesda, Maryland 20205, (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources 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: February 4, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-5035 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Meeting of the High Blood Pressure Working Group; Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, on April 13, 1981, Building 31, C Wing, Conference Room 6, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting, from 9:00 a.m. to 5:00 p.m., will be open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For detailed program information and agenda contact: Mr. Graham W. Ward, Chief, Health Education Branch, National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 4A24, 9000 Rockville Pike, Bethesda, Maryland 20205, (301) 496-1051.

For the list of participants and meeting summary contact: Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 4A17, 9000 Rockville Pike, Bethesda, Maryland 20205, (301) 496-4236.

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5032 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Interagency Technical Committee Working Group on Blood and its Substitutes; Meeting

Notice is hereby given of the meeting of the Interagency Technical Committee Working Group on Blood and its Substitutes sponsored by the National Heart, Lung, and Blood Institute, on March 25, 1981, Building 31, C Wing, Conference Room 6, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting, from 9:00 a.m. to

12:30 p.m., will be open to the public. The IATC Working Group is meeting to examine and coordinate federal research activities which concern blood and its substitutes, which are designed to reduce disability, morbidity, and mortality from diseases or conditions for which whole blood, its components or substitutes, provide preventive or curative treatment. Attendance by the public will be limited to the space available.

For detailed program information and agenda, and for the list of participants and meeting summary, contact: Dr. David M. Robinson, Co-Chairman, IATC Working Group on Blood and its Substitutes, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A03, 9000 Rockville Pike, Bethesda, Maryland 20205, (301) 496-5031.

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5033 Filed 2-13-81; 8:45 am]

BILLING CODE 4110-08-M

Transplantation Biology and Immunology Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Transplantation Biology and Immunology Committee, National Institute of Allergy and Infectious Diseases, March 20, 1981 at the National Institutes of Health, Westwood Building, Conference Room 740, Bethesda, Maryland.

The meeting will be open to the public on March 20, 1981, from 8:30 a.m. to approximately 12:30 p.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

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, the meeting of the Committee will be closed to the public for approximately three to four hours from 1:30 p.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commerical property such as patentable material and personnal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Transplantation Biology and Immunology Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496-7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharological Sciences; 13.856, Microbiology and Infectious 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: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5037 Filed 2-13-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Reports for the following Office of the Assistant Secretary for Health Federal Advisory Committees have been filed with the Library of Congress:

Health Services Research and Developmental Grants Review Committee

Health Care Technology Study Section

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 300 Independence Avenue, SW., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Hoke S. Glover, National Center for Health Services Research, 3700 East-West Highway, Room 7-50A, Hyattsville, Maryland 20782, Telephone (301) 436-6920.

Dated: February 9, 1981.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-5030 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-85-M

Centers for Disease Control

Project Grants for Preventive Health Services—Childhood Immunization; Availability of Funds Based on the Fiscal Year 1981 Continuing Resolution

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for Project Grants for Preventive Health Services—Childhood Immunization, Catalog of Federal Domestic Assistance Number 13.268. This grant program, authorized by Section 317(a)(2) (42 U.S.C. 247b) of the Public Health Service Act as amended, was announced in the **Federal Register** (45 FR 12491) dated February 26, 1980.

The objectives of this grant program are to reduce morbidity and mortality due to vaccine-preventable diseases of childhood; to eliminate indigenous measles from the United States by October 1, 1982; to raise and/or maintain immunization levels above 90 percent for children under age 15 against measles, rubella, diphtheria, tetanus, and poliomyelitis; to raise and/or maintain immunization levels above 90 percent for children under age 7 against measles, mumps, rubella, diphtheria, pertussis, tetanus, and poliomyelitis; and to develop, test, and implement systems for use in the States to insure that 90 percent or more of all children complete basic immunizations by age 2.

Any State and, in consultation with State health authorities, political subdivisions of States and other public entities are eligible to apply for a grant.

It is expected that $24,132,000 will be available in fiscal year 1981 to award 64 continuation grants with the average award expected to be $377,063, ranging from $14,000 to $1,260,000. Grants are usually funded for 12 months in a 3 to 5 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. No new grants are expected to be made in 1981 since current grantees are coordinating activities in all political jurisdictions in the United States. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Applications are subject to review as governed by OMB Circular A-95 and regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974. Program guidelines, information on application and review procedures, deadlines, the consequence of late submission, and other materials

may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: February 5, 1981.

William H. Foege,

Director, Centers for Disease Control.

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223-6827.

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264-2561.

Regional Health Administrator, PHS, HHS Region III, Gateway Building No. 1, 3521-35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637.

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316.

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353-1385.

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767-3879.

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291.

Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837-4461.

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556-5810.

Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101, (206) 442-0430.

[FR Doc. 81-5134 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-86-M

Project Grants—Health Programs for Refugees; Availability of Fiscal Year 1981 Funds

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for Project Grants for Health Programs for Refugees, Catalog of Federal Domestic Assistance Number 13.987. This grant program, authorized by Section 412(c)(3) of the Immigration and Nationality Act as amended by the Refugee Act of 1980, Pub. L. 96-212, was announced in the **Federal Register** (FR 51286) dated August 1, 1980.

The purpose of the program is to augment State and local resources in meeting public health needs associated with refugees and in providing general health assessments of refugees. The term "refugee" is defined in Section 101(a)(42) of the immigration and Nationality Act.

Eligible applicants are the official State health agencies and, in consultation with the State health agency, health agencies of political subdivisions of a State. Direct grants to health agencies of political subdivisions will not be considered for funding in 1981 where the State health agency applies for and receives a grant for programs within the State, except in special situations which are clearly justified to the Regional Health Administrator, Public Health Service, of the appropriate Department of Health and Human Services Regional Office. States are expected to work with agencies and oranizations in localities with significant refugee populations to identify their health needs and to develop programs to meet these needs.

It is expected that $4.839 million will be available in fiscal year 1981 to award approximately 7 new and 46 continuation grants with the average award expected to be $91,000, ranging from $4,000 to $1,500,000. Initial grants are usually funded for 12 months in a 1 to 3 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Priority for funding new grants will be placed on (1) the extent of unmet public health needs associated with refugees; and (2) the need for general health assessment of refugees, with particular attention given to the identification of health problems which might affect employability, the referral of refugees to appropriate services, and the identification of funding sources for needed services.

Applications for new grants will be reviewed on the basis of (1) the size of the refugee population: (2) the extent of health problems among refugees; (3) the need for assistance in addressing health problems; and (4) the capability of applicant agencies to deliver or coordinate the delivery of needed services, including the identification of providers of services, the establishment of referral programs, and the identifiction of financing arrangements for services.

Applications are subject to review as governed by OMB Circular A-95. Copies of applications should be sent to State and areawide clearinghouses and health systems agencies. Program guidelines, information on application and review procedures, deadlines, the consequence of late submission, and other materials may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: February 5, 1981.

William H. Foege,

Director, Centers for Disease Control.

Department of Health and Human Services (HHS)

Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203 (617) 223-6827.

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278 (121) 264-2561.

Regional Health Administrator, PHS, HHS Region III, Gateway Building #1 3521-35 Market Street; Mailing Address: P. O. Box 13716, Philadelphia, Pennsylvania 19101 (215) 596-6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323 (404) 221-2316

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606 (312) 353-1385.

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202 (214) 767-3879.

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374-3291.

Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294 (303) 837-4461

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102 (415) 5566-5810

Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837 Arcade Plaza Building, Seattle, Washington, 98101 (206) 442-0430

[FR Doc. 81-5135 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-86-M

Project Grants for Venereal Disease Control; Availability of Funds Based on the Fiscal Year 1981 Continuing Resolution

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for Project Grants for Venereal Disease Control, Catalog of Federal Domestic Assistance Number 13.977. This grant program, authorized by Section 318 (42 U.S.C. 247c) of the Public Health Service Act as amended, was announced in the Federal Register (45 FR 12493) dated February 26, 1980.

The objective of this grant program is to reduce morbidity and mortality from venereal disease by preventing cases

and complications. Any State and, in consultation with State health authorities, political subdivisions of States are eligible to apply for a grant.

It is expected that $38 million to $39 million will be available in fiscal year 1981 to award 63 continuation grants to supplement programs to control venereal disease and prevent its complications. The average award is expected to be $611,100, ranging from $30,000 to $2,340,000. Grants are usually funded for 12 months in a 3 to 5 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. No new grants are expected to be made in 1981 since current grantees are coordinating activities in all political jurisdictions in the United States. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Applications are subject to review as governed by OMB Circular A-95 and regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974. Program guidelines, information on application and review procedures, deadlines, the consequence of late submission, and other materials may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: February 5, 1981.

William H. Foege,

Director, Centers for Disease Control.

Department of Health and Human Services (HHS)

Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223-6827.

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264-2561.

Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521-35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637.

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316.

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353-1385.

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767-3879.

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291.

Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837-4461.

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556-5810.

Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101, (206) 442-0430.

[FR Doc. 81-5136 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-86-M

Project Grants for Venereal Disease Research, Demonstrations, and Public Information and Education; Availability of Funds Based on the Fiscal Year 1981 Continuing Resolution

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for Project Grants for Venereal Disease Research, Demonstrations, and Public Information and Education, Catalog of Federal Domestic Assistance Number 13.978. This grant program is authorized by Section 318(b) (42 U.S.C. 247c) of the Public Health Service Act as amended. An announcement of availability of funds based on the President's fiscal year 1981 budget appeared in the **Federal Register** (45 FR 40233) dated June 13, 1980. A Notice of Proposed Rulemaking to govern this program was published in the **Federal Register** (45 FR 47878) dated July 17, 1980.

The objectives of this grant program are to develop, improve, apply, and evaluate methods for the prevention and control of syphilis, gonorrhea, and other sexually transmitted diseases (STD) through demonstrations and applied research; to develop, improve, apply, and evaluate methods and strategies for public information and education about syphilis, gonorrhea and other STD's; and to support particularly deserving public information and education programs which cannot be supported through other grant programs. Any State, political subdivisions of States, and other public or nonprofit private entities are eligible to apply for a grant.

It is expected that $1 million to $2 million will be available in fiscal year 1981 to award 3 to 6 new and approximately 5 continuation grants with the average award expected to be $136,400, ranging from $10,000 to $200,000. Initial grants are usually funded for 12 months in a 1 to 5 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Funding priorities in 1981 will include the following—

The extablishment of a national telephone answering service to provide information on the signs and symptoms of sexually transmitted diseases and local sources of medical care.

Evaluation of the efficacy of Hepatitis B vaccine in preventing disease among sexual contacts of newly diagnosed Hepatitis B cases. A proposed protocol for this evaluation is available upon request from Donald P. Francis, M.D., D.Sc., Chief, Epidemiology Section, Hepatitis Laboratories Division, Center for Infectious Diseases, Centers for Disease Control, 4402 North Seventh Street, Phoenix, Arizona 85014.

Other proposals for demonstrations of the effectiveness of specific control program activities, including special public information and education activities.

The deadline for submitting applications in fiscal year 1981 is April 1, 1981. Depending upon the type of proposal submitted, applications may be subject to review as governed by OMB Circular A-95 and regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974. Information on the applicability of these review requirements and other application procedures, copies of program guidelines, the consequences of late submission, and other materials may be obtained from the Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333, or the appropriate Department of Health and Human Services Regional Office set forth below.

Dated: February 5, 1981.

William H. Foege,

Director, Centers for Disease Control.

Department of Health and Human Services (HHS)

Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203 (617) 223-6827.

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278 (212) 264-2561.

Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521-35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101 (215) 596-6637.

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323 (404) 221-2316.
Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606 (312) 353-1385.
Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202 (214) 767-3879.
Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374-3291.
Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294 (303) 837-4461.
Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102 (415) 556-5810.
Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101 (206) 442-0430.

[FR Doc. 81-5137 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Wilderness Protest Decision; Idaho

The final intensive wilderness inventory decision for BLM lands in Idaho was announced in the November 14, 1980, Federal Register.

In the January 5, 1981, Federal Register, inventory decisions that had been protested were listed. Following is the decision on the 14 letters of protest received.

Protest of Decision To Identify Units as Wilderness Study Areas

Unit	Acres
17-10 Lower Salmon Falls Creek	3,500
17-11 Jarbidge River	75,340
110-91a Box Creek	428
111-6 Little Jack's Creek	58,040
111-7c Big Jack's Creek	54,833
111-17 Bruneau River	107,020
111-18 Pole Creek	24,509
111-36a Sheep Creek West	11,660
28-1 Petticoat Peak	11,298
31-14 Appendicitis Hill	24,870
31-17 White Knob Mountains	9,950
32-3 Hawley Mountain	15,510
32-9 Black Canyon	5,400
33-4 Cedar Butte	35,700
33-15 Hell's Half Acre	66,200
43-3 Eighteen Mile	24,922
45-12 Burnt Creek	24,960
47-4 Borah Peak	3,100
54-5 Little City of Rocks	5,875
54-6 Black Canyon	10,371
54-8a Gooding City of Rocks	14,743
54-8b Gooding City of Rocks	6,287
54-10 Deer Creek	7,487
56-2 Lava	23,680
57-2 Shale Butte	15,968
57-8 Sand Butte	20,792
57-10 Raven's Eye	67,110
57-11 Little Deer	33,531
57-14 Bear Den Butte	9,700
59-7 Shoshone	6,914
61-1 Selkirk Crest	720
61-10 Crystal Lake	9,027

Protest of Decision To Identify Units as Wilderness Study Areas—Continued

Unit	Acres
61-15a Grandmother Mountain	10,339
61-15b Grandmother Mountain	6,790
62-1 Snowhole Rapids	5,068
62-10 Marshall Mountain	6,524

As a result of the protest analysis, no changes are being made to the above final decisions.

Protest of Decision Concluding That Acreage Lacked Wilderness Characteristics

Unit	Acres
16-9 Reynolds Creek Canyon	14,650
111-5 Poison Gulch	30,742
111-7b Duncan Creek	10,005
111-17 Bruneau River	27,042
111-19b Bull Gulch	33,150
111-20b Upper Battle Creek	17,787
111-36a Sheep Creek West	3,696
111-36b Sheep Creek East	12,412
26-1 Hanzel Mountain	20,615
26-3 South Samaria	6,615
27-1 South Deep Creek	9,609
27-2 Deep Creek Peak	6,646
32-4 Taylor Mountain	11,134
33-5 Skull	8,650
33-6 Rye Grass	8,000
33-7 Cottontail	9,300
33-13 Bear Point	20,650
33-14 Mosby Butte	35,720
33-16 Morgan	9,420
33-23 Bear Trap	13,860
41-3 Geertson Creek	10,720
44-2 King Mountain	12,602
44-3 Hat Creek	9,707
44-4 Ellis Creek	26,040
44-9 Cronks Canyon	7,470
57-4 Black Ridge Crater	8,138
57-5 Lone Rock	10,934
57-6 Wildhorse	21,544
57-7 Pagari	33,116
57-8 Sand Butte	10,000
62-2 Confluence	5,110

After detailed analysis of the statements on wilderness characteristics contained within these protests, the above final decisions remain as originally issued for all units except 111-7b and 111-36b.

Based on information supplied in the protest letters, Unit 111-7b, Duncan Creek (10,005 acres), and Unit 111-36b, Sheep Creek East (5,060 acres) are now identified as Wilderness Study Areas.

The final decisions contained in this notice are now subject to appeal. Appeals to the Interior Board of Land Appeals (IBLA) will be processed in accordance with the policy and procedures in Title 43, *Code of Federal Regulations* (CFR), Part 4 and as amended in 45 FR (Federal Register) 5713.

For further information, contact the Idaho State Office of the BLM, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Dated: February 5, 1981.

B. Buffington,

State Director.

[FR Doc. 81-4782 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 81-8]

North Idaho Timber Management Final Environmental Impact Statement; FEIS Availability

Pursuant to Section 102(2) (C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement for a proposed 10-year timber management program on 81,000 acres of public land in parts of 11 counties of north Idaho.

Five timber management alternatives including the proposed action are presented for consideration and are analyzed in terms of their projected environmental effects. Each alternative considers a different level of timber management acreage and practices.

The proposed action alternative assessed in the EIS calls for an annual timber harvest of approximately 15 million board feet over the next 10 years. The four other alternatives assessed include programs that would (1) emphasize non-commodity values, (2) emphasize commodity (timber) production, (3) continue the current level of timber management, and (4) result if all lands selected by the State of Idaho under the Lieu Selection Process were removed from BLM administration.

This final statement differs from the usual procedure of reprinting the entire revised draft statement. This statement includes only those changes that are necessary in the draft EIS and the responses to public comments received on the draft EIS. As such, it must be used in conjunction with earlier draft statement which was distributed to the public in late July, 1980. This revised procedure has saved substantial time and money.

A limited number of copies of the FEIS and DEIS are available upon request to the District Manager at the Bureau of Land Management, Coeur D'Alene District Office, P.O. Box 1889, Coeur d'Alene, Idaho 83814. Public reading copies will be available for review at the following locations:

Bureau of Land Management, Washington Office of Public Affairs, 18th and C Street, NW., Washington, D.C. 20240, Phone: (202) 343-4151;

Bureau of Land Management, Idaho State Office, P.O. Box 042, Boise, Idaho 83724;

Bureau of Land Management, Cottonwood Area Office, Route 3, Cottonwood, Idaho 83522.

Lynn C. Shelden,

Acting District Manager.

[FR Doc. 81-5040 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-84-M

Socorro District Grazing Advisory Board Elected

Recent election results for the Bureau of Land Management's Socorro District Grazing Advisory Board were announced by District Manager Arlen P. Kennedy. Each board member was elected to fill a 2-year term beginning January 28, 1981.

Will Orndorff of Socorro was elected as representative-at-large with J. B. Kelly and Phil Harvey representing the Jornada Resource Area. Representing the San Augustine Resource Area are Oliver M. Lee, Jr. of Horse Springs and R. L. Morriss of Quemado. These board members will offer advice and make recommendations regarding commercial livestock grazing in the development of allotment management plans and utilization of range-betterment funds with respect to livestock grazing on public lands administered by the Bureau of Land Management.

Arlen P. Kennedy,

District Manager.

February 6, 1981.

[FR Doc. 81-4310 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held on Monday and Tuesday, March 16 and 17, 1981.

The meeting will begin at 1:00 p.m. on March 16 in the conference room of the Butte District Office at 106 North Parkmont (Industrial Park), Butte, Montana. The agenda will include:

1. A review and discussion of the Bureau's recently published surface management regulations under the U.S. mining laws.

2. A review and discussion of the final version of amendments to BLM's grazing regulations.

3. An update on the status of the district's wilderness review program.

4. A report and discussion on the progress being made and the conflict being encountered in administering the district's oil and gas program.

5. A discussion of the FY81 program thrusts.

6. A report on recent wild horse gathering in the Dillon Resource Area and the distribution of adopted horses within the district.

7. An update on the status of the proposed Colstrip to Hot Springs 500 KV powerline.

8. A report and discussion on the current status of planning efforts in the Headwaters Resource Area.

9. A report and discussion on the current status of planning efforts in the Garnet Resource Area.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 106 North Parkmont, P.O. Box 3388, Butte, Montana 59702 by March 12. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: February 4, 1981.

Gerald L. Quinn,

Acting District Manager.

[FR Doc. 81-5140 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Islands of Culebra and Culebrita, Puerto Rico; Proposed Disposition and Administration of Lands Declared Excess by the U.S. Navy; Draft Environmental Impact Statement; Comment Period Extended

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the comment period on the draft environmental impact statement (DEIS) on the proposed disposition and administration of lands declared excess by the U.S. Navy on the Islands of Culebra and Culebrita, Puerto Rico, has been extended from February 23, 1981 to March 25, 1981. Agency, organization and individual comments are requested.

The DEIS considers environmental and other effects of transferring approximately 1,712 acres of excess lands on Culebra and about 262 acres of national wildlife refuge lands on Culebrita to the Commonwealth of Puerto Rico and/or the U.S. Fish and Wildlife Service (FWS).

The statement evaluates the impacts of six alternatives for disposing of and administering these lands, including an alternative that would implement the recommendations of the Joint Report of October 1973, entitled "Culebra: A Plan for Conservation and Development."

DATES: Written comments must be received by March 25, 1981, in order to be included in the final environmental impact statement. A Notice of Availability was published on December 22, 1980 (45 FR 247). Two public meetings have been held for the purpose of providing information, clarifying questions and receiving formal statements on the proposed action. These meetings were held on Culebra Island, Puerto Rico and in San Juan, Puerto Rico on January 21 and 22, 1981, respectively.

ADDRESS: Written comments should be addressed to: Mr. Walter O. Stieglitz, Acting Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, S.W., Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Robert J. Bridges, Ascertainment Biologist, U.S. Fish and Wildlife Service, 75 Spring Street, S.W., Atlanta, GA 30303. Telephone (Commercial) 404-221-3548; (FTS) 242-3548.

Individuals who want copies of the DEIS for review should immediately contact the above individual. Copies have been sent to all agencies, organizations and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTARY INFORMATION: The purpose of the draft environmental impact statement is to provide an analysis of the effects of various alternatives for managing the natural resources of the Culebra Island area and to establish the most feasible means of conserving, protecting, and developing the natural, scenic, recreational, economic, and wildlife resource values of the Islands. The statement was prompted, originally, by the U.S. Navy's earlier declarations that certain lands in the Culebra Island group were excess to its needs.

Robert J. Bridges and Wendell D. Metzen, Ascertainment Biologists with the FWS, are co-authors of the document. Other Government agencies and several members of the general public contributed to the planning and evaluation of the proposal and to the preparation of the draft environmental impact statement. A Notice of Intent to prepare an environmental impact statement (EIS) was published on March

13, 1980, in Vol. 45, No. 51 of the **Federal Register.**

Scoping for the DEIS included preparation of a draft environmental assesment (dated December 1979) which evaluated environmental and other effects of various alternatives for disposing of and administering the excessed U.S. Navy lands. The environmental assessment and a summary leaflet describing the proposed action were distributed for public review during the spring of 1980. Subsequent to distribution of these documents, public scoping meetings were held on the island of Culebra on April 7, 1980, and in San Juan, Puerto Rico on April 9, 1980. The comments, issues, and concerns expressed during the scoping process were considered in the preparation of this statement.

All agencies, organizations and individuals are urged to provide comments and suggestions for improving this draft EIS as soon as possible. All comments received by March 25, 1981 will be considered in preparation of the final EIS on this proposed action.

Dated: February 6, 1981.

Walter O. Stieglitz,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-5028 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Conny Dam, P.O. Box 547, Gibsonton, FL 33534.

The applicant requests a permit to export and re-import two leopards *(Panthera pardus)* and one jaguar *(Panthera onca)* for conservation exhibition as defined in 50 CFR 17.3. All animals have been bred in capitivity in the United States.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7467. Interested persons may comment on this application on or before March 16, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 9, 1981.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-5170 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permits; Official Actions for January 1981

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following actions with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1905); or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

Permit Applications Abandoned

Santa Fe Comm. Col.—7362 XX07 A* 01-09-81

Permit Applications Denied

Lazell, Dr. James D. Jr.—7397 XX07 D* 01-05-81

Inmon, Gerald P.—7365 XX07 D 01-05-81

Silva, Tony—6277 XC07 D 01-15-81

Permit Applications Issued

Harmata, Alan R. (renewal)—4164 XX07 I* 01-08-81

Tenn. Valley Authority—6745 XX07 I 01-08-81

Kalenak, Kenneth K.—7271 XX07 I 01-14-81

Univ. of Nevada—2921 XX07 I 01-22-81

Univ. of Minnesota—3407 XX07 I 01-22-81

Houston Zool. Gardens—7351 XX07 I 01-22-81

Oklahoma City Zoo—7380 XX07 I 01-22-81

St. Louis Zoo Park—7364 XX07 I 01-26-81

San Diego Zoological Society—4768 XC07 I 01-28-81

San Diego Zoological Society—7395 XC07 I 01-28-81

Primate Import Corp.—1500 XC07 I 01-30-81

A=Abandoned, D=Denied, I=Issued

Dated: February 9, 1981.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 81-5171 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-55-M

*No **Federal Register** Notice Published Previously.

Water and Power Resources Service

[INT DES 81-6]

Brantley Project, New Mexico; Availability of Draft Supplement to 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 draft supplement to final environmental statement dated September 11, 1972 (FER 72-30), for the Brantley Project, New Mexico.

This supplement has been prepared to assess the impact of the new alinement of Brantley dam. The original plan was presented in the final environmental statement. The present plan would include (1) relocation and redesign of the Brantley dam axis 2,100 feet downstream to an area having a better foundation and (2) additional mitigation of fish and wildlife losses. The water storage capacity would remain the same. Written comments may be submitted to the Regional Director by April 11, 1981.

Copies are available for inspection at the following locations:

Office of Environmental Affairs, Room 7620, Water and Power Resources Service, Department of the Interior, Washington, DC 20240, Telephone (202) 343-4991

Division of Engineering Support, Technical Services, and Publications Branch, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3006

Office of the Regional Director, Water and Power Resources Service, 714 South Tyler, Suite 201, Amarillo, TX 79101, Telephone (806) 378-5400

New Mexico Representative, Water and Power Resources Service, 505 Marquette Avenue, NW., Albuquerque, NM 87103, Telephone (505) 766-2272

Project Manager, Pecos River Project Office, 800 West Pierce Street, Carlsbad, NM 88220, Telephone (505) 887-1168

Albuquerque Public Library, 423 Central Avenue NE., Albuquerque, NM 87101

Artesia Public Library, Artesia, NM 88210

Carlsbad Public Library, Carlsbad, NM 88220

Fort Sumner Public Library, Fort Sumner, NM 88119

New Mexico State Library, Santa Fe, NM 87501

Pecos Public Library, Pecos, TX 79772

Roswell Public Library, Roswell, NM 88201

Santa Rosa Public Library, Santa Rosa, NM 88435
Texas Tech University Library, Lubbock, TX 79406
University Library, New Mexico State University, Las Cruces, NM 68001
Zimmerman Library, University of New Mexico, Albuquerque, NM 87106
University Library, University of Texas at El Paso, El Paso, TX 79902

Single copies of the draft supplement to the final environmental statement may be obtained on request to the Commissioner of Water and Power or the Regional Director.

Dated: February 10, 1981.

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81-5084 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-2764 appearing on page 8769 in the issue of Tuesday, January 27, 1981, third column, in the second paragraph under **"Findings"**, third and fourth lines, "February 17," should read "March 13,"; and in the third paragraph first line, "March 30," should read "March 28,".

BILLING CODE 1505-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-3741 appearing on page 10560 in the issue of Tuesday, February 3, 1981, third column, second paragraph under **"Findings"**, third line, "March 5," should read "March 20,", and in the third paragraph, first line, "April 6," should read "April 4,".

BILLING CODE 1505-01-M

[Docket No. AB-6 (Sub-73F)]

Burlington Northern Inc.; Abandonment Between Laclede and Unionville, Mo.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided January 23, 1981, which is administratively final, was made by the Commission, Division 2, acting as an Appellate Division, which affirmed and adopted the Administrative Law Judge's decision served September 5, 1980, stating that the public convenience and necessity permit the abandonment by the Burlington Northern Inc. of that portion of its line of railroad beginning at milepost 181.73 near Laclede, MO, and milepost 128.41 at the end of the line near Unionville, MO, a distance of 53.32 miles, all in Putnam, Sullivan and Linn Counties, MO, subject to the conditions for the protection of employees set forth in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), *provided, however*, that applicant shall keep intact all of the right-of-way underlying the track, including all bridges and culverts, for a period of 180 days from January 23, 1981, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of abandonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after this notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5106 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. *Parent Corporation and Address of Principal Office:* Allegheny Ludlum Industries, Inc., 1800 Two Oliver Plaza, Pittsburgh, Pennsylvania 15222.

2. *Wholly-owned Subsidiaries which will participate in the operations, and states of incorporation:*

Swan International, Inc.—(Delaware)
Swan Manufacturing Corporation—(Delaware)
Almet, Inc.—(Delaware)
Almet International, Inc.—(Delaware)
Carmet Company—(New Jersey)
Precision Products, Inc.—(Delaware)
Alka Tool & Die Co.—(Michigan)
Alloy Rods International, Inc.—(Delaware)
IPM Corporation—(Pennsylvania)
Poplar ALI, Inc.—(Delaware)
The Arnold Engineering Co.—(Illinois)
Burton Plating Co.—(California)
Continental Testing Laboratories, Inc.—(Florida)
Custom Devices, Inc.—(Arizona)
F. W. Bell, Inc.—(Ohio)
Kennedy Domestic International Sales Corporation—(California)
Kennedy Company—(Delaware)
Special Metals Corporation—(Delaware)
Standard-Thomson Corporation—(Delaware)
Grove Manufacturing Company—(Delaware)
Joseph Pollak Corporation—(Delaware)
Thomson International Corporation—(Delaware)
Chemetron Corporation—(Delaware)
Allied Healthcare Products, Inc.—(Delaware)
Chemetron Process Equipment, Inc.—(Delaware)
Chemetron International Sales Corporation—(Delaware)
Chemetron-Railway Products, Inc.—(Delaware)
Universal X-Ray, Inc.—(Delaware)
True Temper Corporation—(Delaware)
Wilkinson Match (U.S.A.) Inc.—(Delaware)
Wilkinson Sword, Inc.—(Delaware)
Wilkinson International Corporation—(Delaware)
HTL Industries, Inc.—(Delaware)
HTL Export Sales Corporation—(California)

HTL Caribe, Inc.—(Delaware)
Electro Kinetics Corporation—(California)
True Temper Export Company—(Delaware)
True Temper Railway Applicances, Inc.—(Ohio)
True Temper Sports, Inc.—(Ohio)
The Nelson Co.—(Maryland)
The Perfection Manufacturing Co.—(Missouri)
The Nelson Co. of Kentucky—(Maryland)
Amex, Ltd.—(Missouri)
Magnetics and Electonics, Inc.—(Delaware)

(1) Parent corporation and address of principal office: Randall-Graw Company, Inc., 1007 Monitor Street, La Crosse, Wis. 54601.

(2) Wholly-owned subsidiaries which will participate in the operation, and address of their respective principal offices: (a) La Crosse Steel Roofing Company, Inc., 2911 South 27th Street, La Crosse, Wis. 54601.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5169 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; 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 issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-44), *Rules Governing Applications Filed By Motor Carriers Under 49* U.S.C. 11344 and 11349. These rules provides 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 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $100.00, in accordance with 49 CFR 1100.240(A)(h).

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.

Decided: February 5, 1981.

By the Commission, Review Board Number 5. Members Krock, Taylor, and Williams.

MC-F-14552F, filed January 14, 1981. GELCO CORPORATION (Gelco) (1 Gelco Drive, Eden Prairie, MN 55344)—control—BROOKS TRANSPORTATION, INC., (Brooks) and FEDERAL FREIGHT SYSTEM, INC. (Federal) (both of 3830 Kelley Avenue, Cleveland, OH 44114). Representatives: Jack Goodman, 39 S. LaSalle Street, Chicago, IL 60603; Thomas D. Vaughn, 12115 Lackland, P.O. Box 28460, St. Louis, MO 63141; and John McMahon, 100 E. Broad Street, Columbus, OH 43215. Gelco, a non-carrier, seeks authority to acquire control of Brooks and Federal through the purchase by Gelco of all of the issued and outstanding capital stock of Brooks and Federal. Gelco is a publicly held corporation. The operating rights of Brooks sought to be controlled by Gelco are contained in (a) contract carrier permit MC 139254 and various subs thereunder authorizing the transportation of numerous specified items, including such items as clothing and wearing apparel; paper and paper products; household products and housewares; lubricating oils and greases; automotive parts; chemicals (except in bulk), and other items, between points in the United States; and (b) common carrier certificate of public convenience and necessity in MC 142559 and subs thereunder authorizing the transportation of numerous specified items, including such items as water heaters and water heater parts; tires and tubes; wheels and shock absorbers; air conditioners; furnaces; agricultural limestone and gypsum (except in bulk); valves; insulators; furniture parts; plastic articles and paper products; malt beverages; glass containers; paper and paper products; animal feed; candy; chewing gum; automotive products, plastic articles; plumbing fixtures and supplies; fertilizer; rubber and rubber products; foodstuffs, and numerous other specified items, between points in the United States. The operating rights of Federal sought to be controlled by Gelco are contained in certificate of public convenience and necessity MC 143790 and subs thereunder authorizing the transportation of numerous specified items, including such items as plumbing fixtures and equipment; tires and tubes; appliances, plumbing supplies and materials; dies; stoves and stove parts, and other specified items, between points in the United States. Gelco holds no authority from the Commission. It owns all of the outstanding capital stock of International Couriers Corporation, a non-carrier, which in turn is the owner of all of the outstanding capital stock of Gelco Courier Services, Inc. Gelco Courier Services, Inc., is a motor common and contract carrier authorized to transport specified items, over irregular routes, including such items as cash letters; commercial papers, documents and written instruments as are used in connection with the business of banks and banking institutions; commercial account commodities, commercial documents; business

records; accounting and auditing media; automated data processing media, advertising materials, and numerous other items, between points in the States of AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY, pursuant to certificates issued in MC 114533 and sub-numbers thereunder and Permit Nos. MC 128616 and sub-numbers thereunder, and that authority awarded to it in MC-F-13885, served September 11, 1979. International Couriers Corporation also controls B.D.C., Ltd., which has been granted authority to operate as a motor common carrier in MC-150871F. A certificate has not yet been issued. An application has been filed in MC-F-14563 for International to continue in control of B.D.C., Ltd. Condition: Gelco Corporation, a non-carrier holding company, shall be considered a carrier within the meaning of Subtitle IV of 49 U.S.C. 11348, and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Gelco Corporation need only file such special reports as the Commission may from time to time require. Gelco Corporation is not made subject to the accounting requirements of 49 U.S.C. 11142. Impediment: Approval and authorization of this transaction is conditioned upon the prior submission by applicants of an affidavit complying with the Commission's regulations at 49 CFR 1134.51. Brooks and Federal appear to hold duplicating operating rights. In order to allow this duplication to continue to exist, applicants must submit cogent and acceptable reasons why such duplications should be permitted to exist by commonly controlled carriers or a plan for the elimination of such duplications.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5185 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [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 satisifed 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. OP3-157

Decided: February 2, 1981.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 74 (Sub-10), filed January 7, 1981. Applicant: VALLEY TRANSIT COMPANY, INC., P.O. Box 1870, Harlingen, TX 78551. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Transporting (A) *passengers and their baggage*, and *express and newspapers*, over regular routes, (1) between Mission and Roma, TX, over over U.S. Hwy 83; (2) between Harlingen and Houston, TX: from Harlingen over U.S. Hwy 77 to junction TX Hwy 44, then over TX Hwy 44 to Corpus Christi, then over Interstate Hwy 37 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Houston, and return over the same route; (3) between junction U.S. Hwy 77 and Interstate Hwy 37, and Robstown, TX, over U.S. Hwy 77; (4) between junction Interstate Hwy 37 and U.S. Hwy 77 and San Antonio, TX: from junction Interstate Hwy 37 and U.S. Hwy 77 over Interstate Hwy 37 to junction TX Hwy 9, then over TX Hwy 9 to junction U.S. Hwy 281, then over U.S. Hwy 281 to San Antonio, and return over the same route; and (5) between Harlingen, TX, and junction TX Hwy 9 and U.S. Hwy 281: from Harlingen over U.S. Hwy 83 to junction U.S. Hwy 281, then over U.S. Hwy 281 to junction TX Hwy 9, and return over the same route; and (B) passengers and their baggage, in special and charter operations, over irregular routes, beginning and ending at points in Cameron, Hidalgo, Starr and Willacy Counties, TX, and extending to points in Lafayette and Bossier Parishes, LA, Hot Springs County, AR, and Lincoln County, NM.

Note.—Applicant intends to tack the request authority with its existing authority.

MC 65475 (Sub-43), filed January 19, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *coal and coal products*, between points in Putnam County, WV, on the one hand, and, on the other, points in the U.S.

MC 101474 (Sub-28), filed January 15, 1981. Applicant: RED TOP TRUCKING COMPANY, INC., 7020 Cline Ave., Hammond, IN 46323. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *those commodities which because of their size or weight require the use of*

special handling or equipment, (a) between points in IL, IN, KY, MI, OH, and WI, and (b) between points in IL and IN, on the one hand, and, on the other, points in AL, AR, DE, FL, IA, GA, KS, LA, MD, MN, MO, MS, NJ, NY, NC, OK, PA, SC, TN, TX, VA, and WV.

MC 106194 (Sub-41), filed January 16, 1981. Applicant: HORN TRANSPORTATION, INC., 2622 McCormick Ave., P.O. Box 1172, Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. 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, NM, NV, OR, WA, and WY.

MC 106674 (Sub-525), filed January 16, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in DE, IL, IN, KY, MD, MI, MO, NJ, NY, NC, OH, PA, TN, VA, and WV.

MC 107295 (Sub-1010), filed January 16, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *lumber and wood products*, between points in Baltimore County, MD, Charleston County, SC, and Liberty, Bulloch, McIntosh, Effingham, Chatham, and Long Counties, GA, to points in the U.S.

MC 116915 (Sub-134), filed January 15, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *refractories, insulation, and insulating materials*, between points in Jefferson and Barbour Counties, AL, Pulaski County, AR, Bibb County, GA, Grundy County, IL, Callaway and Audrain Counties, MO, Stark and Jackson Counties, OH, Clarion, Allegheny, and Philadelphia Counties, PA, Middlesex County, NJ, Pueblo County, CO, Mayes County, OK, Brazoria and Hopkins Counties, TX, and Latah County, ID, on the one hand, and, on the other, points in the U.S.

MC 116915 (Sub-135), filed January 16, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, P.O. Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *metal products*, between points in Madison County, IL, on the one hand, and, on the other, points in the U.S.

MC 121745 (Sub-4), filed January 19, 1981. Applicant: C. D. SPAIN and J. T. SPAIN, d.b.a. SPAIN'S TRANSFER, P.O. Box 68, Minot, ND 58701. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Minot, and Ray, ND, over U.S. Hwy 2.

MC 128114 (Sub-10), filed March 14, 1980, previously noticed in the **Federal Register** issue of June 26, 1980. Applicant: SAVAGE & SONS, INC., P.O. Box 2422, Building 141, Pasco Airport, Pasco, WA 99302. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting *fertilizer* and *fertilizer ingredients*, (1) from Finley Hedges, WA, to points in MT, and (2) from Three Forks, MT, to Finley Hedges, WA.

Note.—This republication corrects the commodity description.

MC 128205 (Sub-101), filed January 16, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 South Doty Ave., Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, DC 20001. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corporation, of Mundelein, IL.

MC 134134 (Sub-92), filed January 19, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *meats, meat products, and meat byproducts*, and *articles distributed by meat-packinghouses*, between points in Crawford and Dubuque Counties, IA, on the one hand, and, on the other, those points in the U.S. in, eats and north of MI, OH, WV, and VA.

MC 134755 (Sub-233), filed January 15, 1981. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, (same address as applicant). Transporting *food and related products*, between points in IA and NE, on the one hand, and, on the other, points in the U.S.

MC 142655 (Sub-1), filed January 26, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 688, Hartselle, AL 35640. Representative: M. Bruce Morgan, 100 Roesler Rd., Glen Burnie, MD 21061. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Young Door Company, of Hartselle, AL.

MC 143894 (Sub-3), filed January 16, 1981. Applicant: JEROLD J. BUCHAN, JR., d.b.a. BUCHAN TRUCKING COMPANY, P.O. Box 315, 2787 East Main, East Troy, WI 53120. Representative: David V. Purcell, 111 East Wisconsin Ave., Milwaukee, WI 53202. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat packing houses*, between points in the U.S. under continuing contract(s) with Peck Meat Packing Corp., of Milwaukee, WI.

MC 145664 (Sub-24), filed January 19, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave. W., Duluth, MN 55807. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *cellulose products and insulation products*, between points in Hennepin and Ramsey Counties, MN, Wyandotte County, KS, and Denver County, CO, on the one hand, and, on the other, points in IA, MI, ND, NE, SD, and WI.

MC 146885 (Sub-7), filed January 16, 1981. Applicant: BEN CAPOBIANCO TRUCKING, INC., 5275 Talawanda Drive, Fairfield, OH 45014. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. Transporting *furniture* and *fixtures*, between points in Hamilton and Butler Counties, OH, on the one hand, and, on the other, points in CA.

MC 147475 (Sub-3), filed January 16, 1981. Applicant: WHITE TOP TRANSPORT, INC., P.O. Box 675, McMinnville, OR 97128. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *food and related products*, between points in OR, WA, ID, and CA.

MC 150234, filed January 16, 1981. Applicant: TRANSCONTINENTAL RIGGING & LOADING CORPORATION, P.O. Box 62, Melrose Park, IL 60160. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting those *commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S.

MC 150954 (Sub-10), filed January 13, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Transporting *pulp, paper and paper products*, between points in the U.S., under continuing contract(s) with

Crown Zellerbach Corporation, of Bogalusa, LA.

MC 151225 (Sub-1), filed January 9, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718 17th St., Suite 1700, Denver, CO 80202. Transporting *soda ash*, between points in the U.S. under continuing contract(s) with the Public Service Company of New Mexico, of Albuquerque, NM.

MC 152915 (Sub-1), filed January 19, 1981. Applicant: SUNNYDALE DISTRIBUTING, INC., 450 Hart-Albin Bldg., Billings, MT 59103. Representative: Daniel J. Sweeney, 1750 Pennsylvania Ave. NW., Washington, DC 20006. Transporting *bakers yeast*, between points in the U.S., under continuing contract(s) with Anheuser-Busch Companies, Inc., of St. Louis, MO.

MC 134404 (Sub-51M1F), filed January 1, 1981. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Petitioner: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Petitioner holds motor *contract* carrier Permit in MC-134404 Sub 51, issued January 31, 1981. MC-134404 Sub 51 authorizes transportation, over irregular routes, of *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the U.S. in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation of Wayne, NJ. By the instant petition, petitioner seeks to modify the permit by adding "Georgia Pacific Corporation, of Darien, CT, as a contracting shipper."

Volume No. OP3-158

Decided: January 5, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce and Jones.

MC 69224 (Sub-53), filed January 12, 1981. Applicant: H & W MOTOR EXPRESS COMPANY, A Corporation, 3000 Elm St., Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in IA and points in JoDaviess, Stephenson, Winnebago, Boone, McHenry, Carroll, Ogle, DeKalb, Whiteside, Lee, Kendall, Henry, Bureau, LaSalle, Grundy, Stark, Putnam, Marshall, Knox, Peoria, Woodford, Fulton and Tazewell Counties, IL, Scott, Dakota, Rice, Goodhue, Wabasha, Waseca, Steele, Dodge, Olmsted, Winona, Freeborn, Mower, Fillmore, Houston, Hennepin, Ramsey and Washington Counties, MN, Grant, Iowa, Lafayette, Dane, Green, Rock, Jefferson, Waukesha, Walworth, Milwaunkee, Racine, Kenosha, Washington, Ozaukee and LaCrosse Counties, WI.

Note.—Applicant intends to tack this authority with its regular routes in IL, IA, MN and WI.

MC 104654 (Sub-167), filed January 26, 1981. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Transporting *building materials*, between points in Daviess and Jefferson Counties, KY, on the one hand, and, on the other, points in IN, IL, TN, MO, OH, and KY.

MC 116455 (Sub-236), filed January 13, 1981. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O.B. 10061, Palo Alto, CA 94303. Transporting *automotive care and maintenance supplies, batteries, flashlights, lamps, electrical equipment and plastic articles*, between points in the U.S.

MC 125335 (Sub-110F), filed December 11, 1980, previously published in the F.R. of January 6, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), from points in Lancaster County, PA, to points in FL, AL, GA, IA, IL, IN, KS, KY, MI, MN, MO, MS, NC, NE, OH, SC, SD, TN, and WI.

Note.—This republication corrects the territorial description.

MC 134064 (Sub-48), filed January 19, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in or used by gift shops and catalog distribution centers, between points in Green and Dane Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 134105 (Sub-558), filed January 16, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). Transporting *food and related products*, between points in Jefferson County, AL, on the one hand, and, on the other, points in CT, DE, GA, AL, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC.

MC 136605 (Sub-162), filed January 14, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). Transporting *Mercer commodities*, between points in ND, on the one hand, and, on the other, points in WA, OR and CA.

MC 144715 (Sub-14F), filed January 14, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Transporting *granite products*, between points in Surry County, NC, on the one hand, and, on the other, points in the U.S.

MC 145435 (Sub-11), filed January 31, 1981. Applicant: WESTERN AG INDUSTRIES, INC., 2750 Parkway Dr., Fresno, CA 93711. Representative: Ronald J. Mefford (same address as applicant). Transporting *floor covering*, between points in the U.S. under continuing contract(s) with Apollo Sales Inc., of Oakland, CA.

MC 145664 (Sub-25), filed January 19, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave. W, Duluth, MN 55807. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting (1) *clay, concrete, glass or stone products*, between points in IA, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada; and (2) *fabricated metal products*, between points in IL and IN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, AR, and TX.

MC 148034 (Sub-3), filed January 19, 1981. Applicant: EDWARD C. LOTT, INC., 2338 Slaterville Rd., Ithaca, NY 14850. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Friendship Dairies, Inc., of Friendship, NY.

MC 150954 (Sub-9), filed January 13, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesore Drive, Suite 515, San Antonio, TX 78217. Transporting *sugar*, between points in Polk, Hennepin, Clay, and Ramsey Counties, MN, Pembina County, ND, and Cerro Gordo County, IA, on the

one hand, and, on the other, points in IL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NC, ND, OH, OK, PA, SC, SD, TN, TX, VT, VA, WV, and WI.

MC 153514 (Sub-1), filed January 12, 1981. Applicant: BRUCE MATTILA TRUCKING, 5601 E. Glenmoor Road, Minnetonka, MN 55343. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *refractories and furnaces*, between Minneapolis, MN, on the one hand, and, on the other, points in the U.S.

MC 153174 (Sub-1), filed January 12, 1981. Applicant: AFFILIATED TRANSPORT SERVICES, INC., P.O. Box 158, Folcroft, PA 19032. Representative: Arthur J. Piken, 95–25 Queens Boulevard, Rego Park, NY 11374. Transporting *household appliances*, between points in the U.S., under continuing contract(s) with White-Westinghouse Appliance, Inc., of Langhorne, PA.

MC 153715 filed January 12, 1981. Applicant: GRAY TRUCKING, 2343 NW. Pine Lane, Fremont, MI 49412. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Canadian Tag and Label, Ltd., of Sparta, MI.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5167 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. 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. OP3–153

Decided: January 28, 1981.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Parker not participating.

MC 130904 (Sub-1), filed January 2, 1981. Applicant: CO–AM TRANSPORT SERVICES, INC., 1919 Wachovis Center, Charlotte, NC 28202. Representative: C. S. Tyson, P.O. Box 26793, Charlotte, NC 28213. Transporting *general commodities* (1) between Joilette and Pembina, ND, on the one hand, and, on the other, points in the U.S., (2) between Cushing, Reklaw, Gallatin, Craft, Frankston, Poynor, Larue, Eustace, Mabank, Kemp, Kaufman, and Crandall, TX, on the one hand, and, on the other, points in the U.S., (3) between Fernald, Miami Town, and Cheviot, OH, on the one hand, and, on the other, points in U.S., (4) between Stockland, and Greer, IL, Quaker, Libertyville, and Blanford, IN, on the one hand, and, on the other, points in the U.S., (5) between Cranton, Maywood, Rochelle Park, Midland Park, Wortendyke, Wyckoff, Campgaw, Crystal Lake, Oakland, Pompton Lakes, Butler, Bloomingdale, Newfoundland, Oak Ridge, Charlotteburg, Stockholm, Beaver Lake, South Ogdensburg and Sparta, NJ, on the one hand, and, on the other, points in the U.S., (6) between Bell, FL, on the one hand, and, on the other, points in the U.S., (7) between Belspur and Sarasota, FL, on the one hand, and, on the other, points in the U.S., (8) between Laton and Lanare, CA, on the one hand, and, on the other, points in the U.S., (9) between McMurray, Library, Coverdale, and Brightwood, PA, on the one hand, and, on the other, points in the U.S., (10) between Vance, Tutwiler, Rome, Parchman, Drew, Ruleville, Doddsville, Blaine, Sunflower, Isola, Bellewood, and Belzoni, MS, on the one hand, and, on the other, points in the US. (a) Transportation services which will be a direct substitute for abandoned rail service to a community if such abandonment results in such community not having any rail service. (b) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (c) Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (d) Over regular routes, transporting *general commodities* (except classes A and B explosives), between Croxton and Bloomingdale, NJ, from Croxton, NJ over unnumbered Hwy to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction NJ Hwy 4, then over NJ Hwy 4 to Hackensack, NJ, then over NJ Hwy 507 to junction NJ Hwy 4, then over NJ Hwy 4 then over NJ Hwy 4 to Paterson, NJ, then over NJ Hwy 504 to junction NJ Hwy 23, then over NJ Hwy 23 to junction NJ Hwy 511 to Bloomingdale, NJ, serving the off-route point of Lodi, NJ.

MC 153595, filed January 12, 1981. Applicant: JOE JOHN CUNHA and CHRISTINE JOLLEY, d.b.a. CUNHA-JOLLEY TRANSPORT, 925 Bull Creek Road, Grants Pass, OR 97526. Representative: (same as above).

Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP3–156

Decided: February 2, 1981.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 147475 (Sub-2), filed January 16, 1980. Applicant: WHITE TOP TRANSPORT, INC., P.O. Box 675, McMinnville, OR 97128. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153625, filed January 2, 1981. Applicant: FLEET MESSENGER SERVICES, INC., 647 West 39th St., Kansas City, MO 64111. Representative: Frank W. Taylor, Jr., Suite 600 Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5166 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Master Drawings by Picasso" (included in the list[1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to various loan agreements between the foreign lenders and the displaying museums in the United States. I also determine that the temporary exhibition or display of the listed exhibit objects at the Fogg Art Museum, Cambridge, Mass., beginning on or about February 20, 1981, to on or about April 5, 1981; at the Art Institute of Chicago, Chicago, Ill., beginning on or about April 29, 1981, to on or about June 14, 1981; and at the Philadelphia Museum of Art, Philadelphia, Pa., beginning on or about July 11, 1981, to on or about August 23, 1981, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 12, 1981.

John W. Shirley,

Acting Director.

Signed at Washington, D.C. on February 9, 1981.

Carol J. Smith,

Program Delegate to The Committee.

[FR Doc. 81-5380 Filed 2-12-81; 11:00 am]

BILLING CODE 8320-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research and Statistics Law Enforcement Assistance Administration

Request for Comment on Proposed LEAA Guideline: Prison Industries Enhancement Certification Program

AGENCY: Law Enforcement Assistance Administration.

ACTION: Request for Public Comment.

SUMMARY: The Law Enforcement Assistance Administration (LEAA), pursuant to the Justice System Improvement Act of 1979 (42 U.S.C. 3701), proposes to issue a guideline for the certification of state prison industry operations.

SUPPLEMENTARY INFORMATION: LEAA invites interested persons to comment on the proposed guideline for the Prison Industries Enhancement Certification Program. Comments received will be considered by LEAA before the final publication of this guideline. The period for public comment is 30 days. After publication of the final guideline following the comment period, it is anticipated that interested States will have at least 60 days to develop applications.

This notice and opportunity to submit comments is provided pursuant to Executive Order 12044, Improving Government Regulations. Interested persons are invited to submit written comments to: Tom Tubbs, Corrections Program Manager, Law Enforcement Assistance Administration, 633 Indiana Ave., N.W., Room 1115, Washington D.C. 20531, (202) 724-7681.

Comments are due on or before March 11, 1981.

Homer F. Broome,

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 inmates solely on the basis of their status as offenders, and, by requiring the voluntary participation of inmates as employes within the prison industry program certified; and, (4) to provide inmates 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 Corretions 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, D.C. 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 representatives 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)

e. *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. 81-5138 Filed 2-12-81; 8:45 am]
BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Weekly Seasonal Adjustment Factors To Be Used in Computation of 1981 Seasonally Adjusted Insured Unemployment Under Regular State Unemployment Programs

The Bureau of Labor Statistics announces the 1981 weekly seasonal adjustment factors that will be applied to the unadjusted levels of claims for unemployment insurance benefits, under regular State programs, to derive seasonally adjusted levels. The seasonally adjusted level of insured unemployment under regular State programs is a major component in the calculation of the seasonally adjusted national insured unemployment rate, which triggers Federal-State extended unemployment compensation payments. The rate of insured unemployment for purposes of the national extended benefits trigger is computed and announced by U.S. Department of Labor's Employment and Training Administration, Unemployment Insurance Services.

Week ending date	Seasonal factors
January 3	127.3
January 10	128.7
January 17	127.1
January 24	130.0
January 31	130.4
February 7	129.7
February 14	131.1
February 21	131.7
February 28	127.3
March 7	123.0
March 14	120.0
March 21	115.4
March 28	110.8
April 4	107.7
April 11	104.9
April 18	102.8
April 25	100.6
May 2	96.9
May 9	94.6
May 16	92.6
May 23	90.4

Week ending date	Seasonal factors
May 30	87.4
June 6	88.8
June 13	86.8
June 20	87.1
June 27	85.7
July 4	90.7
July 11	98.3
July 18	98.5
July 25	97.5
August 1	97.4
August 8	95.8
August 15	92.7
August 22	90.5
August 29	85.1
September 5	83.8
September 12	83.9
September 19	81.1
September 26	79.8
October 3	78.0
October 10	78.1
October 17	81.7
October 24	81.6
October 31	82.2
November 7	82.7
November 14	86.7
November 21	85.5
November 28	97.6
December 5	99.1
December 12	101.7
December 19	101.0
December 26	110.0

Inquiries regarding the contents of this announcement and the methodology for seasonal adjustment of the series should be directed to: U.S. Department of Labor, Bureau of Labor Statistics, Room 2083, 441 G Street, NW., Washington, D.C. 20212, Attn: Fred Cronkhite, Telephone (202) 523-1720.

Signed at Washington, D.C., this 2nd day of February 1981.

Janet L. Norwood,

Commissioner, Bureau of Labor Statistics.

[FR Doc. 81-5234 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M-80-111-M]

Cathedral Bluffs Shale Oil Co.; Petition for Modification of Application of Mandatory Safety Standard

Cathedral Bluffs Shale Oil Company, P.O. Box 2687, Grand Junction, Colorado 81502 has filed a petition to modify the application of 30 CFR 57.21-29 (booster fan requirements) to its Federal Prototype Oil Shale Lease Tract C-b located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that booster fans be equipped with an automatic deenergizing device, air locks and controls capable of reversing the fans.

2. Petitioner states that the automatic deenergizer would present a hindrance to and threaten the safety of miners by preventing the continued pumping of shaft water, thereby causing the shaft to flood.

3. Petitioner's booster fan will be mounted in the main air ducting and air locks would serve to further block ventilation to the total system. The primary fans on the surface would still maintain the direction of flow to all headings should be the booster fan fail.

4. Petitioner states that a control at the fan which is capable of reversing the fan would present a safety problem; in the event of an inadvertent reversing of the fan not in conjunction with the operation of the surface fans, the entire air system would be nullified, by putting the fans into stall, causing an overload.

5. As an alternate method, petitioner proposes to initiate an immediate evacuation of the shaft in accordance with a specified plan.

6. Petitioner states that this alternate method will provide the same degree of safety as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1981. Copies of the petition are available for inspection at that address.

Dated: February 5, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5163 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-2-C]

Lambert Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Lambert Coal Company, P.O. Box 394, Nora, Virginia 24272 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 44 mine located in Dickenson County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's continuous miners, shuttle cars, roof bolting machines, and scoops.

2. The coal seam ranges in height from 38 to 42 inches with uneven top and bottom conditions.

3. Petitioner states that the use of cabs or canopies on the mine's equipment would result in a diminution of safety for the miners affected becasuse the equipment operator's vision would be hampered by the canopy and the canopies would hit the roof, possibly destroying roof support.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1981. Copies of the petition are available for inspection at that address.

Dated: February 5, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5164 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Cancellation of NACOSH Meeting

The meetings of the National Advisory Committee on Safety and Health and Subgroups which were announced in the **Federal Register** of January 23, 1981 (46 FR 7540) have been cancelled until further notice. The Subgroups were to have met on February 25 to discuss:

1. Reproductive Hazards.

2. Safety and Health Efforts of New Energy Technologies.

3. Information Systems for OSHA/NIOSH Priority Setting.

The National Advisory Committee on Occupational Safety and Health was to have met on February 26 and 27 in the Frances Perkins Department of Labor Building, Room N4437 to discuss repeat violations and other safety and health matters relating to OSHA and NIOSH.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on

matters relating to the administration of the Act.

Signed at Washington, D.C., this 9th day of February 1981.

David C. Zeigler,

Acting Deputy Assistant Secretary of Labor.

[FR Doc. 81-5162 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: Office of the Secretary.

ACTION: Annual Publication of Systems of Records.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give annual notice of their records covered by the Act which they maintain. The purpose of this document is to publish in full the systems that this agency has published since the last full text publication of the systems of records (42 FR 49654, September 27, 1977 as updated at 43 FR 42106, September 19, 1978 and 44 FR 61676, October 26, 1979); to add new systems which are bring published for the first time; to amend other systems previously published; and to delete five systems.

DATE: Persons wishing to comment on the newly published systems may do so by March 16, 1981.

EFFECTIVE DATE: Unless otherwise noticed in the **Federal Register**, this notice shall become final March 16, 1981.

COMMENTS MAY BE ADDRESSED TO: Ronald Whiting, Associate Solicitor, Office of the Solicitor, Division of General Legal Services, U.S. Department of Labor, Room N-2464, 200 Constitution Ave., N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, 523-6807.

Pursuant to 5 U.S.C. 552(a)(e)(4), section 3 of the Privacy Act of 1974, the Department of Labor hereby publishes notice of its system of records currently maintained pursuant to the Privacy Act of 1974. The systems were previously published at 42 FR 49654 (September 27, 1977); 43 FR 42106 (September 19, 1978); and 44 FR 61676 (October 26, 1979). This notice republishes an amendment to one system of records previously published in 1979; deletes five systems of records; publishes two new systems; and amends thirteen systems. The majority of the amended records reflect the use of computers to replace manually-maintained files.

The Department of Labor hereby publishes notice of two new systems of records: DOL/ESA-25, Office of Contract Compliance Programs Management Information System (OFCCP/MIS); and DOL/SOL-7, Assignment Record/SOL-5.

DOL/ESA-25 is a new centralized system of records established to provide current information on federal contractor compliance with equal employment opportunity requirements. The system will track status and action data on complaints, procurement actions, enforcement, contractor performance, and correspondence. This system contains some of the same information which is maintained in DOL/ESA-2, OFCCP Complaint Files. Accordingly, the Department gives notice of its intention to exempt this system of records under section K(2) of the Act by appropriate amendment to its regulations.

The Department hereby amends DOL/ESA-2 by combining DOL/ESA-2 Office of Federal Contract Compliance Programs Complaint File, DOL/ESA-3 Office of Federal Contract Compliance Programs Handicapped Workers File, and DOL/ESA-4 Office of Federal Contract Compliance Programs Veterans' Complaint Files into one system designated as DOL/ESA-2 Office of Federal Contract Compliance Programs Complaint Files. This change combines all complaint files, irrespective of program, into one system which deals with investigations into allegations of discrimination. DOL/ESA-3 and DOL/ESA-4 are reserved.

DOL/LMSA-1 is hereby amended by deleging from the categories of records the reference to EO 11491 and substituting the Civil Service Reform Act which now incorporates the provisions of the Executive Order. The exemption provision of this system is also amended by deleting the language on line 9 after "paragraph (i) of the Act" through line 13, "Anti-Organized Crime Program and . . ."; and substituting "The Division of Enforcement performs activities relating to the enforcement of the criminal provisions of . . . (Title II) . . ." This change reflects the transfer of the Department's responsibilities under the President's Anti-Organized Crime Program to the Office of the Inspector General.

DOL/ETA-14: Job Corpsmember Personnel File, is amended to add state, county and private employment agencies as routine users. The increased number of such organizations requesting information on Job Corps graduates indicates a need to be able to provide information on completed training courses to employment agencies for purposes of evaluation for potential employment. This system is also amended to provide for the disclosure of the names and addresses of enrollees to conform to the Department's policy of disclosing this information about trainees participating in grant programs.

DOL/ETA-15: Evaluation of Research Contractor's Project Files is amended to correct a typographical error and to add additional authority for the Unemployment Insurance Program. As previously published, the authority for the system was shown as the categories of records and the categories of records was omitted. This notice corrects this error and, in addition, adds authority for research projects conducted for the UI Program as provided for in the Social Security Act.

DOL/OASAM-1 is amended with regard to storage to reflect that this system of records is now maintained and accessible through mini-computers, as well as manually.

DOL/OASAM-18 is a retitled and renumbered system. This system of records was inadvertently published in 1979 as DOL/MSHA-19 as a record system relating only to MESA. It was intended as a record system for the Department as a whole. The Department understands that the Civil Service Reform Act requires supervisors to maintain certain records on employees. The Department further understands that the Office of Personnel Management intends to report such records as a government-wide system. In the interim, the Department of Labor notices the existence of records maintained by supervisors.

DOL/MSHA-10 is amended to include investigations of complaints of discrimination in metal and nonmetal mines as well as coal mines. This amendment reflects the amendment to the Federal Coal Mine Health and Safety Act of 1969 which expanded coverage of the Act to metal and nonmetal mines.

The Department hereby republishes DOL/OIG-1 which was amended by notice in the **Federal Register** on August 22, 1980 (45 FR 56214). The amendment was an extention of the routine uses to enable the Office to provide whatever information was necessary in order to obtain responses from confidential sources, contractors or grantees; and to enable contractors and grantees to take corrective action.

DOL/SOL-7 is a management control record system which has been maintained manually. It was established to provide information on the status of pending cases and other work assignments. Information was not retrieved by individual identifiers or used as a work performance evaluator. The system has, in part, been

transferred from a manual system to a computer system through which information is retrieved by personal identifier, the name of the individual attorney to whom the work is assigned. Under the requirements of the Civil Service Reform Act to quantify work performance information to the greatest extent possible, the information will be used as a part of individual work performance evaluation. While the system is not yet fully operational since some records are still being maintained manually, it is anticipated that all records will be computerized within a year.

The Department hereby amends DOL/BLS-1, 2 and 3; and DOL/ESA-7, 8, 11, 13 and 18 to reflect that these record systems are not stored in computers at different locations than previously reported. In the case of the ETA systems, some records are maintained by a contractor.

DOL/BLS-1, 2 and 3 are further amended as to categories of individuals to include intermittent employees as well as permanent employees.

The system name for DOL/BLS-3 has been amended by deleting "Office of Statistical Operations and Processing." The system is now known as "Staff Utilization System" and covers all employees of the BLS rather than just those in the Office of Statistical Operations.

The Department further amends DOL/OIG-1 to indicate the newly-established retention and destruction schedule.

Finally, the Department hereby gives notice of the deletion of the following systems of records: DOL/ESA-3: Office of Federal Contract Compliance Programs Handicapped Workers' File; DOL/ESA-4: Office of Federal Contract Compliance Programs Veterans' Complaint File; DOL/ESA-17: Farm Labor Contractor Employee Records File; and DOL/MSHA-5: Payroll Records. DOL/ESA-3 and 4 are, as reported above, combined with DOL-ESA-2. DOL/ESA-17 consists of records compiled on Farm Labor Contractor agents who are required to be licensed by the Department. In accordance with the prefatory statement published by the Department, the contact with the persons involved is in a business capacity and not a personal one. Accordingly, the Department believes that this is not a record system covered by the Privacy Act. DOL/MSHA-5 is deleted as all MSHA payroll records are not a part of the Department's record system. DOL-MSHA-19 is deleted and is not reported as DOL/OASAM-18.

Dated: February 3, 1981.

Alfred M. Zuck,

Acting Secretary of Labor.

DOL/BLS—1

SYSTEM NAME:

Administrative Information System

SYSTEM LOCATION:

Records stored on computer at Optimum Systems, Incorporated, Rockville, Maryland. Access and maintenance usually occur by remote terminal in Room 2115, GAO Building, 441 G Street NW., Washington, D.C. 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular full- and part-time and intermittent employees in the BLS National and Regional Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Budget, training, educational and staffing data: name, SSN, organization title, grade, step, cost center, fund, PAS code, courses, source, degree, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

STORAGE:

Magnetic disk pack.

RETRIEVABILITY:

Retrievable by any record element including name and SSN.

SAFEGUARDS:

Protected data file can be read only by a few authorized employees and changed by even fewer authorized employees. Monthly staffing patterns are listed and distributed to cost center managers within the Bureau; these are arranged by organization and by grade, do not show SSN and are treated with the same general care as other administrative files.

RETENTION AND DISPOSAL:

Individual records are maintained as long as the individual is employed by BLS. Upon resignation or transfer the record is scratched (erased).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Management Systems, room 2115, GAO Building, 441 G Street, NW., Washington, D.C. 20212.

NOTIFICATION PROCEDURE:

Mail all inquiries or present in writing to System Manager at above address. Give name and SSN.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Input from official personnel documents (SF-52 and DL-50) and training requests (DL-1-101).

DOL/BLS—2

SYSTEM NAME:

Staff Utilization System

SYSTEM LOCATION:

Records stored on computer at Optimum Systems, Incorporated, Rockville, Maryland. Access and maintenance occur by remote terminal in Room 2059, GAO Building, 441 G Street NW., Washington, D.C. 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular full- and part-time and intermittent employees in the BLS National and Regional Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll, accounting and staff utilization data: name, SSN, grade, and step, cost center, PAS home code, staff hours by PAS code, by function and by task (function and task specified by each office).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

STORAGE:

Magnetic disk pack.

RETRIEVABILITY:

Retrievable by any record element including name and SSN.

SAFEGUARDS:

Data on private disk, accessible only by authorized employees.

RETENTION AND DISPOSAL:

Cumulative file for the last pay period of the fiscal year is stored indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Utilization System (SUS) Manager, Room 2059, GAO Building, 441 G Street NW., Washington, D.C. 20212.

NOTIFICATION PROCEDURE:

Mail all inquiries or present in writing to System Manager at above address. Give name, SSN, and fiscal years of employment.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Input from employees' biweekly Time and Attendance Cards and time distribution forms (DL 1-129, "Project Reporting Form"); SF-52's "Request for Personnel Action."

DOL/BLS—3

SYSTEM NAME:

Regional Office Staff Utilization File.

SYSTEM LOCATION:

Records stored on computer at the National Institutes of Health, Bethesda, Maryland. Access and maintenance is generally by remote terminal in Room 1836, GAO Building, 441 G Street NW., Washington, D.C. 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All BLS Regional Office professional and data collection employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Staff utilization data: name, SSN, pay period, hours worked and units accomplished by PAS code for functions such as personal visit, telephone collection, and training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

None.

STORAGE:

Mag tapes and disks.

RETRIEVABILITY:

By an data field, including name and SSN.

SAFEGUARDS:

Only authorized employees have access to the tapes/disks, to the programs, and to the Regions' backup documents.

RETENTION AND DISPOSAL:

Fiscal year files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Field Collection Activities, room 1834, GAO Building, 441 G Street NW., Washington, D.C. 20212.

NOTIFICATION PROCEDURE:

Mail all inquiries or present in writing to System Management at above address. Give name, SSN and dates of employment.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

"Staff Utilization Report" (form number SO-1) filled out each pay period by each R.O. D/Operations employee (in place of the DL 1-291 "Project Reporting Form")

DOL/ESA—17 [Reserved]

DOL/ESA-2

SYSTEM NAME:

Office of Federal Contract Compliance Programs Complaint Files.

SYSTEM LOCATION:

U.S. Department of Labor, Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210; All Regional and Area Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints of discrimination under Executive Order 11246, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and Section 503 of the Rehabilitation Act of 1973, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal employment information, medical records, investigative reports, employer information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246, as amended; 29 U.S.C. 793; 38 U.S.C. 2012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the Equal Employment Opportunity Commission or Department of Justice for investigatory, conciliation or enforcement purposes; to Federal contractors or subcontractors under applicable internal review procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Diebold Power Files/Magnetic Tape/Manual files.

RETRIEVABILITY:

By name or OFCCP control number.

SAFEGUARDS:

Locked files and computer access codes.

RETENTION AND DISPOSAL:

Active files retained 2-5 years, referred to storage for additional 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OFCCP, 200 Constitution Ave., N.W., Washington, D.C. 20210; Regional and Area Offices.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Individual complainants, employers, co-workers, state rehabilitation agencies, physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with paragraph 3(k)(2) of the Privacy Act, these files have been exempted from sections (d), 4(G), 4(H), and (f) of the Act. The disclosure of information contained in these files may in some circumstances tend to discourage persons who have knowledge of facts and circumstances pertinent to charges from giving statements or co-operating in investigations. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

DOL/ESA-3 [Reserved]
DOL/ESA-4 [Reserved]

DOL/ESA-25

SYSTEM NAME:

Office of Federal Contract Compliance Programs Management Information System (OFCCP/MIS).

SYSTEM LOCATION:

U.S. Department of Labor, Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210; U.S. Department of Health, Education and

Welfare, National Insititute of Health, Building 12A DCRT, Bethesda, Maryland 20014.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints of employment discrimination by federal contractors and individuals who correspond with program officals, managers, and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual complaints, federal procurement (contract) actions, contractor establishment, contractor employment, enforcement/litigation, and correspondence control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246 as amended, Section 503 of the Rehabilitation Act of 1973, as amended and Section 402 of the Vietnam Era Veteran's Readjustment Assistance Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the Equal Employment Opportunity Commission or Department of Justice for investigatory, conciliation or enforcement purposes; to Federal contractors or subcontractors under applicable internal review procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual files for working copies of source documents and magnetic tapes and disks for central computer processing.

RETRIEVABILITY:

Compliants are retrievable by complainant name, OFCCP control number, and contractor establishment number. Correspondence is retrievable by correspondent name, OFCCP control number, and status and action codes. Other data is retrievable by OFCCP control numbers Dunn and Bradstreet Universal Numbering System establishment number, and status and action codes.

SAFEGUARDS:

Files are locked except during working hours and only authorized personnel have access to files. Computer systems are restricted to authorized operators and each subsystem has multiple layers of password protection depending upon sensitivity of data.

RETENTION AND DISPOSAL:

Inactive records retained in system for two years before being purged to history files where they are stored for three years prior to archiving.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURES:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORDS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals, correspondents, federal contractors, Federal Procurement Data Center, OFCCP personnel working in area, regional, and national office organizational components, Solicitor of Labor in regional and national offices, Department of Justice, and Equal Employment Opportunity Commission.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with paragraph 3(k)(2) of the Privacy Act, these files have been exempted from sections (d), 4(G), 4(h) and (f) of the Act. The disclosure of information contained in these files may in some circumstances tend to discourage persons who have knowledge of facts and circumstances pertinent to charges from giving statements or co-operating in investigations. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

DOL/LMSA—1

SYSTEM NAME:

LMSE index cards and case files, Division of Enforcement

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, NW., Room N5416, Washington, DC 20216, all Area Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Union Officers, individuals investigated, and individuals interviewed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Primarily investigative material relating to investigations under the LMRDA–1959 and the Civil Service Reform Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to other Federal, state and local law enforcement agencies, to various congressional committees in the President's Anti-Organized Crime Program including but not limited to reports of investigation, reports of interview and memoranda to investigations and intelligence information.

STORAGE:

Manual file.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Cards are in roladex machine which is locked at night. In addition cards are number-coded so that only an authorized employee can find a desired file.

RETENTION AND DISPOSAL:

Cards are retained indefinitely, files are kept for three years at which time they are sent to Federal Records Center for two years, after which except for those records with historical value, they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Acting Director LMSE, U.S. Department of Labor, 200 Constitution Avenue, Room N5408, Washington, DC 20216.

NOTIFICATION PROCEDURE:

Mail all inquires to Systems Manager at above address.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Information compiled from interviews conducted during investigations, written complaints, and written reports received from other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

A Criminal law enforcement. In accordance with paragraph 3 (j) (2) of the Privacy Act. Information maintained in the system of records consisting of the card index and case files in the Division of Enforcement of the Office of Labor-Management Standards Enforcement which relates to criminal investigations is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c)(l) and (2), (e)(4)(A) through (F), (e)(6) (7) (9) (10) and (11),

and paragraph (i) of the Act. The Division of Enforcement performs activities relating to the enforcement of the criminal provisions of Titles II, V, and VI of the Labor-Management Reporting and Disclosure Act of 1959. As Amended The disclosure of information contained in the criminal investigative files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, or retained would impede significantly the effectiveness of the Division's investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in criminal activity in the labor-management area b. Other Law enforcement. In accordance with paragarph 3(k) (2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Act, which is maintained in the card index and case files of the Division of Enforcement of the Office of Labor-Management Standards Enforcement is exempt from paragraphs (c)(3), (d), (e)(4)(G), (H) and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and, in addition could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected verified, or retained would also impede significantly the effectiveness of the Division's investigatory activities.

DOL/OASAM—1

SYSTEM NAME:

Attendance, Leave, and Payroll File.

SYSTEM LOCATION:

(a) Offices in Washington, DC, (1) Office of the Secretary of Labor, (2) Office of the Solictor of Labor, (3) Office of Information, Publications, and Reports, (4) Bureau of International Affairs, (5) Bureau of Labor Statistics, (6) Employment Standards Administration, (7) Labor-Management Services Administration, (8) Employment and Training Administration, (9) Occupational Safety and health Administration, (10) Employees' Compensation Appeals Board, (11) Wage Appeals Board, (12) Benefits Review Board, (13) Board of Contract Appeals, (14) Office of Administrative Law Judges. (b) Regional Offices of the Above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Labor Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number and employee number, grade, step, and salary, organization (code), retirement or FICA data as applicable. Federal, State, and local tax deductions, as appropriate. IRS tax lien data, savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code, cash award data; jury duty data, military leave data, pay differentials, union dues deductions, allotments, by type and amount, financial institution code and employee account number, leave status and leave data of all types (including annual compensatory jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked, pay period number and ending date, cost of living allowances mailing address; co-owner and/or beneficiary of bonds, martial status and number of dependents, and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes. Tax withholding sent to Internal Revenue Service and appropriate State and local taxing authorities, FICA deductions to the Social Security Administration, dues deductions to labor unions, withholdings for health insurance to the insurance carriers and the U.S. Civil Service Commission, Charity contribution deductions to agents of charitable institutions, annual W-2 statements to taxing authorities and the individual. (When P.L. 93-579 becomes effective, it is anticipated that appropriate statements will be issued to employees, spouse-recipients, and the courts involved).

STORAGE:

Manual, machine-readable and maintainable on mini-computers.

RETRIEVABILITY:

By name and SSN.

SAFEGUARDS:

Personnel screening and locked storage equipment and rooms.

RETENTION AND DISPOSAL:

Retained until after GAO audit, then disposed of or retired to Federal Records Storage Centers.

SYSTEM MANAGER(S) AND ADDRESS:

See the general address provision in the Prefatory Statement.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Employees, supervisors, timekeepers, official personnel records, and IRS.

DOL/ETA—14

SYSTEM NAME:

Job Corpsmember Personnel File

SYSTEM LOCATION:

State Employment Agencies, private contract screening agencies, Job Corps Regional Offices, Job Corps Center, Gatehouse (contract placement), and Federal Records Centers (FRC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job Corps trainees

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete personnel file of each corpsmember with all pertinent papers including pay allowance health, education, vocational training and any correspondence or other documents relating to individual corpsmember status, assignment, promotion, discipline investigation, or course participation

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Economic Opportunity Act of 1964 as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Training and work experience data to state and local welfare agencies, county boards of assistance, potential employers and state, county or private employment agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Locked file cabinet with policy of limited access.

RETRIEVABILITY:

File retrieved only by name.

SAFEGUARDS:

Locked file cabinets with policy of very limited access

RETENTION AND DISPOSAL:

Standard Form 115 has been submitted to GSA/NARS requesting treatment as Federal personnel files under General Records Schedule 1. Item 1.

SYSTEM MANAGER(S) AND ADDRESS:

Corpsmember Records Liaison Officer, Corpsmember Support Unit, Patrick Henry Building, Room 6122, 601 D Street, NW., Washington, DC 20213.

NOTIFICATION PROCEDURE:

Regional Manpower Administration Office, or Systems Manager at above address

RECORD ACCESS PROCEDURES:

Systems Manager at above address.

CONTESTING RECORD PROCEDURES:

Same as access.

RECORD SOURCE CATEGORIES:

Pertinent personnel data received from various employment related sources

DOL/ETA—15

SYSTEM NAME:

DOL/ETA Evaluation or Research Contractors Project Files.

SYSTEM LOCATION:

Individual Contractors' Worksites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vary according to requirements of studies

CATEGORIES OF RECORDS IN THE SYSTEM:

Vary according to requirements of studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Part B, Title III, CETA, Social Security Act, Sec. 441 and 906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To provide a variety of data, personal and otherwise, required by contract researchers or evaluators to carry out the research and evaluation goals of the studies for which they are responsible, these records are used solely for statistical research or evaluation purposes and not used in any way for making any determination about an identifiable individual.

STORAGE:

Files are maintained by the contractors at their sites as folders, tape, punchcards, etc. as appropriate, until the conclusion of the studies and for a limited time following as required by the ETA Systems Manager and address U.S. Department of Labor, Employment and Training Administration, Director, Office of Program Evaluation, Room 9402 or Director, Office of Research and Development Branch, Room 9100, Patrick Henry Building, 601 D Street, NW., Washington, DC 20213.

NOTIFICATION PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES.

As above.

RECORD ACCESS PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Evaluation Contractors, Project Files, Research Contractors' Project Files.

DOL/SOL—7

SYSTEM NAME:

Assignment Record-SOL—7

SYSTEM LOCATION:

SOL Divisional Offices, Washington, D.C.; SOL Regional and Sub-Regional Offices terminals at various locations. DOL computer, GAO Building, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys employed by the Office of the Solicitor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual attorney assignments; identification of cases pending, status of litigated cases, opinions requested, case agency record, and miscellaneous assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Civil Service Reform Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual and computer files.

RETRIEVABILITY:

Name of attorney.

SAFEGUARDS:

Manual files are kept locked. Computer files accessible only through proper code number.

RETENTION AND DISPOSAL:

Records maintained for life of assignment.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitors, Office of the Solicitor, Washington, D.C.; Regional Solicitors and Associate Regional Solicitors at various field locations.

NOTIFICATION PROCEDURE:

See Above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Case files, correspondence files, opinion files, and miscellaneous files.

DOL/MSHA—5 [Reserved]
DOL/MSHA—10

SYSTEM NAME:

Coal Mine Health and Safety Special Investigations

SYSTEM LOCATION:

Office of the Administrator—Coal Mine Safety and Health, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203 and some of the Coal Mine Safety and Health offices (see Appendix for address).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged to have been discriminated against in violation of the Federal Mine Safety and Health Act of 1977 and the Coal Mine Health and Safety Act of 1969.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. This material includes interviews and other confidential data gathered by the investigator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Investigations conducted pursuant to section 105(c) of Public Law 91-173 as amended by Public Law 95-164, 30 U.S.C. 815(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of records are (a) to determine validity of allegations and (b) for use in determining amount of proposed civil penalty assessments against individuals and operators.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual: In manila file folders.

RETRIEVABILITY:

Filed by docket and status of case, indexed by name of mine, docket number, and date of receipt. Retrieved by manual research.

SAFEGUARDS:

Maintained in locked file cabinets. Accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Retained for one year after the case is closed, then transferred to a Federal Records Center where they are retained for 15 years, then destroyed.

DOL/MSHA—19 [Reserved]
DOL/OIG—1

SYSTEM NAME:

General Investigative Files, Case Tracking Files, and Subject/Title Index, USDOL/OIG

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to other Federal, State and local law enforcement agencies for civil or criminal law enforcement agencies for civil or criminal law enforcement, including the Justice Department regarding potential litigation and during the course of actual litigation. These records may be disclosed to other Federal Agencies for hiring or retention of employees; security clearances; letting of contracts; and issuance of licenses, grants or other benefits. The records may be disclosed to participants in the President's Anti-Organized Crime Program, and also as part of any proceeding where the Federal Employees' Compensation Act and related Acts, Longshoremen's and Harbor Workers' Compensation Act and related Acts, title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, is in issue. The records may be disclosed as part of any proceeding in which the Secretary of Labor, or any past or present Federal employee or consultant directly or indirectly involved in investigations or other enforcement activities under the above Acts, is a party or otherwise involved in an official capacity. In addition, records may also be provided to (1) the Merit Protection Board, (2) the Office of Personnel Management, (3) any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual being investigated, inform the source of the nature and purpose of the investigation, and to identify the type of information requested, and (4) disclose, as necessary, to a contractor, subcontractor, or grantee firm or organization to the extent that the disclosure is in USDOL's interest and is relevant and necessary in order that the contractor/subcontractor/grantee is able to take administrative or corrective action.

* * * * *

RETENTION AND DISPOSAL:

Investigative case files are retained for 15 years after completion of the investigation and/or actions based thereon. Index and cross-reference cards are retained permanently. In instances of computer matching of files, only those records which meet predetermined criteria for investigations are maintained. All records which do not meet these criteria are destroyed. All original source computer tapes are returned or destroyed once computer matching has been accomplished.

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DOL/ESA—7

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Benefit Payments File.

SYSTEM LOCATION:

PRC Data Systems Co., 7600 Old Springhouse Road, McLean, Virginia 22101. Operation of ADP system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: CLAIMANTS RECEIVING BENEFITS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, Financial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et. seq., 20 CFR 715.1 et. seq. 30 CFR 720.1 et. seq., 20 CFR 725.1 et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage: State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act: and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Magnetic tapes.

RETRIEVABILITY:

Social Security Number.

SAFEGUARD:

Files located in restricted area of Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Being determined at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Black Lung Benefit Claim Files.

DOL/ESA—8

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Claimant Information File.

SYSTEM LOCATION:

PRC Data Systems, Co., 7600 Old Springhouse Road, McLean, Virginia 22101; Gordon Associates, 1825 K Street, N.W., 9th Floor, Washington, D.C. Operation of ADP system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Black lung claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal (name, date of birth, SSN, type claimant, miner's date of death); demographic (State/county, city, congressional district, zip code, mine employment history, medical disability, initial determination, conference results, hearing results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.5 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation and the Social Security Administration for the purpose of determining offsets as specified under the act; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

9 Track magnetic tape and punched cards.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Located in restricted area of Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Being determined at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Miner Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

District Office Reports, Claim Forms, Claim Files Tracking cards.

DOL/ESA—11

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Service Payments File.

SYSTEM LOCATION:

PRC Data Systems Co., 7600 Old Springhouse Road, McLean, Virginia 22101. Operation of ADP system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants, physicians and medical facilities providing services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical, Personal, Financial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage; State worker's compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Magnetic tapes.

RETRIEVABILITY:

Provider number, claimant's SSN.

SAFEGUARDS:

Files located in restricted area of Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Being determined at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Billings, Claim files, Medical reports.

DOL/ESA—13

SYSTEM NAME:

Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.

SYSTEM LOCATION:

PRC Data Systems Co., 7600 Old Springhouse Road, McLean, Virginia 22101. Operation of ADP system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FECA benefits recipients are Federal employees injured of killed while in the performance of duty. In case of death, beneficiary records are maintained. In addition to Federal employees the FECA covers volunteers in the Civil Air Patrol,

Peace Corps Volunteers, Job Corps Enrollees, Volunteers in Service to America, members of the National Teachers Corps, certain student employees, employees of the Alaska Railroad, members of the Reserve Officers Training Corps, certain Law Enforcement Officers not employed by the United States. Prior to January 1, 1957, the FECA also covered reservists in the Armed Forces of the United States. Also covered various classes of persons who provide or have provided services to the Government of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record includes reports of injury by employee and employing establishment, authorization for medical treatment, medical records, medical and transportation bills, compensation payment records, formal orders for or against payment of compensation, vital statistics such as birth, death and marriage certificates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8101 et seq., 20 CFR 1.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to any third-party named in a claim or representative acting on his/her behalf until the claim is adjudicated and all appeals resolved; Federal agencies which employed the claimant at the time of occurrence or recurrence of the injury or occupational illness; Federal, state of private rehabilitation agencies to whom the claimant has been referred for evaluation of the extent and nature of the disability and/or rehabilitation; physicians making an examination for the United States under 5 U.S.C. 8123(a); medical insurance plans or health and welfare plans which the claimant is covered by in instances when there is evidence of payment by OWCP for treatment of a medical condition which is not compensable; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Case files are maintained in manual files, security case files in locker cabinets, and FECA management information system information is stored on computer discs which are stored in cabinets.

RETRIEVABILITY:

Files are retrieved after identification by coded file number which is cross referenced to employee by name, employing establishment, date and nature of injury. Files located in District Offices are identified by master index file, which is maintained in the National Office.

SAFEGUARDS:

Files are maintained under constant supervision of OWCP personnel during normal working hours—only authorized personnel may handle or disclose any information contained therein. Only personnel having security clearance may handle or process security files. After normal working hours, security files are kept in locked cabinets. All files are maintained in guarded Federal buildings.

RETENTION AND DISPOSAL:

Regular files are retained, retired to Federal Record Centers, and disposed of in accordance with GSA schedule. A schedule has not yet been developed for FECA management information system records. Security files are disposed of by the submitting agency.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, FECA, room S-3229 NDOL, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURES:

As above.

RECORD ACCESS PROCEDURES:

Any individual seeking information about a case in which he/she is a party of interest may write or telephone the OWCP District Office and arrangement will be made to provide review of the file, consonant with restrictions defined as a Routine Use.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Injured employees, beneficiaries, employing Federal agencies, other Federal Agencies, physicians, hospitals, clinics, educational institutions, attorneys, congressmen, OWCP field investigations, state governments.

DOL/ESA—18

SYSTEM NAME:

Farm Labor Contractor Employee File.

SYSTEM LOCATION:

PRC Data Systems Co., 7600 Old Springhouse Road, McLean, Virginia 22101. Coding and tabulating of information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and current members of the Advisory Committee on Sheltered Workshops.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Fair Labor Standards Act, as amended. Advisory Committee on Sheltered Workshops Charter, January 5, 1975.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Biographical information submitted to the Civil Service Commission and the FBI for name checks prior to nomination.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual files.

RETRIEVABILITY:

By member's name.

SAFEGUARDS:

Building security.

RETENTION AND DISPOSAL:

Retained in files 20 years, then offered to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Handicapped Worker Problems, Room S3513, Department of Labor Building, Washington, D.C.

NOTIFICATION PROCEDURE:

Administrator, Wage and Hour Division, 200 Constitution Avenue, Washington, D.C. 20210.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Members, their offices, or other Federal agencies.

DOL/OASAM—18

SYSTEM NAME:

Supervisors' Records of Employees.

SYSTEM LOCATION:

Authorized to be maintained by immediate supervisors and one additional organizational level at all facilities of the Department.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Current employees and employees departed within the past year.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records related to individuals while employed by the Department and contain such information as: emergency addressee information; record of personnel actions; record of employee/supervisor discussions; supervisory copies of officially recommended actions such as personnel actions, awards, disciplinary actions, and training requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, Reorganization Plan 6 of 1950, and the Civil Service Reform Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The employee record is used as a source of data to initiate requests for personnel actions, to plan and schedule training, to counsel employees on their performance, to establish a basis for proposing commendations or disciplinary actions, and to carry out their personnel management responsibilities in general. (2) To complete reference checks or supervisory appraisals. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained on SF-7B computer print-outs, and other appropriate forms.

RETRIEVABILITY:

Records are indexed by any combination of name or Social Security Account Number.

SAFEGUARDS:

Maintained by a supervisor in locked cabinets or desks.

RETENTION AND DISPOSAL:

Records are maintained on current employees. Records on former employees are kept for one year, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

All supervisors having responsibility for performance evaluations.

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him by contacting his supervisor and/or the Personnel Office who services the installation where the employee is (or was) employed.

RECORD ACCESS PROCEDURES:

Requests for access to records should be addressed to the requester's supervisor and/or the Personnel Office servicing the installation where the employee is (or was) employed.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

[FR Doc. 81-5091 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-8935]

American Steel Corp., Detroit, Mich.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on June 23, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the American Steel Corporation, Detroit, Michigan. Workers at the company produce coated steel coils.

Coated steel coils are included in the import and production category Metallic Coated Steel Sheets. U.S. imports of metallic coated steel sheets declined both absolutely and relative to domestic shipments in 1979 compared to 1978, and in the first nine months of 1980 compared to the same period in 1979.

Sales, production and employment increased at the American Steel Corporation in 1979 compared to 1978.

American Steel is a wholly owned subsidiary of the National Steel Corporation. Units of National Steel ship steel coils to American Steel, where they are processed (pickled, coated and split) according to customer specifications. The processed steel coils are then either shipped back to the National Steel units or are sold to outside customers.

Coated steel coils that are shipped to outside customers are predominantly sold to domestic automobile manufacturers. A Department of Labor survey of domestic automobile manufacturers revealed that the firms representing the majority of purchases either did not purchase imported coated steel coils or decreased their purchases of coated steel coils in model year 1980 compared to 1979, and in model year 1981 compared to 1980.

The remainder of the steel coils are shipped to other units of National Steel. National Steel does not import steel coils. None of the workers engaged in steel production at any of National Steel's plants are currently certified as eligible to apply for adjustment assistance benefits.

Conclusion

After careful review, I determine that all workers of the American Steel Corporation, Detroit, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-5156 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8012, 8122]

Armco, Inc., Union Wire Rope Plant, Kansas City Works, Kansas City, Mo.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales of production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on May 19, 1980 in response to petitions which were filed by the United Steelworkers of America on behalf of workers at the Union Wire Rope Plant (TA-W-8012) and the Kansas City Works (TA-W-8122) of Armco, Incorporated, Kansas City, Missouri. The workers produce hot rolled carbon steel bars, wire rod and wire products, reinforcing bars and fasteners.

The investigation revealed that criterion (3) has not been met.

The Department of Labor conducted a survey of customers of Armco's Kansas City facility (including both the Kansas City Works and the Union Wire Rope plant). Responses to the survey can be divided into three groups according to product lines.

Hot Rolled Bars and Reinforcing Bars

None of the customers responding to the survey reduced purchases from Armco and increased purchases of imported hot rolled bars or reinforcing bars in 1979 compared to 1978 or in the first six months of 1980 compared to the same period of 1979.

U.S. imports of hot rolled bars decreased both absolutely and relative to domestic production in 1979 compared to 1978. Some of the hot rolled bars produced at Armco's Kansas City facility are further processed into grinding media at that plant. U.S. imports of grinding media decreased both absolutely and relative to domestic production in the first nine months of 1980. U.S. imports of reinforcing bars decreased both absolutely and relative to domestic production in the first nine months of 1980 compared to the same period of 1979. The ratio of imports to domestic production of grinding media was less than five percent in every year from 1975 through 1979 and in the first nine months of 1980 compared to the same period of 1979. The ratio of imports of reinforcing bars to domestic production was five percent or less in every year from 1975 through 1979 and in the first nine months of 1980.

Wire Rods and Wire Products

None of the customers responding to the survey reduced purchases from Armco and increased purchases of wire rod or wire products in 1979 compared to 1978. Those customers who reduced purchases from Armco and from other domestic sources and who increased purchases of imported wire rod and wire products, in the first six months of 1980 compared to the same period in 1979, did not account for a significant proportion of Amrco's sales of these products.

U.S. imports of carbon steel wire rod and carbon steel wire declined both absolutely and relative to domestic production in 1979 compared to 1978. U.S. imports declined absolutely in the first nine months of 1980 compared to the same period in 1979.

Fasteners

All of the customers who responded to the survey who reduced purchases of fasteners from Armco and increased purchases of imported fasteners in 1979 compared to 1978 or in the first six months of 1980 compared to the first six months of 1979 also increased purchases from other domestic sources during that same time period.

U.S. imports of industrial fasteners decreased both absolutely and relative to domestic production in 1979 compared to 1978. U.S. imports decreased absolutely in the first nine months of 1980 compared to the same period in 1979.

Conclusion

After careful review, I detemine that all workers of the Union Wire Rope Plant (TA-W-8012) and the Kansas City Works (TA-W-8122) of Armco, Incorporated, Kansas City, Missouri are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-5157 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8879]

Korelle Industries, Inc., Avenel, N.J.; Negative Determination Regarding Application for Reconsideration

By an application dated December 23, 1980, counsel for the workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing plastic coated products for women's shoes and handbags at Korelle Industries' plant in Avenel, New Jersey. The Determination was published in the **Federal Register** on December 5, 1980 (45 FR 80601).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel for the workers claims that the Department's survey was deficient since no mention was made as to whether Korelle's customers purchased other directly-competitive products, such as imported leather. Counsel also claims that the Trade Act of 1974 does not require a survey of the applicant's customers and asserts that prima facie evidence that the workers are certifiable is the fact that Korelle was certified for firm adjustment by the Department of Commerce.

The Department's review showed that the petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of Korelle's major customers showed that none reported buying any imported coated fabric in 1978, 1979 or the first six months of 1980.

With respect of counsel's claim concerning the Department's customer survey, it should be noted that increased imports and declines in sales, production and employment are insufficient in themselves for the

Secretary of Labor to issue a certification of eligibility for trade adjustment assistance. Section 222(3) of the Act states that increased imports must have contributed importantly to the worker separations and this is normally demonstrated through the Department's survey of customers of the workers' firm. The evaluation of Korelle's customers' activities should provide the best evidence, in conjunction with aggregate import data, to determine if increased competitive imports contributed importantly to worker separations and declines in sales and/or production at Korelle Industries, Inc.

The Department does not agree with Counsel's claim that because a firm is certified for trade adjustment assistance by the Department of Commerce, then its workers should be certified by the Department of Labor, especially when the two investigations covered different time periods. The Department notes that the Korelle firm was certified for trade adjustment assistance on February 2, 1979 based primarily on a survey in the 1977–78 period. The Department's denial of workers at Korelle was based on a customer survey covering 1978, 1979 and the first six months of 1980. Only one of the customers surveyed by the Department of Commerce was surveyed during the Department of Labor's investigation. The others stopped doing business with Korelle in 1978 prior to the earliest possible impact date.

The Department notes that imports of tanned cattle hides, also used in the production of women's shoes and handbags, decreased both absolutely and relative to domestic production in the first nine months in 1980 compared to the same period in 1979 and decreased absolutely in 1979 compared to 1978. The ratio of imports to domestic production for the first nine months of 1980 was 12.0 percent, down from 13.8 percent for the first nine months of 1979.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 3rd day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-5158 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9389, TA-W-9584]

Mack Trucks, Inc., Parts and Service Division, Bridgewater, New Jersey, and Sales and Service Branch, St. Louis, Missouri; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on July 21, 1980 in response to a petition which was filed on behalf of workers at the Bridgewater, New Jersey facility of the Parts and Service Division of Mack Trucks, Incorporated (TA-W-9389). On July 28, 1980 a second investigation was initiated in response to a petition which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers at the St. Louis, Missouri Sales and Service Branch of Mack Trucks, Incorporated (TA-W-9584). Workers at the Bridgewater, New Jersey facility are engaged in the distribution of truck parts. Workers at the St. Louis, Missouri facility are engaged in the sale and service of heavy-duty trucks and the sale of truck parts.

With respect to the Bridgewater, New Jersey facility of the Parts and Service Division of Mack Trucks, Incorporated, the investigation revealed that criterion (3) has not been met.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall*, 608 F. 2d 525 (1st Cir. 1979). However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

The petitioners allege that increased imports of trucks have contributed importantly to decline in sales, production and employment at the Bridgewater, New Jersey facility of the Parts and Service Division of Mack Trucks, Incorporated. The Bridgewater facility distributes parts to the replacement market. Therefore, workers at the Bridgewater, New Jersey facility are not integrated into the production of trucks at Mack Trucks, Incorporated.

The Bridgewater, New Jersey facility of Mack Trucks, Incorporated distributes truck parts to the replacement market. The majority of the parts sold by the Bridgewater facility are acquired from outside vendors, rather than from parts manufacturing plants of Mack. Imports by Bridgewater accounted for a relatively small percentage of sales of parts at that facility in 1978, 1979 and the first 6 months of 1980.

A major layoff occurred at the Bridgewater, New Jersey facility in October 1979 due to the opening of a new Mack distribution center in Baltimore, Maryland. This resulted in the transfer of some business from the Bridgewater facility to the new center.

Layoffs at the Bridgewater facility in 1980 can be attributed to two major factors. The recent decline in the sale of finished heavy-duty trucks has adversely affected sales of truck parts. A second development which has decreased the sale of truck parts is the practice by customers of taking parts from idle trucks in their fleet to service trucks which are in use and need replacement parts. This practice by customers of obtaining spare parts from idle trucks in their fleet rather than purchasing new spare parts from suppliers is common during times of adverse economic conditions.

With respect to the St. Louis, Missouri Sales and Service Branch of Mack Trucks, Incorporated, the investigation

revealed that criterion (3) has not been met.

Total sales by the St. Louis Sales and Service Branch increased significantly in value in 1979 from 1978. Sales of heavy-duty trucks by the St. Louis facility increased in quantity and value in 1979 from 1978.

The sale of heavy-duty trucks accounts for the majority of total sales by the St. Louis Sales and Service Branch of Mack Trucks, Incorporated. The decline in truck sales accounted for nearly all of the total sales decline experienced by the St. Louis facility in the first six months of 1980.

U.S. imports of heavy-duty trucks declined in quantity absolutely and relative to domestic shipments in the first nine months of 1980 compared to the same period in 1979. U.S. exports of heavy-duty trucks significantly exceeded U.S. imports during the 1975 September 1980 period. Imports amounted to a small portion of total domestic shipments of heavy-duty trucks during this period.

Conclusion

After careful review, I determine that all workers of the Bridgewater, New Jersey facility of the Parts and Service Division of Mack Trucks, Incorporated and all workers of the St. Louis, Missouri Sales and Service Branch of Mack Trucks, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-5159 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8686]

TRW, Inc., Carr Division, Knoxville, Tennessee; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on June 9, 1980 in response to a petition which was filed on behalf of workers at Knoxville, Tennessee plant of Carr Division of TRW, Inc. the petitioning workers produce electrical relays.

The investigation revealed that criterion (3) has not been met.

Sales and production of electrical relays increased at the Knoxville plant in 1979 compared to 1978.

Average employment of workers engaged in the production of electrical relays at the Knoxville plant increased in 1979 compared to 1978.

All of the electrical relays produced at the Knoxville plant were sold to domestic automobile manufacturers for use in automobile rear window defrosters. Initially, TRW manufactured these relays exclusively at its Canadian subsidiary, United Carr of Canada, Ltd. In 1976, production of the relays was initiated at the Knoxville plant to fill orders in excess of the Canadian subsidiary's capacity. When relay orders from the automobile manufacturers declined in 1980, TRW consolidated relay production at United Carr of Canada and shutdown the relay operation at the Knoxville plant. The Knoxville plant at peak production represented a small portion of TRW's total production of electrical relays.

The petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at the Knoxville plant.

Athough imported automobiles incorporate electrical relays, imports of the whole product are not like or directly competitive with their component parts. Imports of electrical relays must be considered in determining import injury to workers producing electrical relays at the Knoxville plant.

A Department of Labor survey of domestic automobile manufacturers revealed that the manufacturers that purchased the predominant portion of the electrical relays produced at the Knoxville plant did not purchase imported electrical switches and relays. Surveys manufacturers that increased purchases of imported electrical switches and relays, also increased purchases of domestically produced relays and switches in the first four months of 1980 compared to the same period in 1979.

Conclusion

After careful review, I determine that all workers of Knoxville, Tennessee plant of the Carr Division of TRW, Incorporated, engaged in employment related to the production of electrical relays are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-5160 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7456]

Cyclops Corp., Empire Steel Division, Portsmouth, Ohio; Affirmative Determination Regarding Application for Reconsideration

In a meeting with the U.S. Department of Labor, Washington, D.C., after being granted a filing extension, the company and union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers of the Portsmouth, Ohio facility of the Empire Steel Division of the Cyclops Corporation. The determination was published in the **Federal Register** on October 31, 1980, (45 FR 72363).

The company and the union claimed that the Department's denial did not address Portmouth's pig iron production and how Brazilian imports of pig iron took away the pig iron market from the Portsmouth facility.

Conclusion

After review of the application, I conclude that the company's and union'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 4th day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-5233 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension Welfare Benefit Programs

Proposed Class Exemption To Permit Payment of Compensation to Plan Fiduciaries for the Provision of Securities Lending Services; Extension of Comment Period

AGENCY: Department of Labor.

ACTION: Notice of Extention of Comment Period.

SUMMARY: The Department of Labor (the Department) is extending the comment period on the proposed class exemption which would, if granted, permit certain compensation arrangements for the provision of securities lending services by a plan fiduciary to an employee benefit plan. The notice of the proposed class exemption was published in the **Federal Register** at 46 FR 7518 (January 23, 1981). This action is being taken in view of requests by certain members of the public that additional time to prepare comments be provided to them, and in view of the importance of the proposed class exemption.

DATE: The comment period is extended through March 25, 1981.

ADDRESSES: Written comments on the proposed class exemption (preferably three copies) should be addressed to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, attention: "Securities Lending Services."

FOR FURTHER INFORMATION CONTACT: Shelby J. Hoover, Esq., Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W. Room C-4508 Washington, D.C. 20210, (202) 523-9594. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On January 23, 1981 the Department issued a notice of pendency before the Department of a proposed class exemption from the prohibitions of section 406(b)(1) of the Employee Retirement Income Security Act of 1974 and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954, as amended, and, in that notice, invited all interested persons to submit, on or before February 23, 1981, written data, views or arguments concerning the proposed class exemption. The proposed class exemption, if granted, will permit certain compensation arrangements for the provision of securities lending services by a plan fiduciary to an employee benefit plan, if the conditions of the proposed exemption are met. If granted, the proposed exemption will affect participants and beneficiaries of employee benefit plans, and fiduciaries who provide securities lending services to such plans.

The Department has received requests from certain members of the public that the comment period in this matter be extended to March 25, 1981. The requesting parties state that they need additional time to prepare comments, and the Department believes that it is appropriate to grant such additional time. Accordingly, the Department is extending the comment period through March 25, 1981.

Notice of Extension of Comment Period

Notice is hereby given that the period of time for the submission of public comments on the proposed class exemption to permit payment of compensation to plan fiduciaries for the provision of securities lending services set forth in the notice at 46 FR 7518 (January 23, 1981) is hereby extended through March 25, 1981.

All interested persons are invited to submit written data, views or arguments concerning the class exemption proposed in the notice at 46 FR 7518 (January 23, 1981) on or before March 25, 1981.

These comments should be submitted, preferably three copies, to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W. Washington, D.C. 20216, Attention: Securities Lending Services".

Signed at Washington, D.C. this 5th day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-4974 Filed 2-10-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-7]

Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts

Correction

In FR Doc. 81-2585, published at page 7520, on Friday, January 23, 1981, on page 7526, in the third column, in the second full paragraph, in the first line "(b) the plan pays more" should be corrected to read "(b) the plan pays no more".

BILLING CODE 1505-01-M

[Application No. D-1931]

Proposed Exemption for Certain Transactions Involving the ABC Freight Forwarding Corp. Employees Profit Sharing Plan and Trust, Located in New York City, New York

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale by the ABC Freight Forwarding Corporation Employees Profit Sharing Plan and Trust (the Plan) of the stock (the Stock) of Paramount Freight Handling, Inc. (Paramount) and Paramount Freight Handling of North Carolina, Inc. (Paramount of North Carolina) to the ABC Freight Forwarding Corporation (the Employer). The proposed exemption, if granted, would affect participants and beneficiaries of the Plan and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before March 25, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1931. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through

(E) of the Code. The proposed exemption was requested in an application filed by the trustees (the Trustees) of the Plan pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a profit sharing plan qualified under Section 401(a) of the Code. The Employer permanently discontinued all contributions to the Plan as of December 11, 1973. A favorable determination letter from the Internal Revenue Service was issued with respect to such termination on August 27, 1974. The Plan's trust fund is being liquidated by distributions made to employees upon their retirement, death or termination of employment.

2. In 1956, a major shareholder of the Employer sold to the Plan all of the issued and outstanding stock of Paramount for a price of $200,000. Paramount is a shipper's agenti operating in the New York City area. In 1974, Paramount decided to expand its operations into North Carolina and Paramount of North Carolina was organized as an independent company owned by the Plan. Paramount paid a cash dividend to the Plan that was used for the purpose of organizing Paramount of North Carolina.

3. As of December 31, 1977, the value on the books of the Plan of the Stock was $516,255.72, constituted 36.93% of the total Plan assets of $1,397,945.84. On January 25, 1979, the Manufacturer's Appraisal Company of Philadelphia, Pennsylvania represented that the fair market value of the Stock was $400,000.

4. On May 22, 1979 (44 FR 29760) the Department granted an exemption (Exemption 79-20) which permitted the sale of the Stock by the Plan to the Employer for an amount not less than the greater of either $516,255 or the fair market value of the Stock at the time of the sale. After the Department issued Exemption 79-20 the Trustees became aware of the existence of a claim (the NYC Claim) asserted by The City of New York, in the amount of $264,304 against Neptune World Wide Moving Inc. (Neptune) with respect to Neptune's deferred maintenance obligation under a lease between The City of New York, as landlord, and Neptune, as tenant, relating to facilities at Pier 63. The Pier 63 facilities were subleased by Neptune as sublandlord, to Paramount, as subtenant, and Neptune has asserted that pursuant to the terms of such sublease, Paramount is responsible or potentially responsible for payment of $251,320 of the NYC Claim. Neptune acknowledges that it is responsible for $12,984 of the NYC Claim. The Trustees did not become aware of the existence of the NYC Claim until June of 1979. It now appears that the NYC Claim may not be covered by insurance maintained by Paramount.

5. In light of the existence of the NYC Claim, the Employer is unwilling to purchase the stock of Paramount and Paramount of North Carolina without accruing the amount of the NYC Claim as a liability of Paramount and making a corresponding reduction in the purchase price that the Employer will pay for Stock. However, the Trustees are unwilling to reduce the purchase price by the full amount of the NYC Claim because they believe that there is a reasonable prospect of Paramount paying less than the full amount of the NYC Claim if such claim is defended by Paramount. Accordingly, the Trustees and the Employer are willing to proceed with settlement of the purchase by the Employer of the Stock in accordance with the representation and the provisions of Exemption 79-20 subject to the following modification:

6. At settlement of the purchase by the Employer of the Stock, the amount of the purchase price payable by the employer to the Plan will be determined in accordance with the representations and provisions of Exemption 79-20 and its underlying application, including the adjustment thereof to take into account any increases in the net worth of Paramount and Paramount of North Carolina between June 30, 1977 and the date of the most recent audit of the two Paramount corporations, but without accruing any liability for the NYC Claim. Promptly after the settlement of such purchase, the financial statements of the two Paramount corporations will be audited as of the settlement date and after completion of such audit, the Employer will pay to the Plan in cash the amount (if any) of the increase in the net worth of the two Paramount corporations between June 30, 1977 and the settlement date.

7. At settlement, the Employer shall pay to the Plan an amount (the Initial Payment) in cash equal to the entire purchase price determined on the settlement date less an amount (the Contingent Amount) equal to $251,320 (the amount) of the NYC Claim) less the amount (the Tax Savings Amount) of federal, state and local income tax savings that would be achieved by the Employer if such amount of $251,320 was deducted for income tax purposes in the year in which settlement of such purchase occurs, including any carry-back loss deductions for prior tax years. However, in no event may the Final price (Initial Payment less amount of NYC Claim) be less than $400,000. If settlement of such purchase had been held in 1979, the Tax Savings Amount to the Employer would have been approximately $34,000.

8. After the amount of the NYC Claim has been finally determined, the Employer shall pay to the Plan an amount (the Additional Payment) equal to the Contingent Amount less the amount (the Final Claim Payment) of the NYC Claim so determined to be payable to the City of New York plus the Tax Savings Amount based upon the Final Claim Payment but computed as if the Final Claim Payment is deducted by Paramount for income tax purposes (on a separate return basis) in the year in which the amount of the Final Claim Payment is so determined. The only asset of the Plan that may be used to satisfy the Final Claim Payment is the Stock. The portion of the Contingent Amount payable to the Plan will be payable within thirty (30) days after the amount of the NYC Claim has been finally determined by a court adjudication or a settlement approved by the Plan. The Plan will have the right to make all decisions with respect to the defense of the NYC Claim, including engagement of attorneys and settlement arrangements. All legal fees incurred in the defense of the NYC Claim will be paid by the Plan.

9. At the time of payment by the Employer to the Plan of the Additional Payment, ABC shall also pay to the Plan interest at a rate (the Closing Date Interest Rate) on the Additional Payment computed from the date of the settlement of the purchase by the Employer of the Paramount stock to the date of payment by the Employer to the Plan of the Additional Payment. The Closing Date Interest Rate shall be the interest rate paid by the United States Treasury Department on two-year Treasury notes as determined by the auction sale thereof immediately prior to the date of settlement of such purchase

of the Paramount stock. The two-year period was arrived at by agreement between the Trustees who are not shareholders of the Employer and the Employer after receipt by the Plan of a letter from the plan's legal counsel estimating a period of two years for settlement of the NYC Claim.

10. As security for payment of the Additional Payment and interest thereon, the Employer shall deliver to the Plan at settlement of the purchase of the Stock an irrevocable letter of credit from Citibank, Chemical Bank or another recognized banking institution situated in New York City in the amount of the Contingent Amount plus interest that would be payable on the full amount thereof for a period of two years at the Closing Date Interest Rate. Such letter of credit may be drawn upon by written notice by the Plan to the Bank that the amount of the NYC Claim has been finally determined and an additional amount has become payable to the Plan pursuant to the aforementioned terms. If the amount of the NYC Claim is not finally determined prior to the expiration date of such letter of credit, the term of the letter of credit will be renewed and if the term of such letter of credit is not renewed at least 30 days before its expiration date, the letter of credit may be drawn upon by the Plan to assure that funds will be available to pay the additional amount owed to the Plan.

11. In summary, the applicants represent that the proposed sale of the Stock will satisfy the statutory criteria of section 408(a) of the Act as follows: (1) the Plan must sell the Stock in order to continue the liquidation of its assets; (2) the Trustees of the Plan represent that the proposed sale is in the best interests of the plan; and (3) the Plan will receive a final price at least equal to the appraised value of the Stock.

Notice to Interested Persons

All Plan participants and beneficiaries will be notified by letter containing a copy of the notice of pendency of the proposed exemption as published in the **Federal Register**. Such notification will be distributed to all participants in the Plan, including terminated employees and beneficiaries, either by personal delivery or by first class mail no later than 10 days after notice of pendency is published in the **Federal Register**.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be make a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by sections 4975 (a) and (b) of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale of the Stock by the Plan to the Employer for the greater of either $400,000 or the fair market value of the Sock at the time of sale but subject to the settlement as described herein for the NYC Claim.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 6th day of February, 1981.

Iran D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-5130 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2115]

Proposed Exemption for Certain Transactions Involving the Handy-Andy, Inc., Profit-sharing Plan and Trust Located in San Antonio, Texas

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption form certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt, effective October 8, 1980: (1) the sale of 22,597 shares (the Plan Shares) of the common stock of Handy-Andy, Inc. (the Stock) owned by the Handy-Andy, Inc. Profit Sharing Plan and Trust (the Plan) to Handy-Andy, Inc., the sponsor of the Plan; and (2) the extension of credit by the Plan to Handy-Andy, Inc. to fund such sale. The proposed exemption, if granted would affect Handy-Andy, Inc., the participants and beneficiaries of the Plan and other persons participating in the transaction.

DATES: Written comments and requests for a pulic hearing must be received by the Department on or before March 25, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2115. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, Telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees of the Plan (the Trustees), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan which was terminated on May 1, 1978. The Plan had been terminated to the extent that no further contributions shall be made by Handy-Andy, Inc. and the Plan will continue only as a liquidation trust disbursing benefits as they come due. As of April 30, 1979, the Plan has assets of $3,245,889 and approximately 866 participants. The Trustees are John Carlson, George Tamez, Tal Simmons, Robert Hurla, Howard Saasthoff and Robert Thompson. All of the Trustees are employees of Handy-Andy, Inc. The only Trustee who is a shareholder of Handy-Andy, Inc. is Tal Simmons who own 31 shares of the Stock.

2. Handy-Andy, Inc. is a closely held corporation engaged in the retail grocery business in southern Texas. There is no public trading market for the Stock. The Stock has not paid a dividend since 1975 and the payment of future dividend is limited by the terms of Handy-Andy, Inc.'s loan agreements with its lenders.

3. As of August 25, 1980, there were 202,901 shares of the Stock issued and outstanding. Of these 202,901 shares, 150,191 shares (the Trust Shares) were owned by the Texas Trust Co. which holds these share as a trustee for the benefit of the six children of Mr. Norris Jaffe, a director of Handy-Andy, Inc. The Plan Shares and 30,113 shares owned by public shareholders (the Public Shares) comprise the remainder of the issued and outstanding Stock.

4. On September 29, 1980, a shareholder meeting was held to vote on a proposed merger (the Merger) between Handy-Andy, Inc. (Handy-Andy, Inc. to be the surviving corporation) and New Handy-Andy, Inc., a corporation formed for the purpose of the Merger. Although state law and the certificate of incorporation of Handy-Andy, Inc. would permit Texas Trust Co., as the holder of the majority of the Stock to approve and consummate the merger without the approval of any other stockholder, Texas Trust Co. agreed (the Agreement) not to vote in favor of the Merger unless it was approved by the Plan and the majority of the shareholders of the Public Shares. At this shareholder meeting, shareholders representing 25,149 Public Shares voted. The shareholders who voted the 25,149 Public Shares were parties unrelated to the Plan or Handy-Andy, Inc., with the exception of shareholders representing 873 shares who were employees of Handy-Andy, Inc. Shareholders representing 22,560 Public Shares voted for the Merger. Shareholders representing 1,698 Public Shares voted against the Merger and shareholders representing 145 Public Shares abstained. Two Shareholders representing 746 Public Shares exercised their righty of appraisal. The Plan voted its shares in favor of the Merger. In accordance with the Agreement, Texas Trust Co. voted the Trust Shares in favor of the Merger. The Merger took place on October 8, 1980.

5. Prior to the Trustees voting the Plan Shares in favor of the Merger, the Trustees had obtained an appraisal of the Stock performed by an independent appraiser, the First Southwest Company (First Southwest) located in Dallas, Texas. First Southwest representing that as of August 20, 1979, the value of the Stock was $26.66 per share.

6. Pursuant to terms of the Merger, Texas Trust Co. will receive on a share for share basis, one share of stock in the post Merger corporation for each Trust Share it owned in Handy-Andy, Inc. In pertinent part, the terms of the Merger were as follows for the holders of the Plan Shares and the Public Shares. For each share of the Stock held, the holder of Plan shares or Public Shares would receive $27 to be paid as follows: 25% of the total amount due to be paid in cash and 75% to be represented by a subordinated unsecured debt instrument (the Debenture) of Handy-Andy, Inc. payable in equal annual installments over 10 years with interest on the unpaid balance computed at 10% per annum. The Debenture will be held under a Trust Indenture Agreement (the Indenture) between Handy-Andy, Inc. and the National Bank of Commerce of San Antonio, Texas (NBC), and independent entity.

7. The Indenture between Handy-Andy, Inc. and NBC provides that Handy-Andy, Inc. will deposit with NBC, at least one business day before the principal and interest payments are due, cash sufficient to pay the principal and interest on the Debenture. Further, Handy-Andy, Inc. is required to provide to NBC an annual review certificate stating that Handy-Andy, Inc. has performed all of its obligations under the Indenture and that no default exists.

8. The Indenture provides that on the happending of specified events or default, either NBC, or the holders of not less than 50% in aggregate principal amount of the Debenture outstanding, may declare the entire unpaid principal balance of the Debenture to be immediately due and payable. Further, if such default continues for a period of 30 days, NBC may require Handy-Andy, Inc. to pay NBC the whole amount of the principal, interest and costs of collection. Finally, NBC has the right and authority to sue Handy-Andy, Inc., in its own name, on behalf of the holders of the Debenture to enforce the obligations of the Handy-Andy, Inc. These powers and remedies are cumulative in addition to any other rights and remedies that NBC or the holders of the Debenture may have under law. NBC is required by the Indenture to notify the holders of the Debenture within 90 days of its knowledge of a default.

The holders of a majority in aggregate principal amount of the Debenture at any particular time, may remove NBC and appoint a successor trustee. The holders of not less than 66-⅔% in

aggregate principal amount of the Debenture may consent, with Handy-Andy, Inc. to an amendment to the Indenture, or the issuance of supplemental indentures; however, no supplemental indenture may extend the time of payment of the Debenture, reduce the amount due or reduce the amount of the interest rate, without the consent of the holders of the Debenture.

9. The Trustees represent that if the Plan had not tendered the Stock in the Merger, the Plan would not be able to meet the current obligations due the Plan's participants.

10. In summary, the Trustees represent that the financed sale of the Plan Shares by the Plan to Handy-Andy, Inc. met the criteria of section 408(a) of the Act because: (1) the Trustees represent that the transaction was in the best interests of the Plan; (2) without the sale the Plan would have been unable to meet the current obligations due its participants; (3) the Trustees represent that the Plan received at least the fair market value of the Stock as determined by an independent appraisal; (4) holders of Public Shares were given the opportunity to tender their shares in the Merger with the same terms as those offered to the holders of the Plan Shares and in large majority, voted to tender their shares; (5) no public trading market existed in which the Plan Shares could alternatively have been sold; and (6) the continuing rights of the Plan in the transaction will be protected by an independent party.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register**, a copy of the notice of pendency will be placed in the pay envelope of all active employees of Handy-Andy, Inc. and mailed to any other participants or beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(B)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply, effective October 8, 1980 to: (1) the sale of the Plan Shares of the Stock by the Plan to Handy-Andy, Inc. provided that the Plan received at least the fair market value of the Plan Shares at the time of sale; and (2) the extension of credit by the Plan to Handy-Andy, Inc. to fund such sale provided that the terms of the extension of credit were at least as favorable to the Plan as those the Plan would have received in a transaction with an unrelated party at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately described all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 9th day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-5131 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2243]

Proposed Exemption for Certain Transactions Involving the Employees' Profit Sharing Plan and Trust of Packaging Consultants, Inc., Located in Hazelwood, Missouri

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a parcel of undeveloped real property owned by the Employees' Profit Sharing Plan and Trust of Packaging Consultants, Inc. (the Plan) to Mr. Paul Lorenzini, a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Mr. Lorenzini, the participants, and beneficiaries of the Plan.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before March 30, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2243. The application for exemption

and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The Proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act an section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined contribution profit sharing plan which had, as of August 31, 1980, a total of 43 participants. As of December 31, 1979, the Plan had net assets of approximately $1,236,972.

2. On May 31, 1978, the Plan acquired a 23.674 acre parcel of unimproved real property (the Property) from unrelated third parties. The purchase price of the Property was $426,153 including closing costs. Presently, the Property has 10 acres planted with soy beans. The Plan shall receive one half of any net proceeds of that crop from the unrelated parties who are farming those acres. The Plan trustees expect the financial yield from this present use to be negligible. The Property has been and continues to be a low income producing Plan asset. Development of the Property for higher income would require either a substantial sum of money in excess of the financial ability of the Plan, or significant debt financing. The Plan trustees have decided that the sale of the Property for a fair price with the subsequent reinvestment of the sale proceeds into income producing assets with an established market would provide the Plan a satisfactory rate of return and liquidity.

3. The Property, which comprised 45.9% of the total Plan assets as of December 31, 1979, has had two separate appraisals. The first appraisal, dated September 10, 1980, was prepared by Thomas J. O'Toole, M.A.I. of St. Louis, Missouri. He valued the property at $620,000. The second appraisal dated October 1, 1980, was prepared by Real Estate Analysts Limited of St. Louis, Missouri. The value of the property was determined to be $568,000. Both appraisals were completed by parties independent of the Plan or any parties in interest.

4. Attempts have been made to sell the property, but there have been no offers. An exclusive listing of the Property was given to Harold W. Wipke Realty, Inc, on May 25, 1980. The Property was also advertised for sale in local newspapers on March 22 and 23, April 1 and 2, and April 9 and 10, 1980.

5. One of the three trustees, Mr. Paul Lorenzini, has offered to purchase the Property from the Plan at a price above the appaised value. The terms of the proposed sale would be cash and the price would be $690,000. The would be no sales commission paid as a result of the sale. At the time the Property was acquired, the trustees hoped to eventually sell the Property at a profit. A sale of the Property to a party in interest was not anticipated.

6. The applicant represents that if the Internal Revenue Service determines that the excess of the sales price of the Property over the fair market value is an employer contribution, the contribution will not cause the plan to violate the limitation on annual additions as set forth in section 415 of the Code.

7. In summary, the applicant represents that the proposed sale of the Property by the plan to Mr. Lorenzini satisfies the criteria of section 408(a) of the Act because: (1) the sale is a one time transaction for cash; (2) the sale will allow the Plan to dispose of an asset which is producing little income; (3) the purchase price is substantially higher than the appraised fair market value; (4) no sales commission will be charged; (5) the Plan would gain substantial liquidity at the loss of a low income producing asset which comprises approximately 45 percent of total Plan assets; (6) the trustees have determined that the transaction is appropriate for the Plan and is in the best interest of the Plan's participants and beneficiaries.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a), 404, and 415.

Notice to Interested Persons

Within fifteen days of publication of the proposed exemption in the **Federal Register**, all participants and beneficiaries of the Plan will receive by first class mail delivery a copy of the notice of pendency and a statement that interested persons have a right to request that a hearing be held.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the Plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the

Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiares of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of selection 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the $690,000 cash sale by the Plan of the Property, located on the east side of Woods Mill Road, 1,161 feet south of Clayton Road in St. Louis County, Missouri, to the co-trustee of the Plan, provided this amount is not less than the fair market value of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 9th day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-3132 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2047]

Proposed Exemption for Certain Transactions Involving the Simkins Industries, Inc. Master Trust, Located in New Haven, Connecticut

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt a series of loans by the Simkins Industries, Inc. Master Trust (the Trust) to Simkins Industries, Inc. (the Employer), a party in interest with respect to the Trust. The proposed exemption, if granted, would affect the participants and beneficiaries of the Trust, and the Employer.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 14, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2047. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Temporary Nature of the Exemption

The proposed exemption is temporary and, if granted, will expire five years after the date of grant with respect to the making of any loan, and will expire ten years after the date of grant with respect to the Trust's continued holding of any loan obligations. Should the applicant wish to continue entering into loan transactions beyond the five year period, the applicant may submit another application for an exemption.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Trust is comprised of four defined benefit pension plans, each of which cover different employees of the Employer. As of October, 1, 1979, the assets of each of the plans were as follows:

Name of Plan	Plan assets	Number of participants
Simkins Industries, Inc. Pension Plan (Salaried)	$2,803,229	296
United Paper Workers' Union Local #457, Simkins Industries, Inc. Pension Plan (CIO Division)	1,145,244	219
New Haven Printing Specialists & Paper Products, Local #533 AFL-CIO Simkins Industries, Inc. Pension Plan (AFL Division)	244,724	51
National Organization of Industrial Trade Unions, Local #1 Pension Plan (Lakeview Division)	216,574	110

2. The Employer manufactures and sells combination boxboard, converted boxboard products, and corrugated containers. An exemption is requested to allow the Trust to enter into a loan agreement with the Employer whereby the Trust would periodically lend to the Employer amounts of money up to an

aggregate at any point in time of 20% of the total assets of the Trust. The loans would be made over a five year period, the first day of which would be the date the grant of an exemption for the proposed loans is published in the **Federal Register**. Each loan made under this agreement shall be for a term of not more than five years.

3. The interest rate shall be one percent above the prime rate of interest charged by Chase Manhattan Bank, N.A., to its most creditworthy commercial borrowers. This interest rate shall be adjusted monthly to reflect changes in the prime rate, but in no event shall the rate be reduced below 9% per annum. Each loan will be repaid in not more than twenty approximately equal quarterly installments of principal and interest beginning on the first day of the second calendar quarter after the date of disbursement.

4. An independent party, the Jefferson Bank (the Bank) has been appointed as the trustee to approve and oversee the proposed loans. The Bank will have complete and final authority to determine when and if a particular loan will be made to the Employer during the term of this loan agreement. If at any time the Bank feels that a loan would not be in the best interests of the Trust, the Bank has authority to refuse to grant such a loan. The Bank shall further have sole and absolute discretion as to the pursuit of any particular remedy for default by the Employer in connection with any loans made. The Employer is not a depositor or borrower of the Bank nor does the Employer have a credit arrangement with the Bank.

5. Each loan made during the five year period will be secured by marketable securities owned by the Employer having a fair market value of not less than 150% of the outstanding amount of the loans. These securities shall be placed in escrow, together with stock transfer powers signed in blank (when necessary) and shall be held by the Bank. No funds shall be disbursed by the Bank under any loan unless the value of the securities in escrow at the time of such disbursement equals at least 150% of the amount of such loan and the unpaid balance of any other outstanding loans. The Employer will present an appraisal from an indepedent appraiser, or any other documentation required by the Bank, to establish that the value of the securities being placed in escrow meets the 150% requirement. If, as of the first day of any calendar quarter, or during the term of any loan made, the Bank shall determine that the value of the securities held in escrow is inadequate, the Employer shall be required to promptly place in escrow such additional securities as are necessary to satisfy the deficiency. The Employer will also issue its corporate guaranty for the full amount of any principal, interest, and other expenses of the loans which remain unpaid pursuant to any default by the Employer, to the extent that the securities in the escrow account are insufficient to pay such unpaid amounts and expenses.

8. The Bank represents that it would be willing to lend money to the Employer, under substantially the same conditions that have been outlined above. Furthermore, the Bank would be willing to make the loans at the prime rate (as opposed to one percent above prime), and it would not require any specific collateral to be placed in escrow as security for the loans. In addition, if so requested by the Employer, the Bank would be willing to extend more favorable repayment terms (within reason) than have been provided for to the Trust. The Bank, as trustee, considers this transaction to be structured on a sound commercial and financial basis, and believes the loans should be advantageous to the Trust and are in the best interests of the Trust's participants. The loan documents shall provide for a late charge of 5% of the amount of any delinquent payment required to be made under any loan which shall be paid after the expiration of a fifteen day grace period. This late charge will be added to the amount unpaid regardless of any other remedy exercised by the Bank to collect such amount. The Employer will pay all costs for legal fees and any other expenses incurred by the Trust in connection with the loan transaction, including the fees of the Bank.

9. In summary, the applicants represent that the proposed loans satisfy the statutory criteria of section 408(a) of the Act because: (1) an independent trustee will be appointed to approve and oversee the proposed loans; (2) the terms of these proposed loans are more favorable to the Trust than those which have been offered to the Employer by an independent bank; (3) at no time will there be more than 20% of Trust assets involved in the loan transactions; (4) the loans will be secured by collateral which will at all times be maintained in an amount of at least 150% of the amount of the outstanding loan balances; and (5) the trustee represents the loans are in the best interests of the Trust's participants.

Notice to Interested Persons

Notice will be given to all present participants and all former participants and beneficiaries with a vested interest in the Trust within thirty (30) days after the publication of the notice of pendency in the **Federal Register**.

Such notice will be sent by first class mail, and will include a copy of the notice of pendency and a statement informing interested persons of their right to comment and/or request a hearing within the time period indicated in the notice of pendency.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of th Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interest of the plan, and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The preposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested person are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time

period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested temporary exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the temporary exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to a series of loans by the Trust to the Employer as described herein, provided the terms of each loan are at least as favorable to the Trust as those obtainable in a similar transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 9th day of February, 1981

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-5133 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Visual Arts Panel (Drawing/Printmaking/Artists Books); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Drawing/Printmaking/Artists Books) to the National Council on the Arts will be held on March 5-6, 1981, from 9:00 a.m.—5:30 p.m., in room 1426, of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: February 4, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5141 Filed 2-12-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Residencies); Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Residencies) to the National Council on the Arts will be held on March 7, 1981, from 9:00 a.m.-5:30 p.m., in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, N.W. Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: February 4, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5142 Filed 2-12-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DRP-51, issued to Arkansas Power & Light Company, which revised the license and the Technical Specifications for operation of the Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications dealing with the emergency feedwater system and other TMI-2 Lessons Learned Category "A" issues. This amendment also adds license conditions relating to a Systems Intergrity Program and an improved Iodine Measurement capabilty.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact apprasial need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 16, 1979 (as supplemented June 8, 1979 and February 12, 1980), June 6, 1979 (as supplemented February 12, 19|80), and October 31, 1980, (2) Amendment No. 50 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

and at the Arkansas Polytechnic College, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nulcear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of February 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-5100 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440 and 50-441]

Cleveland Electric Illuminating Co., et al. (Perry Nuclear Power Plant, Units 1 and 2); Receipt of Application for Facility Operating Licenses, Consideration of Issuance of Facility Operating Licenses, and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating licenses from The Cleveland Electric Illuminating Company, for itself and as agent for the Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and The Toledo Edison Company (the applicants), to possess, use, and operate the Perry Nuclear Power Plant, Units 1 and 2, boiling water nuclear reactors (the facilities), located near Lake Erie in Lake County, Ohio. The reactor is designed to operate at a core power level of 3579 megawatts thermal, with an equivalent net electrical output of approximately 1205 megawatts.

The applicant also submitted, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, which discusses environmental considerations related to the proposed operation of the facilities. This report is currently under acceptance review and is tentatively scheduled for docketing in April 1981. At that time, notice will be made in the **Federal Register** and the report will be made available at the Ohio State Clearinghouse, Office of Budget and Management, 30 East Broad Street—24th Floor, Columbus, Ohio 43215.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register** a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register**. The Commission will consider the issuance of facility operating licenses to The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and The Toledo Edison Company, which would authorize the applicants to possess, use and operate the Perry Nuclear Power Plant, Units 1 and 2, in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facilities was authorized by Construction Permit Nos. CPPR-148 and CPPR-149, issued by the Commission on May 3, 1977. Construction of Unit 1 is anticipated to be completed by May 1, 1983, and Unit 2 by May 1, 1987.

Prior to issuance of any operating licenses, the Commission will inspect the facilities to determine whether they have been contructed in acordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By March 16, 1981, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition prior to the first prehearing conference.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner may file a supplement to the petition to intervene which may then include the contentions which are sought to be litigated in the matter. The bases for each contention must be set forth with reasonable specificity. A petitioner who fails to include a valid contention in its original petition or in

its supplement will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by March 16, 1981. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorneys for the applicants. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or requests, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses and the applicants' environmental report, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Maryland this 6th day of February 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Divisison of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5104 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co.; Order for Modification of License; Correction

On January 28, 1981, Order for Modification of License was published in the **Federal Register** on page 46 FR 9272 which reflects in Section I identifying information related to Oyster Creek Nuclear Generating Station. This information should be changed as follows:

From: License No. DPR-16, Oyster Creek, 1930 megawatts thermal.

To: License No. DPR-19, Dresden Station, Unit 2, 2527 megawatts thermal.

The Order is related to BWR Scram Discharge Systems at Dresden Nuclear Power Station, Unit 2 located in Grundy County, Illinois. Dated this 5th day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-5105 Filed 2-12-81 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-413/414]

Duke Power Co. (Catawba Nuclear Station, Units 1 and 2); Issuance of Addendum to Director's Decision Under 10 CFR 2.206

On March 13, 1979, notice was published in the **Federal Register** (44 FR 14654) that, by petition dated January 28, 1979, Mr. Jesse L. Riley, President, Carolina Environmental Study Group (CESG), had requested that the Commission reopen safety phases of the licensing proceedings for Duke Power Company's Catawba Nuclear Station and McGuire Nuclear Station. CESG has asserted several issues as the basis for its request. On March 7, 1979 the Director of the Office of Nuclear Reactor Regulation advised CESG that its request to reopen the McGuire proceedings had been referred to the Atomic Safety and Licensing Board since the matter of issuance of operating licenses for the McGuire facility was currently pending before that Board. The Catawba case was not currently pending before any Licensing or Appeal Board. Consequently, the CESG's request with respect to Catawba was treated as a petition under 10 CFR 2.206 of the Commission's regulations to reopen the safety hearing for the Catawba Nuclear Station.

The Director of Nuclear Reactor Regulation denied the petition in the Director's Decision 81-1 issued on January 9, 1981. However, a portion of the Staff's analyses of the CESG petition was unintentionally omitted from that Decision. Consequently, the Staff has prepared an Addendum to supplement the Director's Decision.

Copies of the addendum are available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Local Public Document Room for Catawba, located at the York County Library, 325 South Oak Avenue, Rock Hill, South Carolina 29730. A copy of the addendum will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), the Addendum will constitute the final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission, on its own motion, institutes a review within that time.

Dated at Bethesda, Maryland, this 6th day of February 1981.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5106 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to reflect changes involving limiting conditions for containment pressure and temperature and the limiting temperature for river water and RWST water during normal operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 17, 1977, (2) Amendment No. 37 to License No. DPR-66, (3) the Commission's related Safety Evaluation and (4) Amendment No. 28 dated August 27, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of February 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-5107 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-516 and 50-517]

Long Island Lighting Co., and New York State Electric & Gas Corp. (Jamesport Nuclear Power Station, Units 1 and 2); Order Revoking Construction Permit

I

Long Island Lighting Company, et al., is the holder of Construction Permits Nos. CPPR-175 and CPPR-176 which authorize construction of the Jamesport Nuclear Power Station, Units 1 and 2, in Suffolk County, New York. The permits, as issued, were due to expire on July 31, 1990 and July 31, 1992, respectively.

II

An Atomic Safety and Licensing Board authorized the Director of Nuclear Reactor Regulation to issue construction permits for the twin-unit Jamesport nuclear facility and he did so on January 4, 1979. New York law, however, requires public utilities to obtain certificates from the State's Board on Electric Generation Siting and the Environment before commencing construction. While appeals from the Licensing Board's decisions were pending, the State Siting Board announced orally in January 1980 that it would approve only a single coal-fired plant at the Jamesport site and confirmed that ruling in writing on September 8, 1980.

Although the State Board "has yet to act definitively" on petitions to reconsider, the applicants informed the Atomic Safety and Licensing Appeal Board (Appeal Board) on December 19, 1980 that "there is no credible possibility * * * that it will decide to authorize nuclear units at Jamesport," and that the Long Island Lighting Company's "Board of Directors voted on November 26, 1980, to end the Jamesport nuclear project." Representing that Jamesport will not be built irrespective of the outcome of this appeal, the applicants moved the Appeal Board to terminate this proceeding as most, as done in analogous circumstances in *Rochester Gas and Electric Corporation* (Sterling Project, Unit 1), ALAB-596-11 NRC 867, 869 (1980). The Appeal Board has granted the applicant's motion and the Director of Nuclear Reactor Regulation was instructed to issue an order revoking the construction permits in ALAB-628 which is dated January 15, 1981.

III

For the reasons set forth in Section II above, and pursuant to the directive of the Appeal Board to the Director of Nuclear Reactor Regulation in ALAB-628, Construction Permits Nos. CPPR-175 and 176 held by Long Island Lighting Company, et al., are hereby revoked.

Dated: February 6, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-5108 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289 (Restart)]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1)

Members of the public are invited to present oral and written limited appearance statements on issues involved in the Three Mile Island Unit 1 restart proceeding beginning at 7:00 p.m. On March 5, 1981 at: William Penn Museum, 3rd and North Streets, Harrisburg, Pennsylvania.

If weather conditions make the March 5 session impossible, and alternative date is scheduled for March 11, 1981 at the same time and place. Announcements concerning possible cancellation and rescheduling due to weather will be made to the news media.

For the Atomic Safety and Licensing Board.

Ivan W. Smith,

Chairman.

Bethesda, Maryland, February 9, 1981.

[FR Doc. 81-5109 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District, which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to establish MAPLHGR limits for the 7×7 (types 2 and 3) and 8×8 (types 8D250 and 8D274) fuel assemblies for exposure values beyond those currently given in the Technical Specification.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's 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 evnironmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact

statement, or negative declaration and environmental impact apprasial need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 1, 1980, as supplemented October 30, 1980, (2) Amendment No. 67 to License No. DPR-46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nulcear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of January 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-5110 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric and Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment authorizes modification of the spent fuel pool of Unit No. 1 to provide additional capacity of fuel assemblies and revises the Radiological Technical Specifications to reflect this modification.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The Commission has prepared an Environmental Impact Appraisal dated January 15, 1979, and has concluded that an environmental impact statement for this particular action is not warranted because the actions authorized by this license amendment will not significantly affect the quality of the human environment.

Notice of Proposed Issuance of the Amendment 33 was published in the **Federal Register** on February 8, 1978 (43 FR 5443). A hearing was requested by several individuals. The States of New Jersey and Delaware also requested to participate as interested states. The hearing was held May 2-4, 1979, July 10-11, 1979, and April 28-30, 1980. Subsequently an Initial Decision was issued on October 27, 1980 that authorized the Director of Nuclear Reactor Regulation to make appropriate findings and to issue the appropriate license amendment authorizing the requested replacement of spent fuel storage racks at Salem Station Unit No. 1.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

For further datails with respect to this action, see (1) the application for amendment dated November 18, 1977, as revised on February 14, 1978, and supplemented by letters dated December 13, 1977, May 17, July 31, August 22, October 13 and 31, November 20 and December 22, 1978, January 4 and December 10 1979, and December 31, 1980, (2) Amendment No. 33 to License No. DPR-70, (3) the Commission's related Safety Evaluation, and (4) Supplement No. 1 to the Commission's 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 Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-5111 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric & Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment modifies the Radiological Technical Specification for surveillance and testing of low head safety injection systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 19, 1980, (2) Amendment No. 32 to License No. DPR-70, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. 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 27th day of January, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-5112 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co., et al.; Availability of Safety Evaluation Report; San Onofre Nuclear Generating Station, Units 2 and 3

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report relating to the proposed operation of the San Onofre Nuclear Generating Station, Units 2 and 3, to be located in San Diego County, California.

On December 31, 1980, a Safety Evaluation Report on geological and seismological matters for San Onofre 2 and 3 was issued. Notice of its availability was published in the **Federal Register** on January 15, 1981 (46 FR 3690). This Report is reprinted in Section 2.5 of the Report issued today.

Notice of receipt of the application by the Southern California Edison Company, the San Diego Gas and Electric Company, the City of Anaheim, California, and the City of Riverside, California to operate the San Onofre Nuclear Generating Station, Units 2 and 3 was published in the **Federal Register** on April 7, 1977 (42 FR 18460).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Veijo, California, for inspection and copying. The report (Document No. NUREG-0712) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 6th day of February, 1981.

For the Nuclear Regulatory Commission.

Frank Miraglia

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-5113 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Appendix A Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the Facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment incorporates provisions in the Appendix A Technical Specifications which are required to permit tying the SONGS, Unit 1 offsite power sources into a newly constructed electric switchyard.

The application for amendment compiles with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 4, 1980, (Proposed Change No. 91), (2) Amendment No. 52 to License No. DPR-13, 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. 20555 and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California 92676. A single 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 6th day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-5114 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment Facility Operating License No. DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment covers changes to the license conditions on hydrogen control measures, plant procedures, and associated Technical Specifications. The amendment imposes surveillance and operability requirements on the Interim Distributed Ignition System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letters, dated February 5, 1981 and December 11, 1980, (2) Amendment No. 2 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 2 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 9th day of February 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-5115 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Virgil C. Summer Nuclear Station; Change of Meeting Time

The ACRS Subcommittee on Virgil C. Summer Nuclear Station will hold a meeting on February 26–27, 1981. The starting time for Thursday, February 26, 1981 has been changed to 2:00 p.m. until the conclusion of business instead of 8:30 a.m.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Wednesday, February 11, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 10, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5146 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

Order Modifying Licenses of All Teletherapy Licensees; Hearing

On May 7, 1980, the Director of the Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 30, and 35, by Order, effective immediately, imposed on all teletherapy licensees license amendments requiring the installation of a teletherapy room radiation monitor and the use of specific substitute measures whenever the monitor is not operational.

By letter dated May 15, 1980, Lincoln B. Hubbard, Ph.D., Chairman of the Legislative Committee of the Midwest Chapter of the American Association of Physicists in Medicine, who is not a teletherapy licensee, requested a hearing on the Order.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that an Atomic Safety and Licensing Board composed of Administrative Judges Andrew C. Goodhope, Chairman, Frederick P. Cowan, and Kenneth A. McCollum has been designated to determine whether a hearing is required and to preside over the proceeding in the event that a hearing is ordered. If the Atomic Safety and Licensing Board determines that a hearing is required, a hearing will be held at a time and place set by the Board.

If a hearing is held, the issues before the Board to be considered and decided, as set forth in the May 7, 1980 Order, shall be:

(a) Whether the circumstances described in Section I of the May 7, 1980 Order provide an adequate basis for the actions ordered; and

(b) Whether the license should be modified to require the installation of a radiation monitoring device in each teletherapy room or use of a substitute measure as set forth in Part II of the May 7, 1980 Order.

If a hearing is held, a prehearing conference will be held by the Atomic Safety and Licensing Board to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and noticed in the **Federal Register.**

Required papers shall be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch, or by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. A copy of papers filed shall also be sent to the Director and Chief Counsel, Rulemaking and Enforcement Division, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the **Federal Register.**

Dated at Washington, D.C., this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-5148 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Senior Executive Service Positions Designated Career Reserved

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Pursuant to section 3132(b)(4) of the Civil Service Reform Act of 1978, the Office of Personnel Mangement gives notice of the Senior Executive Service positions that were designated career reserved positions during calendar year 1980.

Director, Office of Internal Evaluation.
Chief Actuary.
Deputy Assistant Director for Grants Administration.
Deputy Assistant Director for Agency Compliance and Evaluation.
Chief, Standards Development Center.
Chief, Personnel Research and Development Center.
Deputy Associate Director for Personnel Investigations.
Assistant Deputy Associate Director for Personnel Investigations.
Chief, Medical Operations.
Assistant Director for Retirement Programs.
Assistant Director for Insurance Operations.

EFFECTIVE DATE: March 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph E. Nordsieck, Career Management Branch Office of Personnel, Office of Personnel Mangement, 1900 "E" Street, NW, Washington, DC, 20415 (202–632–7484).

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-5081 Filed 2-12-81; 8:45 am]

BILLING CODE 6325-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-2]

Attached Mail Proceeding, 1981; Order Instituting Proceeding; Designating Postal Service as a Party; and Requested Proposals

Issued February 5, 1981.Q04

The Postal Rate Commission, pursuant to 39 U.S.C. 3623(b), hereby institutes a mail classification proceeding. The evidentiary record to be established in this proceeding will provide the basis for a recommended decision on separate classifications for mail of one class attached to a piece of mail of another class (hereinafter referred to as "attached mail").

I. Background

At present attached mail is separately rated from its host piece at the rate

which would be applicable to the attached mail if it had been mailed separately. For example, if a one ounce first-class letter is attached to or placed inside a fourth-class parcel, postage for the parcel is determined and postage for the letter (15¢) is then added. Thus, the Postal Service would receive revenue for two pieces of mail for handling one nonpriority piece. This practice has been allowed in order to protect postal revenues. The Commission has specifically adopted that rationale in its decision in Docket No. MC76-2 Denying Meredity Corporation Proposal That Invoices and Billing Statements Enclosed with Second-Class Publications Qualify for Second-Class Rates [1] (hereinafter "Meredith Decision").

In that proceeding, however, Magazine Publishers' Association (MPA) proposed, in its reply brief, that first-class mail (bills) attached to second-class be rated at the per-piece institutional cost contribution. In this manner, Postal Service revenues would be protected since attributable costs of the first-class mail would be saved (there is no single first-class piece) and the Service would receive the institutional cost contribution. [2] The Commission did not consider the MPA proposal because there was not only no evidentiary record on it, but also no comments from the parties since MPA proposed it in its reply brief. [3]

II. Issues To Be Addressed

We think that the essence of the MPA proposal, that attached mail pay only a portion of the full rate, deserves further study by this Commission. If postal revenues can be protected and administrative problems do not impose obstacles, separate attached mail classifications may improve joint mailer-Postal Service productivity [4] which may, in turn mitigate cost increases. The possibility of such help for the financial well being of the Postal Service leads us to institute this proceeding.

Since the belated MPA proposal in Docket No. MC76-2, the Commission has expanded its costing methodology to include reasonably assigned costs. Thus, the MPA proposal should be expanded. In simple terms there are five categories and subcategories of costs: attributable costs (subgroups: short-run attributable and long-run attributable); specific fixed costs; reasonably assigned costs; and residual or institutional costs. All categories except attributable costs do not vary with mail volume. Attributable costs do vary with mail volume with short-run varying with mail volume within a test year and long-run varying with mail volume beyond a year's time. It seems reasonable, in the first instance, that attached mail reduces postal costs by the average per piece short-run attributable costs. A classification change which encouraged mailers to save those costs for the Postal Service seems intuitively reasonable. This Docket is instituted to examine that issue.

The MPA proposal in Docket No. MC76-2 dealt only with attaching first-class bills onto second-class matter. If cost savings result from attached mail, attached mail of all classes should be examined. There is one major concern due to this expansion of the MPA proposal which is apparent to us at this time. If any class of mail may be attached to any other class of mail, mailers may attach nonpreferential mail to preferential mail and thereby receive a higher standard of service for the attached piece than that piece would normally receive. Therefore, it appears reasonable to limit any attached mail classification so that a piece of mail may not be attached to a piece which has a higher service standard. For example, first-class mail may be attached to any class (except express mail) while third-class mail may not be attached to first-class.

For convenience of parties and to initiate thought and proposals, we have attached suggested sample Domestic Mail Classification Schedule (DMCS) language.

Further, in preparing presentations for this Docket, the Commission urges the parties to consider all ramifications of the suggested proposed classification change and to include the following questions in any proposl or comments:

1. If separate attached mail classifications are recommended, which classes may be attached to which? The Commission is aware of the problem of having third-class matter attached to first-class matter and therefore, receiving a higher service standard. Should such a situation be avoided?

2. When two classes of mail are attached, which class of service should the combined piece receive? This question is very similar to question 1.

3. How should the Commission treat short-run attributable costs, long-run attributable costs, reasonably assigned costs and institutional costs when reviewing this problem? MPA in Docket No. MC76-2 proposed that attached mail pay only the per piece institutional cost contribution. Since then, certain costs have been reasonably assigned.

4. Would such a classification present administrative hurdles to the Postal Services?

5. What do the parties estimate the volume of attached mail will be?

6. What effect would attached mail proposals have on postal revenue, gross and net?

III. Procedural Steps

Persons desiring to participate in this proceeding should file a petition to intervene or a request to be heard as a limited participator on or before March 16, 1981.

Since the omnibus rate case decision will be issued shortly, and all costs are estimated in that docket, it is reasonable to use the hybrid test year of Docket No. R80-1 as the test year in this docket. Therefore, parties shall file their cases-in-chief based upon the test year of Docket No. R80-1.

In order to facilitate scheduling in this docket, the participants are requested to submit proposed DMCS language only, (not testimony) which they would propose for classification changes they will support, on or before April 6, 1981. The attached sample DMCS language should be used as a guide. Participants, of course, may propose the attached language. However, we urge parties to propose their own language in order to allow a complete hearing on this subject. Once all the proposed language is submitted, the Commission can more adequately gauge the time requirements for this proceeding and will issue a procedural schedule, including the filing of cases-in-chief, by subsequent order.

The Commission Orders

(A) The United States Postal Service is joined as a party to this docketed proceeding, initiated pursuant to 39 U.S.C. 3623(b).

(B) Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268, on or before March 16, 1981, and must be in accordance with § 20 of the Commission's Rules of Practice (39 CFR 3001.20). We direct specific attention to § 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and, further, whether or not the petitioner intends to participate actively in the hearing. Alternatively, these persons may seek limited participation, if they do not wish to become parties and may do so, on or before March 16, 1981, by filing a written request for leave to be heard as a "limited participator," pursuant to § 19a

[1] Meredith Decision, June 16, 1978, at 14.

[2] *Id.* at 10.

[3] *Id* at 21-22.

[4] In these inflationary times improvement of productivity is an important goal for the Postal Service and its customers.

of the Commission's Rules of Practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to § 19b of the Commission's Rules (39 CFR 3001.19b).

(C) Cases-in-chief shall be based upon the hybrid test year of Docket No. R80-1.

(D) Participants shall file on or before April 6, 1981, proposed DMCS language of the classification changes which they will support.

By the Commission.

David F. Harris,

Secretary.

Sample DMCS Language

200.042 First- or third-class mail may be attached to or enclosed with regular second-class mail, and first-class mail to expedited second-class mail, if additional postage is paid for the attachment or enclosure at the attached mail rate for the class of the attachment or enclosure. See Rate Schedules 100 and 300. When first- or third-class mail is enclosed with or attached to second-class mail, an appropriate marking must identify the presence and class of the enclosure or attachment.

* * * * *

300.045 First-class mail may be attached to or enclosed in third-class mail if additional postage is paid for the attachment or enclosure at the attached mail rate for first-class mail. See Rate Schedule 100. When first-class mail is enclosed with or attached to third-class mail, an appropriate marking must identify the presence of a first-class enclosure or attachment.

* * * * *

400.044 First- or third-class mail, other than specified in section 400.043, or second-class mail may be attached to or enclosed in fourth-class mail if additional postage is paid for the attachement or enclosure at the attached mail rate for that class. See Rate Schedules 100, 200, and 300. When first-, second- or third-class mail, described in this subsection, is attached to or enclosed with fourth-class mail, an appropriate marking must identify the presence and class of the enclosure or attachment.

[FR Doc. 81-5239 Filed 2-12-81; 8:45 am]

BILLING CODE 7715-01-M

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Proposed Deletion of Three Systems of Records

AGENCY: Railroad Retirement Board.

ACTION: Notice of a proposed deletion of three systems of records.

SUMMARY: The Railroad Retirement Board proposes to delete three systems of records. The systems are identified as RRB-30, Current Year Wage Study File, RRB-31, Twenty Percent Unemployment and Sickness Annual Summary File, and RRB-32, Twenty Percent Unemployment and Sickness Monthly Summary File. Upon review, the Railroad Retirement Board has determined that these three systems of records should not be classified as systems of records under the Privacy Act because they are computer files containing entirely data extracted from files included in other systems of records. System RRB-30 is a file extracted from system RRB-5, Master File of Railroad Employees' Creditable Compensation; systems RRB-31 and 32 are files extracted from system RRB-21, Railroad Unemployment and Sickness Insurance Benefit System.

DATES: Systems RRB-30, RRB-31, and RRB-32 will be deleted, as proposed, without further notice on March 16, 1981, unless comments are received before this date which would result in a contrary determination.

ADDRESS: Send comments to R. F. Butler, Secretary of the Board, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth P. Boehne, Director of Management Control, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, Telephone 312-751-4690.

SUPPLEMENTARY INFORMATION: Systems of Records RRB-30, RRB-31 and RRB-32 were last published in the **Federal Register** at 42 FR 47485-86 (September 20, 1977). The proposed deletions are not within the purview of the provisions of 5 U.S.C. 552a(o) which requires the submission of a new or altered system report.

Dated: February 3, 1981.

By Authority of the Board.

R. F. Butler,

Secretary.

The following systems are deleted in their entirety:

RRB-30, Current Year Wage Study File.

RRB-31, Twenty Percent Unemployment and Sickness Annual Summary File.

RRB-32, Twenty Percent Unemployment and Sickness Monthly Summary File.

[FR Doc. 81-5172 Filed 2-12-81; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17516; File No. 4-208]

Intermarket Trading System

AGENCY: Securities and Exchange Commission.

ACTION: Proposed Order.

SUMMARY: The Commission proposes to issue an order which would require the current participants in the Intermarket Trading System ("ITS") and the National Association of Securities Dealers, Inc. ("NASD") to implement, by September 30, 1981, an automated interface between the ITS and the NASD's NASDAQ System, as enhanced to include, among other things, an order routing and automatic execution capability.

DATES: Comments should be submitted on or before March 16, 1981.

ADDRESSES: Persons wishing to submit written views, data and arguments should file ten copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. 4-208 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Bruce Beatt, Division of Market Regulation, Securities and Exchange Commission, Room 390, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2888.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission" or "SEC") announced today that it is publishing for comment a proposed order under the Securities Exchange Act of 1934 ("Act") [1] which would require the current participants in the Intermarket Trading System ("ITS") [2] and the National Association of Securities Dealers, Inc. ("NASD") to implement, by September 30, 1981,[3] an automated interface between the ITS and the NASD's NASDAQ system, as enhanced to include, among other things, an order routing and automatic execution capability. That interface, when completed, will permit market professionals trading in listed securities

[1] 15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975).

[2] The ITS is an inter-market order routing system operated jointly by certain national securities exchanges and authorized by the Commission, on a provisional basis, as a national market system facility pursuant to Section 11A(a)(3)(B) of the Act.

[3] *See* notes 37 and 61, *infra*.

on participating exchanges or over-the-counter ("OTC") to efficiently route orders between those two types of markets and will therefore significantly further the goals of a national market system.

I. Background

A. Intermarket Linkages

Section 11A(a)(2) of the Act, added by the Securities Acts Amendments of 1975 ("1975 Amendments"),[4] directs the Commission, having due regard for the public interest, the protection of investors and the maintenance of fair and orderly markets, to use its authority under the Act to facilitate the establishment of a national market system for securities in accordance with the Congressional findings and objectives set forth in Section 11A(a)(1) of the Act. Among those findings and objectives is the "linking of all markets for qualified securities through communication and data processing facilities."[5]

On January 26, 1978, the Commission issued a statement on the national market system setting forth the Commission's views as to "those steps which it believes must be taken over the next year to facilitate development of the kind of national market system envisioned by the Congress and mandated by the 1975 Amendments."[6] Among the steps called for by the Commission was

> the prompt development of comprehensive market linkage and order routing systems to permit the efficient transmission of orders * * * among the various markets for qualified securities, whether on an exchange or over-the-counter * * *.[7]

In particular, the Commission stated that, in its view, one type of facility which was needed as a mechanism to link qualified markets was "an intermarket order routing system * * * [which] would permit orders for the purchase and sale of multiply-traded securities to be sent directly from any qualified market to another such market promptly and efficiently."[8] The Commission requested the various self-regulatory organizations ("SROs") to commit to implementation of this facility.

In addition, the Commission, in commenting on the relationship of the ITS (which was still in the planning stage at that time) to the requested market linkage facility, stated that

> [t]he need to develop and implement a new intermarket order routing system to link all qualified markets could be obviated if participation in the ITS market linkage currently under development were made available on a reasonable basis to all qualified markets and if all qualified markets joined that linkage.[9]

In this connection, the Commission specifically indicated that "qualified markets" would include not only exchanges but OTC market makers as well.[10]

In March 1978, various exchanges[11] filed jointly with the Commission a "Plan for the Purpose of Creating and Operating an Intermarket Communications Linkage ("ITS Plan")."[12] The ITS Plan contemplated the implementation of the ITS, an intermarket trading system linking the participants (and such other markets as might in the future participate in the ITS) and providing facilities and procedures for (i) routing of commitments to trade and administrative messages between and among the participants, and (ii) participation, under certain conditions, by members of all participant markets in opening transactions in those markets.[13] With respect to participation in the ITS by SROs which were not original participants in the system, the ITS Plan provides expressly that "any other national securities exchange or national securities association may subscribe to the Plan and become a Participant . . . ."[14] In connection with the implementation of the ITS Plan, the participants requested that the Commission issue an order, pursuant to Section 11A(a)(3)(B) of the Act,[15] evidencing the Commission's approval of the ITS Plan.

On April 14, 1978, the Commission, noting that the ITS may provide the basis for an appropriate market linkage facility in a national market system, issued a provisional order, pursuant to Section 11A(a)(3)(B), authorizing the filing exchanges (and any other SRO which agreed to become a participant in the ITS Plan) to act jointly in planning, developing, operating and regulating the ITS in accordance with the terms of the ITS Plan for a period of 120 days.[16] In addition, in authorizing the implementation of the ITS, the Commission urged those SROs not yet ITS participants to participate in the ITS.[17]

In June 1979, the Commission, in addressing the need for intermarket linkages to achieve price protection for securities traded both on exchanges and in the OTC market, indicated its belief that it

> would be technologically possible to link all OTC market centers with each other and directly with the exchanges by means of an interface between ITS and an enhanced NASDAQ system.[18]

Shortly thereafter, during the Commission's hearings regarding proposed Rule 19c-3, under the Act,[19] the NASD announced plans to enhance its NASDAQ System to include, among other things, a computer assisted execution system which would enable participating firms to route their orders through the enhanced NASDAQ System to obtain automatic executions against quotations of market makers participating in the enhanced NASDAQ. The NASD also contemplated an automated interface between the ITS and its enhanced NASDAQ System ("Automated Interface") to permit automated execution of commitments sent from participating exchanges and to permit market makers participating in the enhanced NASDAQ to efficiently route commitments to exchange markets for execution there. The NASD indicated that the enhanced NASDAQ would encompass trading of listed securities and that, in its discussions with the ITS

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[4] Pub. L. No. 94-29 (June 4, 1975).

[5] Section 11A(a)(1)(D) of the Act, 15 U.S.C. § 78k-1(a)(1)(D).

[6] Securities Exchange Act Release No. 14416 (January 26, 1978) ("1978 Statement"), at 26, 43 FR 4354, 4358. Previously, on June 23, 1977, the Commission had indicated that a national market system would include those "regulatory and technological steps [necessary] to achieve a nationwide interactive market system." *See* Securities Exchange Act Release No. 13662 (June 23, 1977), at 20, 42 FR 33510, 33512.

[7] 1978 Statement, *supra* note 6, at 28, 43 FR 4358.

[8] *Id.* at 29, 43 FR 4358.

[9] *Id.* at 30, 43 FR 4358.

[10] *Id.*

[11] The American ("Amex"), Boston ("BSE"), New York ("NYSE"), Pacific ("PSE"), and Philadelphia ("Phlx") Stock Exchanges.

[12] The ITS Plan is contained in File No. 4-208.

[13] The ITS Plan also contemplated the display of composite quotation information on the floors of each of the participating exchanges (at the designated trading post) to that members of each participating exchange would be able to determine readily the best bid and offer for a particular multiply-traded security available from any participating exchange. *Id.* at 6-7.

[14] *Id.* at 3.

[15] 15 U.S.C. § 78k-1(a)(3)(B).

[16] Securities Exchange Act Release No. 14661 (April 14, 1978), 43 FR 17419.

[17] *Id.* at 7 n. 15, 43 FR 17421. On August 11, 1978, the Commission extended its authority for an additional period of one year. Securities Exchange Act Release No. 15056 (August 11, 1978), 43 FR 36732. In the interim the ITS Plan had been amended to include the Midwest Stock Exchange ("MSE") as a participant.

[18] Securities Exchange Act Release No. 15926 (June 15, 1979), at 62, 44 FR 36912, 36922.

[19] Securities Exchange Act Release No. 15769 (April 26, 1979), 44 FR 26686. As proposed, Rule 19c-3 would have precluded exchange off-board trading restrictions from applying to most securities listed after April 26, 1979. The rule would thus have permitted exchange member firms to engage in market making in a small number of listed securities.

participants, it intended to pursue an Automated Interface.[20]

On September 21, 1979, the Commission issued a further provisional order extending its authorization for the joint operation of the ITS until January 31, 1983.[21] However, the Commission indicated several concerns with respect to the ITS which would require attention by the ITS participants during the extension period. In particular, the Commission indicated its belief

> that the ITS Participants should promptly take whatever steps are necessary to . . . conclude discussions with the NASD with respect to implementing a linkage between the ITS and over-the-counter market makers regulated by the NASD. . . .[22]

Moreover, the Commission indicated that, in order for the ITS to serve as a means to achieve the Commission's goal of price protection on an intermarket basis,

> it will be necessary to . . . establish computerized interfaces between the ITS and over-the-counter market makers regulated by the NASD . . . .[23]

The Commission further indicated its expectation that the NASD would become an ITS participant before October 1980, and stated that

> if the contemplated ITS—NASD interface is not concluded promptly . . . the Commission is prepared to review whether the temporary approval granted in this order should be continued or to take appropriate steps to require the inclusion of those market centers pursuant to the Commission's authority under Section . . . 11A(a)(3)(B) . . . of the Act.[24]

B. Rule 19c-3

On June 11, 1980, the Commission adopted Rule 19c-3 under the Act, which eliminated off-board trading restrictions with respect to most newly-listed securities and thereby permitted member firms of the NYSE and Amex to make markets OTC in a small number of NYSE and Amex-listed securities.[25] In adopting that rule, the Commission recognized the significance of various market concerns expressed by commentators, most particularly the increased opportunity for internalization by exchange member firms.[26] The Commission noted that certain commentators had expressed concerns that internalization could have three principal adverse effects. First, these commentators suggested that internalization could have anticompetitive effects with respect to both exchange specialists and smaller broker-dealers since customer orders would not be exposed to other markets. Second, increased internalization might result in increased "fragmentation"[27] in the markets for Rule 19c-3 Securities, thereby possibly resulting in decreased pricing efficiency. Third, internalization might provide increased opportunities for "overreaching"[28] of customers by exchange member firms.[29]

However, while the Commission recognized these potential concerns, the Commission determined that they were outweighed by the benefits obtained from adoption of the rule, including the opportunity to evaluate any adverse effects of trading in a limited environment free of offboard trading restrictions.[30] In connection, the Commission noted the importance of the NASD's completion of the NASDAQ enhancements in order to provide "a more efficient mechanism for over-the-counter market making in listed securities."[31] In addition, responding to concerns of commentators on Rule 19c-3 that the creation of such an environment without intermarket linkages would result in various adverse consequences, the Commission indicated that it was important to.

> achieve efficient linkages between traditional exchange trading floors and markets conducted . . . over-the-counter . . . Such linkages, in the Commission's view, are essential to achieving the maximum degree of order interaction between the various types of markets. The Commission therefore expects that the NASD and the ITS participants will promptly conclude their negotiations and begin work on consummating an automated linkage between the ITS and NASDAQ system . . . The Commission requests the interested parties to these proposed linkages to provide the Commission with formal status reports (including timetables for implementation) on the ITS-NASDAQ . . . linkage not later than September 1, 1980.[32]

In September 1980, each of the ITS participants responded to this request. The Amex, BSE, NYSE, Phlx, and PSE

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[20] *See In re Off-Board Trading Restrictions*, File No. 4-220, at 9-10, 23-34.

[21] Securities Exchange Act Release No. 16214 (September 21, 1979), 44 FR 56069.

[22] *Id.* at 12, 44 FR 56072. The Commission also has called for a linkage between the ITS and the Cincinnati Stock Exchange's ("CSE") National Securities Trading System ("NSTS"). The Commission understands that the Boards of each of the ITS participants have approved "in principle" the NSTS' participation in ITS. The Commission understands that, as presently contemplated, NSTS will be linked with the ITS through a manual interface. An ITS terminal will be located on the CSE's trading floor in Cincinnati, Ohio, and will be staffed by CSE personnel. All commitments sent from, or to, NSTS, will be initially routed to CSE's trading floor to be rerouted to the designated market center. The Commission believes that the inclusion of NSTS in ITS and the development of the manual interface is a desirable step toward the full integration of all market centers. The Commission is concerned, however, that a manual interface will prove too slow and cumbersome to provide an efficient mechanism for routing orders among market centers. Accordingly, the Commission expects that, if the CSE is willing to implement the necessary technical changes in order to effect an automated interface between the NSTS and the ITS, the ITS participants will take whatever steps are necessary to implement such an interface.

[23] *Id. at 14, 44 FR 56072.*

[24] *Id.*, at 14-15, 44 FR 56072. The Commission substantially reiterated these views in a letter to Congress shortly thereafter. *See* letter from Harold M. Williams, Chairman, SEC, to the Honorable Bob Eckhardt, Chairman, Subcommittee on Oversight and Investigations and the Honorable James Scheuer, Chairman, Subcommittee on Oversight and Investigations and the Subcommittee on Consumer Protection and Finance, House Committee on Interstate and Foreign Commerce, dated November 9, 1979, included in *Progress Toward the Development of a National Market System*, Joint Hearings before the Subcommittee on Consumer Protection and Finance of the Committee on Interstate and Foreign Commerce, House of Representatives, 90th Cong., 1st Sess., Serial 96-89.

[25] Securities Exchange Act Release No. 16888 (June 11, 1980), 45 FR 451125 ("Rule 19c-3 Adoption Release"). The rule, as adopted, precludes exchange off-board trading restrictions from applying to most securities listed after April 26, 1979 ("Rule 19c-3 Securities").

[26] The Commission has defined the term "internalization" as referring to "the withholding of retail orders from other market centers for the purpose of executing them 'in-house,' as principal, without exposing those orders to buying and selling interest in those other market centers." Rule 19c-3 Adoption Release, *supra* note 25, at 18 n. 31, 45 FR 41128 n. 31.

[27] The Commission has stated that the term "fragmentation" refers to "the dispersion of order flow among market centers." *See* Rule 19c-3 Adoption Release, *supra* note 25 at 19, n. 32, 45 FR 41128.

[28] The Commission has stated that the term "overreaching" refers to "the possibility that broker-dealer firms may take advantage of their customers by executing retail transactions as principal at prices less favorable to those customers than could have been obtained had those firms acted as agent." *See* Rule 19c-3 Adoption Release, *supra* note 25, at 19 n. 33, 45 FR 41128.

[29] Since enactment of the 1975 Amendments directing the Commission to consider removal of off-board trading restrictions, the Commission has participated in a nearly continuous public discussion of issues associated with internalization. In addition to the Rule 19c-3 releases, cited *supra* notes 19 and 25, the Commission has extensively articulated internalization concerns in two prior releases addressing off-board trading restrictions. *See* Securities Exchange Act Release Nos. 11942 (December 19, 1975) and 13662 (June 23, 1977) 41 FR 4507, 42 FR 33510, relating to the adoption of Rule 19c-1 and the proposal of Rule 19c-2 ("Rule 19c-2 Release"), respectively. The Commission also notes that the record (including extensive public hearings) of these Section 19(c) proceedings, as well as much of the work of the National Market Advisory Board (1977-78), has been directed to analyzing these important structural issues. Finally, the Commission notes that, in withdrawing proposed Rule 19c-2 in 1980, it left outstanding the four internalization rule proposals published in 1977. *See* Rule 19c-2 Release at 111-131, 42 FR 33525-7. *See also* Securities Exchange Act Release No. 14674 (April 18, 1978), at 5, 43 FR 17895.

[30] The Commission also announced the development of a monitoring program to study the issues raised by commentators, determined to publish monitoring reports on a periodic basis and committed to a reexamination of those issues as appropriate in light of development in the markets. *See* Rule 19c-3 Adoption Release, *supra* note 25, at 49-53, 45 FR 41133-4.

[31] *Id.* at 14-15, 45 FR 41127.

[32] *Id.* at 15-16, 45 FR 41127.

submitted identical letters which indicated that those exchanges were not at that time willing to commit to development of an Automated Interface.[33] The MSE, in a separate letter, raised various regulatory concerns with respect to the Automated Interface.[34] In contrast, the NASD responded to the Commission's request by reaffirming its commitment to the Automated Interface.[35] Moreover, the NASD provided the Commission and the ITS participants with a functional description of the Automated Interface.[36] In its response, the NASD also provided a status report with respect to the enhanced NASDAQ system and indicated that it intended to commence a pilot program testing the automated execution capability of the system in which, in each stock selected for the pilot, up to six brokerage firms would enter orders for execution in the enhanced NASDAQ and up to fifteen firms would act as market makers and would disseminate firm quotations. Subsequently, the NASD has begun testing the automated execution capability of the enhanced NASDAQ System.[37]

On January 7, 1981, the NYSE Board of Directors met to consider the Automated Interface and approved participation in a two-step "test" linkage between the ITS and the enhanced NASDAQ system. Under the NYSE approach to the Automated Interface, the "test" would consist of two elements—the actual electronic linkage and a "preliminary" rule ("Preliminary Rule") with respect to internalization by upstairs market makers. With respect to the actual linkage, the NYSE Board authorized the NYSE staff to cooperate with the NASD in commencing immediately to build the Automated Interface. With respect to internalization, the NYSE plan contemplated that a trading rule addressing internalization concerns would be developed by the exchanges, the NASD and the industry with the Securities Industry Association ("SIA") performing a coordination function. In addition, the NYSE Board determined that, although it expects that the Preliminary Rule will be promulgated well before construction of the Automated Interface is completed, activation of the Interface would not occur in the absence of agreement upon (and Commission approval of) such a Rule.[38]

With respect to the actual operation of the Automated Interface, the NYSE plan contemplates an initial "pilot" phase in which trading through the Automated Interface would be limited to the 30 most active Rule 19c-3 Securities. During the pilot phase, the NYSE anticipates that the ITS participants and the Commission would evaluate trading under the Preliminary Rule and other policy concerns which may be raised by trading Rule 19c-3 Securities through the Automated Interface. The NYSE plan further anticipates that in the subsequent phase the Automated Interface would be expanded to include the trading of all rule 19c-3 Securities, but only after the completion of the pilot phase evaluation and agreement among the ITS participants and the NASD on any additional measures to address policy concerns identified by that evaluation. The Commission understands that the other ITS participants are in general agreement with the NYSE's position with respect to the Automated Interface.

II. Discussion

A. Need for an Automated Interface

The Commission views the recent action by the NYSE Board and the NYSE-sponsored plan for implementing an Automated Interface as a significant and positive step in the evolution of a national market system. The Commission is encouraged not only by the willingness of the NYSE and the other ITS participants to cooperate in immediately building the Automated Interface, but also by the commitment of the ITS participants and the industry to address promptly concerns about internalization.[39] The Commission continues to believe that it is desirable for the industry to take the lead in the development, implementation and enhancement of national market system facilities and in the formulation of solutions to national market system issues. Accordingly, the Commission believes that affected industry participants should have every reasonable opportunity to advance national market system goals without direct Commission intervention and, to that end, the Commission and its staff stand ready to assist the interested parties in developing appropriate initiatives addressing internalization concerns.

Notwithstanding the Commission's strong support of this initiative on the part of the NYSE and other ITS participants, the Commission does not believe that industry efforts to address internalization concerns should operate to delay prompt implementation of the Automated Interface.[40] As an initial matter, the Commission does not believe that implementation of the Automated Interface without a Preliminary Rule would exacerbate internalization

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[33] *See, e.g.*, letter from John J. Phelan, Jr., President and Chief Operating Officer, NYSE, to George A. Fitzsimmons, Secretary, SEC, dated September 16, 1980.

In addition, the Amex submitted a separate letter in which it expressed its opposition to efforts to link upstairs markets to exchange markets in the context of its continuing opposition to Rule 19c-3. *See* letter from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, SEC, dated September 22, 1980, contained in File No. 4-208. *See also* letter from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, SEC, dated December 12, 1980, contained in File No. 4-208.

[34] *See* letter from John G. Weithers, President, MSE, to George A. Fitzsimmons, Secretary, SEC, dated September 15, 1980 ("September MSE Letter"), contained in File No. 4-208. *See also* letter from John G. Weithers, President, MSE, to John J. Phelan, Jr., President, NYSE, dated July 31, 1980 ("July MSE Letter"), contained in Filed No. 4-208.

[35] *See* letter from Gordon S. Macklin, President, NASD, to George A. Fitzsimmons, Secretary, SEC, dated September 12, 1980 ("NASD Letter"), contained in File No. 4-208. The NASD indicated that there are no significant technical concerns in connection with building the Automated Interface and estimated that the Automated Interface could be implementedwithin six months of an agreement among the parties to proceed.

[36] *See* Description of NASD Market Services, Inc., Computer Assisted Execution System, contained in File No. 4-208. In its functional description the NASD also committed to developing a capability to provide the ITS participants with the best bid and offer among all market makers participating in the enhanced NASDAQ.

[37] The Commission understands that the NASD anticipates that it will commence the operation of the pilot program in March 1981 as part of its ongoing systems upgrade. Based on that understanding and the NASD's estimate that the Automated Interface could be implemented within six months of an agreement among the parties to proceed (*see* note 35, *supra*), the Commission is proposing to require implementation of the Automated Interface by September 30, 1981. As indicated below, however, (*see* note 61, *infra*), the Commission has requested comment generally on the feasibility of achieving implementation of the Automated Linkage by that date and, in that connection, has specifically requested a status report from the NASD regard its progress with respect to the enhanced NASDAQ System.

[38] *See* Letter from John J. Phelan, Jr., President, NYSE, to Harold M. Williams, Chairman, SEC, dated January 20, 1981, contained in File No. 4-208, at 4.

[39] *See* note 38, *supra*. The NASD has recently responded to the NYSE proposal. In its response, it indicated that, while it has reservations regarding the need for a rule addressing internalization, it is willing to commit to work with the NYSE and the SIA to achieve an appropriate interface at the earliest possible time. *See* letter from Gordon S. Macklin, President, NASD, to John J. Phelan, Jr., President and Chief Operating Officer, NYSE, dated January 26, 1981, contained in File No. 4-208.

[40] It should be noted that measures to address internalization were discussed at length by industry commentators in connection with the Commission's hearings on Rule 19c-2 in 1977 and, more recently, in the Commission's hearings on Rule 19c-3, in both cases without the achievement of an industry consensus. Indeed, at the Rule 19c-3 hearings, the NASD questioned whether any regulatory measures were necessary to address internalization concerns. *See Off-Board Trading Rules: Hearing Before the Securities and Exchange Commission*, at 10 (June 20, 1979). (Statement of Gordon S. Macklin, President, NASD).

concerns as a structural matter.[41] In addition, the Commission believes that any delay in the immediate implementation of the Automated Interface would be inconsistent with the continued progress toward the creation of a national market system.[42] The Commission has determined that the ITS, because of its ability to permit market participants to send orders from one market to another, is consistent with national market system goals and, if efficiently linked with all markets, could become a permanent feature of a national market system. However, the current absence of any linkage between this system and market makers trading OTC serves to maintain an environment in which there are reduced opportunities to ameliorate market fragmentation, to eliminate pricing inefficiencies, obtain best execution and promote the type of competitive market structure which a national market system was designed to achieve.

In the Commission's view, the failure to achieve a linkage between exchange and OTC markets in listed securities inhibits a broker's ability to ensure best execution[43] of his customer orders. Orders routed to exchange floors cannot be easily redirected to the OTC market in situations where more favorable prices are offered by OTC market makers. Conversely, OTC market makers have no efficient means of achieving rapid execution of their orders on exchange floors.[44] Similarly, the failure to achieve an Automated Interface impedes "fair competition among brokers and dealers * * * and between exchange markets and markets other than exchange markets."[45] Without such a linkage, OTC market makers have little ability to interact with the vast majority of retail orders which presently are routed to the primary exchange markets or to attract additional order flow through their displayed quotations.[46]

In addition, delays in the implementation of the Automated Interface would defer achievement of a fundamental goal of a national market system—nation-wide price protection of all orders. In its March 1979 Status Report,[47] the Commission designated nation-wide price protection as a critical national market system initiative. To this end, and in order to make the ITS a more efficient and useful linkage system, the ITS participants have recently agreed in principle to a rule which would preclude trade throughs in all ITS linked markets.[48] However, the failure to provide an efficient linkage between the OTC market and exchange markets provides a significant impediment to the effectiveness of any trade through rule adopted by the exchanges and would significantly inhibit efforts to achieve comprehensive nation-wide price protection.

Most importantly, the need for an efficient linkage between ITS and the OTC market has been heightened by the adoption of Rule 19c-3. While the great preponderance of trading in 19c-3 Securities occurs on the primary stock exchanges, in certain exchange-traded securities OTC market makers account for a significant percentage of total volume.[49] This development increases the need to ensure the greatest possible interaction of orders in all market centers in order to eliminate trade throughs and to permit market makers in those securities to attempt to attract order flow through their displayed quotations. In addition, a linkage between ITS and the over-the-counter market is crucial to realize the Commission's expectation that the adoption of Rule 19c-3 would provide the Commission and the securities industry with valuable experience with respect to the effects of trading in an environment free of off-board trading restrictions.[50]

In summary, the Commission believes that the immediate implementation of the Automated Interface is a critical event in the development of a national market system and will not exacerbate internalization concerns as a structural matter. Accordingly, while the Commission endorses the decision of the ITS participants to address internalization concerns promptly, the Commission has also determined that any further delay in implementing the Automated Interface, beyond that which is necessary to introduce the enhanced NASDAQ and to build the Automated Interface, would be inconsistent with the public interest, the protection of investors and the establishment of a national market system. Therefore, the Commission believes that it is appropriate to propose an order mandating the implementation of the Automated Interface by September 30, 1981.[51]

The Commission's determination to propose an order at this time should not be understood as being intended to discourage industry efforts to develop a generally accepted means of addressing internalization concerns. To the contrary, the Commission believes that the NYSE's approach to addressing internalization concerns constitutes precisely the type of industry generated initiative which the Commission has considered necessary to the achievement of the goals of its national market system program. While, as

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[41] The Commission recognizes that the implementation of the Automated Interface may result in additional OTC market making in Rule 19c-3 Securities and thereby increase to some degree the extent of internalized trading activity. However, this increased market making is wholly consistent with the Commission's desire, as expressed in the Rule 19c-3 Adoption Release, to create a trading environment free of off-board trading restrictions in order to evaluate internalization and other concerns.

[42] Indeed, in mandating that the Commission facilitate the establishment of a national market system, the Congress found that the linking of *all* markets for qualified securities through communication and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors orders and contribute to best execution of such orders. (Emphasis added.) Section 11A (a)(1)(D) of the Act, 15 U.S.C. 78k-1 (a)(1)(D).

[43] *See* Section 11A (a)(1)(C)(iv), 15 U.S.C. 78k-1 (a)(1)(C)(iv).

[44] Non-member OTC market makers presently are only able to access exchange floors through correspondent relationships with member firms. While exchange member firms making markets in 19c-3 Securities are able to send small orders to exchange floors through existing wire systems and order routing systems such as DOT, this process in effect requires an upstairs market maker to lose control over the execution of the order. Conversely, a linkage through ITS would permit an upstairs market maker to specifically price an order (by reference to the prevailing market) and obtain an execution or cancellation within a one or two minute time parameter.

[45] *See* Section 11A (a)(1)(C)(ii), 15 U.S.C. 78k-1 (a)(1)(C)(ii).

[46] Overall, approximately 98% of consolidated volume in exchange listed securities occurs on exchange floors. Of course, as discussed in note 49, *infra*., OTC market makers do account for a significant percentage of consolidated volume in certain 19c-3 Securities. *See* NYSE, *1980 Fact Book, at 14.*

[47] *See* Securities Exchange Act Release No. 15671 (March 22, 1979), at 31-33, 44 FR 20360, 20362-63.

[48] *See* 1980 Annual Report of the ITS Operating Committee to the Securities and Exchange Commission, at 9-10, contained in File No. 4-208.

[49] For example, Commission data indicate that, for the week of January 19-23, 1981, third market volume accounted for more than one-third of consolidated volume in five 19c-3 Securities.

[50] *See* Rule 19c-3 Adoption Release, *supra* note 25, at 12-13, 45 FR 41127. For example, the implementation of the Automated Interface should enhance the Commission's and industry's ability to observe the degree to which integrated firms will in fact internalize their order flow if given the opportunity to efficiently route orders elsewhere, and thereby increase the value of the Rule 19c-3 experience as a basis for evaluating internalization concerns.

[51] The Commission does not, however, regard the Automated Interface as necessarily the exclusive means of providing for interaction between the OTC and exchange markets. The NYSE has, on various occasions, suggested that it might develop a means for its member firms to interact with its floor. *See* letter from William M. Batten, Chairman, NYSE, to Harold M. Williams, Chairman, SEC, dated February 25, 1980, contained in File No. 4-208. The Commission encourages the NYSE and the other ITS participants to also pursue this or any other alternative means of providing direct competition between member firms and the traditional floor community.

discussed above, the Commission does not believe that resolution of the issues associated with internalization must necessarily precede establishment of the Automated Interface, the Commission wishes to explicitly endorse the efforts of the ITS participants to address this important issue. As discussed in the Rule 19c-3 Adoption Release, the Commission recognizes the potential problems which may flow from internalization and is committed on its own part to address related concerns [52] as part of its evaluation of Rule 19c-3 (including a commitment to take appropriate regulatory action where necessary to counter any perceived adverse consequences resulting from internalization with respect to Rule 19c-3 Securities). Thus, should the joint industry effort to address internalization not achieve industry agreement prior to implementation of the Automated Interface, the Commission will reconsider what steps it should take to address internalization and other concerns.

B. Commission Authority

Section 11A(a)(3)(B) of the Act authorizes the Commission, in furtherance of its statutory directive to facilitate the development of a national market system, by rule or order,

> to authorize *or require* self-regulatory organizations to act jointly with respect to matters as to which they share authority under the Act in planning, developing, operating or regulating a national market system (or a subsystem thereof) or one or more facilities thereof; (emphasis added).

The language of Section 11A(a)(3)(B) states explicitly that the Commission not only may approve national market system facilities in response to an application by SROs, but also may require SROs to implement such facilities on its own initiative. Moreover, the possible need for Commission regulatory compulsion in connection with the development of a national market system where necessary to supplement competitive forces was specifically recognized by the Congress in enacting the 1975 Amendments.[53]

C. Description of the Proposed Order

As previously noted, the NASD has submitted to the Commission a proposed functional description of the Automated Interface. The Commission believes that this functional description provides the essential characteristics of the Interface and has used it as the basis for the description of the Interface in the proposed order.[54]

The proposed order would require that the ITS participants and the NASD jointly effect the Automated Interface. The Interface would be required to permit users of the enhanced NASDAQ and ITS to send ITS commitments, responses and other existing types of messages between the ITS and the enhanced NASDAQ System.[55] In this connection, the proposed order would require the ITS participants to provide to the NASD, by April 15, 1981, complete technical specifications of line protocols, message formats and other matters relevant to the Automated Interface. The Commission also requests the NASD to provide to the Commission, by April 15, 1981, a status report regarding its progress in testing the automatic execution capability of the enhanced NASDAQ System. In addition, the proposed order would require the ITS participants and the NASD to prepare and submit to the Commission, by May 15, 1981, a description of, and timetable for, the implementation of the Interface. Further, the order would require the ITS participants to prepare and submit to the Commission, by August 1, 1981, proposed amendments to the ITS Plan necessary to reflect participation of the NASD in the ITS. Finally, the Commission requests the ITS participants and the NASD to prepare and submit to the Commission, by August 1, 1981, a progress report with respect to efforts to resolve internalization concerns, including any industry agreed upon Preliminary Rule.[56]

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[52] The Commission recognizes that other ITS participants, in particular the MSE, have expressed concern that exchange member firms making markets in Rule 19c-3 Securities will be permitted to have direct access to ITS participants' trading floors through the Automated Interface. Specifically, the MSE has suggested that OTC market makers should be subject to additional market making obligations and that problems remain in ensuring the comparability of transaction reporting in the OTC and exchange markets. *See* July and September MSE letters, *supra* note 34.

[53] For example, the Committee of Conference of both Houses of Congress, in discussing the implementation of a national market system, stated:

> It is the intent of the conferees that the national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed. The conferees expect, however, in those situations where competition may not be sufficient, such as the creation of a composite quotation system or a consolidated transaction reporting system, the Commission will use the power granted to it in [1975 Amendments] to act promptly and efficiently to ensure that the essential mechanisms of an integrated secondary trading system are put into place as rapidly as possible.

Committee of Conference, *Report To Accompany S. 249*, H.R. Rep. No. 94-249, 94th Cong., 1st Sess., at 92, *reprinted in* [1975] U.S. Code Cong. & Ad. News 321, 323. *See* also Securities Exchange Act Release No. 16410 (December 7, 1979), at 13-14, 44 FR 72607, 72608-09.

[54] The Commission also notes that the proposed order relies on the NASD functional description because the NASD has agreed to assume the principal responsibility for developing the Automated Interface.

[55] The proposed order does not provide technical specifications for the Automated Interface since the Commission preliminarily believes that it would be cumbersome and inflexible for the proposed order to include such specifications. As noted (*see* note 35, *supra*), the NASD indicated in its functional description that there are no significant technical concerns, in connection with building the Automated Interface. In light of the absence in the NYSE's recent response to the Commission of any mention of any technical concerns the Commission believes that the development of the Automated Interface should not be delayed by any technical concerns.

However, the Commission is aware of three minor technical concerns relating to the Automated Interface. First, the ITS System presently is only capable of permitting users to input identifications of up to five "contra-parties" for any one commitment. This limitation should not raise any linkage problems while the enhanced NASDAQ System is still in the pilot phase since participation would be limited to a few market makers. However, it raises potential problems when the enhanced NASDAQ System and the Automated Interface are made available to all NASD members. The Commission understands that the ITS participants are presently developing a capability to permit the transmission of a virtually unlimited number of contra-parties. The Commission urges the ITS participants to complete development of this enhancement as quickly as possible and, in any event, no later than the end of the pilot stage of the Automated Interface. (*See* discussion accompanying notes 61-63, *infra*).

Second, the ITS is presently only capable of receiving one pre-opening application response from each ITS participant. As discussed at n. 57, *infra*, the Commission has addressed this problem by specifically requiring in the proposed order that the NASD aggregate pre-opening responses for all market makers for Rule 19c-3 Securities who are participating in the enhanced NASDAQ ("CAE market makers").

Finally, the Amex, Phlx, MSE, and NYSE have developed proprietary quotation and transaction displays on their floors which receive that information directly from SIAC while the BSE and PSE use services of commercial vendors. Accordingly, it may be necessary for the best bid and offer for all CAE market makers ("CAE best bid and offer") to be included in the existing Consolidated Quotation System data stream and disseminated over the high speed lines so that the vendors servicing the BSE and PSE may obtain the information. In addition, the Commission preliminarily believes that the competitive and other interests of vendors generally may be served by the availability to them of the same information and that, therefore, no restriction should be placed on vendors publicly disseminating the CAE best bid and offer provided that vendors also provide the third market information required by Rule 11Acl-2 under the Act.

[56] The proposed order does not address the manner in which the costs of implementing the Automated Interface would be apportioned, because the Commission understands that the ITS Participants and the NASD are in general agreement on all significant cost allocation issues. Specifically, the Commission understands that the NASD will assume most costs relating to the implementation of the Interface and related systems capabilities, such as developing a capability to calculate the best bid and offer for CAE market makers in ITS securities and developing the capability to permit the enhanced NASDAQ System to scan existing quotations contained in the system and determine the CAE market makers to which an ITS commitment should be reported. The Commission further understands that the ITS participants will only be responsible for the costs associated with inclusion of any new ITS participant, *i.e.*, the costs associated with modifying their quote displays to

The proposed order also would require the NASD to assume sole responsibility to (1) modify the enhanced NASDAQ system to send and recieve commitments, administrative messages, pre-opening notifications[57] and responses and any other existing messages in the ITS standard format,[58] and (2) collect and make available to SIAC, as ITS plan processor, the best bid and offer, with size, in each ITS security.[59]

In addition to specifying the actions which must be taken by the ITS participants and the NASD,[60] the proposed order sets out certain additional characteristics which the Automated Interface must possess and restrictions on its use by NASD members. While the Commission believes that the restrictions set forth in the order have been contemplated in the negotiations between the NASD and the ITS participants, in light of certain concerns which have been raised by the MSE, the Commission believes that it would be useful to briefly discuss these restrictions.

The MSE has indicated a concern that, with the Automated Interface in place, exchange member firms could use the ITS as an order routing mechanism for both agency and proprietary orders, in securities where they are not acting as a market maker, enabling those firms to use the ITS to avoid floor brokerage and transaction fees and perhaps avoid the need for exchange membership. The Commission understands that most brokerage firms already have the capability to access each of the exchanges either through their own, or commercially available, order routing systems. While the Commission believes that it might be useful for some brokerage firms if they were provided the capability to route orders through the enhanced NASDAQ System to the exchanges, such a determination should appropriately lie in negotiations among the NASD, the ITS participants and the relevant firms. Accordingly, the proposed order specifically indicates that OTC firm access to ITS, in particular stocks, would be limited to firms making markets in those stocks.

The proposed order would require that the Automated Interface ultimately include all CAE market makers and all Rule 19c-3 Securities in which there is at least one CAE market maker ("CAE Securities"). However, the Commission recognizes that the immediate inclusion of all Rule 19c-3 Securities in an Automated Interface might delay the implementation of the Automated Interface. Accordingly, the proposed order permits a pilot phase commencing September 30, 1981[61] during which participation in the Automated Interface would be limited to no more than five OTC market makers per stock[62] and a maximum of 30 Rule 19c-3 Securities.[63] The proposed order would further require, however, that full implementation of the Automated Interface, including all Rule 19c-3 Securities, be completed within six months of the commencement of the pilot phase (*i.e.*, not later than March 31, 1982). Finally the Commission requests comment on whether the proposed pilot is of appropriate duration or, indeed, necessary at all.

D. Competition and Request for Public Comment

In determining to issue the proposed order, the Commission has considered whether any possible anti-competitive impact of the Commission's proposed action would outweigh the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission preliminary believes that issuance of the proposed order would not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Indeed, as discussed above, the Automated Interface, by enhancing the access of OTC and exchange market makers to each other's markets, should increase market making competition. Notwithstanding its limited scope, the Commission requests public comment regarding any possible anti-competitive impact of the proposed order.

As reflected in the summary chronology set forth above, implementation of the Automated Interface has been a matter of general public discussion in the national market system context for at least three years, was proposed by the NASD during the public hearings on Rule 19c-3 in 1979 and was specifically directed by the Commission in adopting Rule 19c-3 in mid-1980. In light of the extensive public scrutiny which the Automated Interface proposal has received during this period, the Commission has set a 30-day comment period on the proposed order. Particularly in view of this time schedule, the Commission reminds commentators that the scope of the proposed order is limited to implementation of the Automated Interface. Comments relative to the merits of the adoption of Rule 19c-3, and issues associated therewith (as opposed to the proposed linkage itself), are not germane to the proposed order.

Interested persons are invited to submit written presentations of views, data and arguments concerning the proposed order, including the feasibility of implementing the Automated Interface by September 30, 1981. Persons wishing to make such submissions should file six copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, on or before March 16, 1981. All submissions should refer to File No. 4-208, and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C. 20549.

III. Text of Proposed Order

The Securities and Exchange Commission hereby proposes to issue an order pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] and particularly Sections 2, 3, 6, 10, 11, 11A, 15, 17, and 23 thereof [15 U.S.C. §§78b, 78c, 78f, 78j, 78k, 78k-1, 78*o*, 78q, 78w]. The text of the proposed order is as follows: It is hereby ordered that the American Stock Exchange, Inc., Boston Stock Exchange,

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display the best CAE market maker quotation and modifying their ITS terminals to send and receive orders from and to the enhanced NASDAQ System.

[57] With respect to pre-opening responses sent from the enhanced NASDAQ, the proposed order requires that those responses be aggregated as a single or series of responses.

[58] In the NASD's functional description, the NASD indicated that the enhanced NASDAQ would be capable of both sending and receiving ITS commitments in ITS standard format.

[59] The NASD also recognized the need to provide CAE market maker quotations to all ITS participants and indicated that NASD Market Services, Inc. (a wholly owned subsidiary of the NASD) would calculate and provide to SIAC for dissemination to the ITS participants the highest bid price with size and the lowest offer price with size of the CAE market makers in ITS securities.

[60] While the order does not require the ITS participants and the NASD to develop a surveillance program with respect to trading through the Automated Interface, the Commission anticipates that those SROs will individually and cooperatively develop such a program.

[61] *See* note 37, *supra*. The Commission requests comment regarding whether the lead time established in the proposed order is sufficient to build and implement the Automated Interface.

[62] The Commission preliminarily believes that the limitation to five market makers per stock is necessary in light of present limitations of the ITS with respect to "contra-parties." *See* note 55, *supra*.

[63] As indicated, the order would only require the inclusion of Rule 19c-3 Securities in the Automated Interface. The Commission understands that certain of the ITS participants have suggested that any interface be limited to Rule 19c-3 Securities. This position apparently arises out of a concern that the applicaton of the Automated Interface to non-Rule 19c-3 Securities might, in some way, result in the removal of off-board trading restrictions with respect ot those securities. *See* July MSE letter, *supra* note 34. The Commission, however, does not view the existence of an Automated Interface as having any direct effect on existing off-board trading rules or any subsequent Commission action with respect to those rules.

Inc., Midwest Stock Exchange, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., Philadelphia Stock Exchange, Inc., and any other self-regulatory organization which hereafter becomes a participant in the Intermarket Trading System ("ITS") (collectively, the "Current ITS Participants") and the National Association of Securities Dealers, Inc. ("NASD") shall act jointly in planning, developing and operating an automated intermarket communications linkage between the ITS and the NASDAQ electronic interdealer quotation system, as modified by the NASD to permit computer assisted execution ("Enhanced NASDAQ"), in order to permit those systems to send and receive commitments to trade and responses thereto, pre-opening notifications and responses thereto (which, with respect to responses sent from the enhanced NASDAQ, shall be aggregated as a single, or series of, responses) and administrative messages in standard ITS format with respect to any security subject to Rule 19c-3 under the Act included in the ITS in which at least one over-the-counter market maker ("CAE market maker") is registered as such with the NASD for purposes of use of the Enhanced NASDAQ (the "Automated Interface"); *Provided, however,* that CAE market makers may only use the Automated Interface with respect to securities in which they are acting as market maker. The Current ITS Participants and the NASD shall take whatever actions are appropriate, individually or jointly, to assure that the Automated Interface is operational on or before September 30, 1981; *Provided, however,* that the Automated Interface may initially be made operational on a pilot basis, limited to no more than five market makers per stock and those 30 securities subject to Rule 19c-3 under the Act which had the largest aggregate share volume as reported in the consolidated transaction reporting system during the second quarter of 1981, if full operation of the Interface is not deferred beyond March 31, 1982. The Current ITS Participants and the NASD shall file with the Commission, not later than May 15, 1981, a detailed timetable for implementation of the Automated Interface, including the Automated Interface testing schedules between the Current ITS Participants, details of any pilot phase, and plans for expansion beyond the pilot phase.

In implementing the foregoing, the Current ITS Participants are hereby ordered

(i) to develop, and furnish to the NASD on or before April 15, 1981, complete technical specifications of line protocols, message formats and other matters which are necessary to the implementation of the Automated Interface;

(ii) to submit to the Commission, on or before August 1, 1981, proposed amendments to the "Plan for the purpose of creating and operating an Intermarket Communication Linkage" filed with and approved by the Commission ("ITS Plan"), reflecting the inclusion of the NASD as an ITS Participant; and

(iii) prior to July 31, 1981, to develop a capability to receive quotations from CAE market makers and revise quotation displays on their respective floors to reflect quotations from CAE market makers.

The NASD is hereby ordered to collect and process quotations from CAE market makers and make available to the ITS Plan processor, on a current and continuous basis during each trading day, the best bid and best offer of all such CAE market makers, together with the size associated with such best bid and such best offer; *Provided, however,* that in the event two or more CAE market makers make available bids or offers at the same price the size of the best bid or offer shall be the aggregate of the size indicated by the CAE market makers.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 5, 1981.

[FR Doc. 81-5092 Filed 2-12-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5202]

Trans Florida Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

An application for a license to operate as a SBIC under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (Act) as amended, (15 U.S.C. 661 et seq.) has been filed by Trans Florida Capital Corporation, 747 Ponce de Leon Boulevard, Coral Gables, Florida 33134 with the Small Business Administration (SBA) pursuant to (13 CFR 107.102, (1980)).

The officers and directors of the applicant are as follows:

Pedro Luis Lopez, 320 W. Rivo Alto Island, Miami, Florida 33139, President, Director

Antonio A. Bechily, 15910 S.W. 90th Avenue, Miami, Florida 33196, Vice President, Director, General Mgr.

Antonio L. Gonzalez, 864 N.E. 21st Court, Miami, Florida 33179, Treasurer, Director

Rogelio F. Consuegra, 9211 S.W. 21st Terrace, Miami, Florida 33165, Secretary Director

Raul Santana, 3215 Village Green Drive, Miami, Florida 33175, Director

Corporate Financial Services, Inc. (CFS), 100%

CFS has authorized capital stock of 60 shares of common stock. All of which are issued and outstanding. Those presently owning 10 percent or more are the Investors Interamerica, Inc., (III), 16.66 percent and Mr. Lopez, proposed president of the licensee, owns 33.33 percent of CFS. Mr. Lopez also controls 48.33 percent of III.

The remaining stock of CFS is owned by the officers and the directors of the proposed applicant. None of whom own 10 percent or more.

The applicant will begin operations with a capitalization of $500,000 which will be a source of equity capital and long-term loans for qualified small business concerns.

The applicant will conduct its operations principally in the State of Florida.

As an SBIC under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, which are to provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns to persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may on or before March 2, 1981, submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Coral Gables, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-5094 Filed 2-12-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/370]

Advisory Committee on the Law of the Sea; Closed Meeting

Supplemental Notice

Notice of a meeting of the Advisory Committee on the Law of the Sea was published in the **Federal Register** Vol. 46 FR 10892, February 4, 1981, in accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). The information in that notice remains as published, except the date of the meeting, which has been changed to Friday, February 20, 1981.

The change of date was necessitated by the fact that several participants whose expertise was indispensable would have been unable to attend otherwise.

For further information, please contact Marsha Bellavance, Office of the Law of the Sea Negotiations, Department of State, Telephone 632-0041.

February 5, 1981.

George Taft,

Director, Office of the Law of the Sea Negotiations.

[FR Doc. 81-5173 Filed 2-12-81; 8:45 am]

BILLING CODE 4710-10-M

[Public Notice CM-8/371]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The announcement (Public Notice CM-8/364: FR Doc. 81-4404) appearing at the bottom of the first column of page 11401, **Federal Register** Vol. 46, No. 25 Friday, February 6, 1981, incorrectly states that, "The Working Group on Radiocommunications . . . will conduct an open meeting . . ." This announcement should have stated that the Working Group on Diving, rather than the Working Group on Radiocommunications, will conduct the meeting. Other particulars of the meeting were correctly stated.

Dated: February 10, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-5190 Filed 2-12-81; 8:45 am]

BILLING CODE 4701-07-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. No. 81-32]

Reimbursable Services; Excess Cost of Preclearance Operations

February 9, 1981.

Notice is hereby given that pursuant to section 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 22, 1981.

Installation	Biweekly excess cost
Montreal, Canada	$16,769
Toronto, Canada	28,436
Kindley Field, Bermuda	7,378
Nassau, Bahama Islands	12,254
Vancouver, Canada	11,901
Winnipeg, Canada	1,818
Freeport, Bahama Islands	11,151
Calgary, Canada	7,963
Edmonton, Canada	6,461

Jack T. Lacy,

Comptroller.

[FR Doc. 81-5127 Filed 2-12-81; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Scientific Review and Evaluation Board; for Rehabilitative Engineering Research and Development; Meeting

In accordance with Public Law 92-463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitative Engineering Research and Development. This meeting will convene in Room 1063 of the Veterans Administration Central Office Building, 810 Vermont Avenue NW., Washington, D.C., March 4 and 5, 1981, beginning at 1 p.m. on Wednesday and 9 a.m. on Thursday. The purpose of the meeting is to review rehabilitative engineering research and development applications for scientific and technical merit and to make recommendations to the Acting Director, Rehabilitative Engineering Research and Development Service (RER&D) regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the March 4th session for approximately one hour to cover administrative matters and to discuss the general status of the program. During the closed session, the Board will be reviewing research and development applications relating to the delivery and organization of rehabilitative engineering. This review involves oral review and discussion of site visits, staff and consultant critiques of research protocols, and similar documents that necessitate the consideration of personnel qualifications and the performance and competence of individual investigators. Disclosure of such information would constitute a clearly unwaranted invasion of personal privacy. Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in a public session. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with section 552b, subsections (c)(4), (c)(6), and (c)(9)(B), Title 5, United States Code and the determination of the Administrator of Veterans Affairs under section 10(d) of Public Law 92-463.

Due to the limited seating capacity of the room those who plan to attend the open session should contact Mrs. Dolores Zupan, Program Assistant (15), Scientific Review Division, Research and Development, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., 20420 (Phone: (202) 389-5414) at least 5 days before the meeting.

Dated: February 9, 1981.

Max Cleland,

Administrator.

[FR Doc. 81-5118 Filed 2-12-81; 8:45 am]

BILLING CODE 8320-01-M

Advisory Committee on Structural Safety of Veterans Administration Facilities; Meeting

The Veterans Administration gives notice under Public Law 92-463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Lafayette Building, 811 Vermont Avenue, NW, Washington, DC on March 13, 1981, at 10 a.m. The Committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity,

it will be necessary for those wishing to attend to contact Mr. Richard D. McConnell, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202–389–2864), prior to March 9, 1981.

Dated: February 9, 1981.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 81-5117 Filed 2-12-81; 8:45 am]

BILLING CODE 3320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 30
Friday, February 13, 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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Nuclear Regulatory Commission	6
Securities and Exchange Commission	7

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 3: p.m., Thursday, February 12, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Legislative matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-81-243 Filed 2-11-81; 2:48 pm]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

The Commission will hold a Closed Meeting on the subject listed below on Wednesday, February 11, 1981, following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item number, and Subject

General, 1—Report of Committee of Commissioners on Relocation of Commission Offices.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: February 10, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-81-238 Filed 2-11-81; 10:01 am]

BILLING CODE 6712-01-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, February 18, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

DATE AND TIME: Thursday, February 19, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (Fifth floor).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.

Correction and Approval of Minutes.

Certification.—Committee for Jimmy Carter (1976 primary)—Review of January 31, 1981 statement of net outstanding campaign obligations (continued from February 5 meeting).

Advisory opinions—

Draft AO 1981-1 David Packard (Bay Area Committee for the reelection of the President (Nixon) and San Mateo County to reelect the President (Nixon).

Draft AO 1981-4 Michael M. Schoor, Counsel, National Society of Professional Engineers-PAC.

Draft AO 1981-9 Geraldine A. Ferraro (Member of Congress).

Advisory opinion requests—barring of withdrawals, final rule and transmittal of regulation to Congress.

Requirements for a proper complaint.

Appropriations and Budget.—FY 81 management plan reallocations; Budget execution report.

Pending Legislation

Classification Actions.

Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, public information officer, telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary to the Commission.

[S-81-244 Filed 2-11-81; 3:37 p.m.]

BILLING CODE 6715-01-M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, Issue No. 26, Page No. 11653, Date Published, Monday, February 9, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, February 19, 1981.

PLACE: 1700 G Street NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The Federal Register notice previously sent for Bank Board meeting dated Thursday, February 19, 1981 should have been Friday, February 13, 1981.

[S-81-241 Filed 2-11-81; 2:16 pm]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, February 19, 1981.

PLACE: 1700 G Street NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Branch Office Application.—Fayette Federal Savings and Loan Association of Connersville, Connersville, Indiana.

Request for Reconsideration of Insurance of Accounts Denial.—Frontier Savings and Loan Association, Fairbanks, Alaska.

Increase of Accounts of an Insurable Type Through Merger of.—First Federal Savings and Loan Association of Chillicothe, Chillicothe, Ohio *Into* The First Federal Savings and Loan Association of Cleveland, Cleveland, Ohio.

Permission to Incur Debt.—Guarantee Financial Corporation of California, Fresno, California.

Concurrent Branch Office Applications.—(1) California Federal Savings and Loan Association, Los Angeles, California. (2) Home Federal Savings and Loan Association of San Diego, San Diego, California.

Merger Application.—Lapel Savings and Loan Association, Lapel, Indiana, *into* Anderson Federal Savings and Loan Association, (now known as American FS&LA), Anderson, Indiana.

[S-81-242 Filed 2-11-81; 2:16 pm]

BILLING CODE 6720-01-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of February 16.

PLACE: Commissioners, Conference Room 1717 H Street NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Tuesday, February 17, 3 p.m.

1. Briefing on Significant Enforcement Action (Approximately 1½ hours—Closed, Exemption 5).
2. Discussion of Draft Bailly Show Cause Order (Closed, Exemption 10).

Wednesday, February 18, 2 p.m.

1. Discussion and Vote on Systematic Safety Evaluation of All Currently Operating Nuclear Power Reactors (Approximately 1 hour—Public meeting).
2. Affirmation/Discussion Session (Public meeting).

Affirmation and/or Discussion and Vote:

a. Proposed Rule Changes to Implement the Commission's Delegation of OL Antitrust Determination to Directors, NRR & NMSS.

b. Redraft of **Federal Register** Notice on Spent Fuel Generic.

c. Fire Protection Rule for Future Plants.

d. Part 51—NEPA Regulations.

e. Review of ALAB-618—Lacrosse.

Automatic telephone answering service for schedule update: (202) 634-1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202) 634-1410.

Dated: February 10, 1981.

Walter Magee,

Office of the Secretary.

[S-81-240 Filed 2-11-81; 11:19 am]

BILLING CODE 7590-01-M

7

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [46 FR 11403 2/6/81].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, February 3, 1981.

CHANGES IN THE MEETING: Additional items/meeting.

The following additional item was considered at a closed meeting scheduled on Thursday, February 5, 1981, following the 10 a.m. open meeting:

Regulatory matter bearing enforcement implications.

The following item will be considered at a closed meeting scheduled for Tuesday, February 10, 1981, at 2:30 p.m.:

Regulatory matter bearing enforcement implications.

The following additional item will be considered at an open meeting scheduled for Wednesday, February 11, 1981, at 10 a.m.:

Consideration of whether to extend the comment period on the proposed amendments to Regulation S-X, Forms N-1 and N-2 and new Rule 30d-1 until March 16, 1981. For further information, please contact Mary K. Crook at (202) 272-2079.

The following items will be considered at a closed meeting scheduled for Wednesday, February 11, 1981, following the 10 a.m. open meeting:

Litigation matter.
Settlement of injunctive action.
Consideration of *amicus* participation.

Chairman Williams and Commissioners Lommis, Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272-2468.

February 10, 1981.

[S-81-239 Filed 2-11-81; 10:38 am]

BILLING CODE 8010-01-M

federal register

Friday
February 13, 1981

Part II

Department of Labor

Employment Standards Administration

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 Stnadards 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.

Arizona: AZ81–5101	Jan. 30, 1981
Arkansas:	
AK80–4080	Oct. 31, 1980
AK80–4081	Nov. 7, 1980
AR80–4082	Nov. 7, 1980
AR80–4083	Oct. 31, 1980
AR80–4079	Nov. 7, 1980
California: CA80–5147	Nov. 28, 1980
Colorado: CO80–5139	Oct. 24, 1980
Florida: FL79–1111	July 20, 1979
Kentucky:	
KY80–1106	Oct. 17, 1980
KY80–1109	Oct. 3, 1980
Maryland: MD80–3047	Aug. 29, 1980
North Dakota: ND80–5132	Oct. 10, 1980
Oklahoma: OK80–4062	July 18, 1980
Oregon: OR80–5145	Nov. 21, 1980
Pennsylvania:	
PA80–3062	Oct. 31, 1980
PA80–3071	Oct. 24, 1980
PA80–3072	Jan. 30, 1981
Washington: WA80–5136	Oct. 17, 1980
Wyoming: WY80–5129	Sept. 19, 1980

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:	
FL78-1065 (FL81-1188)	Aug. 11, 1978.
FL78-1071 (FL81-1187)	Sept. 1, 1978.
FL79-1110 (FL81-1185)	July 20, 1979.
Iowa: IA80-4053 (IA81-4011)	July 25, 1980.
Kentucky: KY79-1095 (KY81-1186)	June 1, 1979.
Michigan: MI80-2064 (MI81-2001)	Aug. 15, 1980.
Nebraska: NE80-4022 (NE81-4012)	Apr. 4, 1980.

Cancellation of General Wage Determination Decisions

None

Signed at Washington, D.C. this 6th day of February 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 1

DECISION AZ81-5101-
Mod. #1
(45 FR 10078 January 30, 1981)
Statewide, Arizona

CHANGE:
Line Construction:
Zone Definitions
Zone 1--area within 30 mile radius from the city halls of Phoenix and Tuscon. Area within 10 mile radius from the city hall of Yuma.

Zone 1A--Area with 10 mile radius from the city hall of Flagstaff, Kingman and Globe.

Zone 2--Other areas not covered by Zone 1 and Zone 1-A.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elevator Constructors					
Elevator Constructors	15.69	1.195	.95	a	.035
Helpers	10.98	1.195	.95	a	.035
Probationary Helper	7.845				
Painters					
Area 3					
Zones A:					
Brush	10.77	.87	.50		.10
Spray; Sandblasters	11.27	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	11.07	.87	.50		.10
Spray	11.57	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	11.52	.87	.50		.10
Spray	12.02	.87	.50		.10
Structural Steel and Tank:					
Brush	11.77	.87	.50		.10
Spray and Sandblasters	12.27	.87	.50		.10

MODIFICATION PAGE 2

DECISION NO. AZ81-5101 Mod. 1 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Zone B:					
Brush	11.52	.87	.50		.10
Spray and Sandblasters	12.02	.87	.50		.10
Paperhangers	11.65	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	11.82	.87	.50		.10
Spray	12.32	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	12.27	.87	.50		.10
Spray	12.77	.87	.50		.10
Structural Steel and Tanks:					
Brush	12.52	.87	.50		.10
Spray and Sandblasters	13.02	.87	.50		.10
Zone C:					
Brush	12.27	.87	.50		.10
Spray	12.77	.87	.50		.10
Paperhangers	12.40	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	12.57	.87	.50		.10
Spray	13.07	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	13.02	.87	.50		.10
Spray	13.52	.87	.50		.10
Structural Steel and Tanks:					
Brush	13.27	.87	.50		.10
Spray and Sandblasters	13.77	.87	.50		.10
Zone D:					
Brush	12.77	.87	.50		.10
Spray	13.27	.87	.50		.10
Paperhangers	12.90	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	13.07	.87	.50		.10
Spray	13.57	.87	.50		.10
Swing Stage, over 40					

MODIFICATION PAGE 3

DECISION NO. AR81-5101 Mod. 2 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3: (Cont'd)					
Zone D: (Cont'd)					
Brush	13.52	.87	.50		.10
Spray	14.02	.87	.50		.10
Structural Steel and Tanks:					
Brush	13.77	.87	.50		.10
Spray and Sandblasters	14.27	.87	.50		.10

MODIFICATION PAGE 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR80-4080-Mod.#5 45FR72439-October 31, 1980 Jefferson County, Arkansas					
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeyman	$10.81	1.195	.82	4%+a+b	.035
DECISION #AR80-4081-Mod.#2 45FR7432-November 7, 1980 Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
Sebastian & Crawford Cos.					
Elevator constructors	10.81	1.195	.82	4%+a+b	.035
DECISION #AR80-4082-Mod.#4 45FR74345-November 7, 1980 Union & Ouachita Counties, Arkansas					
CHANGE:					
Plumbers & Pipefitters	13.10	.60	.85		.10
DECISION #AR80-4083-Mod.#4 45FR72438-October 31, 1980 Pulaski County, Arkansas					
CHANGE:					
Elevator constructors	10.81	1.195	.82	4%+a+b	.035
Elevator constructors helpers	70%JR	1.195	.82	4%+a+b	.035
DECISION #AR80-4079-Mod.#4 45FR74344-November 7, 1980 Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeymen	10.81	1.195	.82	4%+a+b	.035
Helpers	70%JR	1.195	.82	4%+a+b	.035

MODIFICATION PAGE 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA80-5147 - Mod. #4 (45 FR 79275 - November 28, 1980) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change:					
Sheet Metal Workers:					
Area 2	$21.73	$1.20	$2.13		.04
Area 3	16.73	1.20	2.13		.04
DECISION NO. CO80-5139 - Mod.#2. (45 FR 70686 - Oct. 24, 1980) Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado					
CHANGE:					
Bricklayers and Stonemasons:					
Remaining Counties	$11.90	.85	1.10		.05
Decision No. FL79-1111 Mod. #5 (44 FR 42858 - July 20, 1979) Bay County, Florida					
Change:					
Electricians	13.00	.55	3%		.5%
Sprinkler Fitters	12.65	.85	1.20		.13

MODIFICATION PAGE 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1106 MOD. #1 (45 FR 69142-69144 - October 17, 1980) Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmondson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, Melean, Marshall, Mulenberg, Ohio, Simpson, Todd, Trigg, Union, Warren & Webster Counties, Kentucky					
Change:					
Laborers:					
Group 1	9.07	.55	.70		
Group 2	9.32	.55	.70		
Group 3	9.37	.55	.70		
Group 4	9.97	.55	.70		

MODIFICATION PAGE 7

DECISION NO. KY80-1109
MOD. #1
(45 FR 65883-65885 - October 3, 1980)
Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Barris n, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington, & Woodford Counties, Kentucky

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Group 1	9.07	.55	.70		
Group 2	9.32	.55	.70		
Group 3	9.37	.55	.70		
Group 4	9.97	.55	.70		

MODIFICATION PAGE 8

DECISION NO. MD80-3047 -
MOD. #1
(45 FR 57922 - August 29, 1980)
Allegany & Garrett Counties, Maryland

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	11.79	.80	1.00		
CARPENTERS	11.56	.80	1.00		.03
CEMENT MASONS	12.99	.75			
ELECTRICIANS-Allegany County	12.70	.90	3%+.70		.75%
ELECTRICIANS-Garrett County	13.10	.90	3%+.70		.75%
IRONWORKERS:					
Structural & Reinforcing	12.75	.75	1.40		
LABORERS:					
Unskilled, landscape workers, tool checkers, dumpmen, handymen, & truck spotters	9.55	.90	1.40		
Power tool operators, masons & plasterers tenders, mortar mixer by hand, scaffold builders, hod carriers, concrete puddlers, pipe layers, chainmen-rodmen, rammers & grade checkers	9.69	.90	1.40		
Mortar mixer by machine	9.77	.90	1.40		
Barco tampers	9.84	.90	1.40		
Blaster/dynamite & wagon drill operator (air track)	9.89	.90	1.40		
Tunnel workers:					
Caisson, driller & mucker	10.47	.90	1.40		
Laborer - unskilled	10.07	.90	1.40		

MODIFICATION PAGE 9

DECISION NO. MD80-3047 - CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	11.88	.80	1.00		.03
TRUCK DRIVERS:					
Group 1	9.69	1.00	1.25		
Group 2	9.86	1.00	1.25		
Group 3	10.08	1.00	1.25		
Group 4	10.30	1.00	1.25		
Group 5	10.56	1.00	1.25		

DECISION NO. ND80-5132 - Mod #3
(45 FR 67525 - Oct. 10, 1980)
Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Traill, Walsh, and Ward Counties, North Dakota

CHANGE:

Millwrights	$11.91	.80	.60	.60	.02

MODIFICATION PAGE 10

DECISION No. OK80-4062 - Mod. #3.
(45 FR 48446 - July 18, 1980)
Tulsa, Creek, Craig, Ottawa, Delaware, Mayer and Rogers Counties, Oklahoma

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$12.70	1.275	1.00		.03
BRICKLAYERS - STONEMASONS					
Mayes County	12.49	.70	.40	.33	.06
CARPENTERS:					
AREA I	11.58	.55	.75		.07
MILLWRIGHTS - PILEDRIVERMEN:					
AREA I	11.88	.55	.75		.07
ELEVATOR CONSTRUCTORS	12.44	1.195	.82	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.82	a+b	.035
GLAZIERS:					
AREA I	11.44	.70	.30		.01
AREA II	11.84				
LINE CONSTRUCTION:					
Linemen	12.50		3%		½%
Cable Splicers	13.25		3%		½%
Hole Digger Operator	11.33		3%		½%
Heavy Equipment Operator (Pole Cat Or Equivalent)	11.33		3%		½%
Jackhammerman	9.35		3%		½%
Line Truck (Winch Operator)	10.27		3%		½%
POWDERMAN	8.34		3%		½%
GROUNDMAN			3%		½%
TRUCK DRIVER(Flat Bed) Ton and Half and under)	8.91		3%		½%
PAINTERS (Tulsa, Creek, Rogers & Mayes Counties):					
Brush	$12.25		.40		.07
Highwork & Stage	12.65		.40		.07
Spray and Sandblasting	12.90		.40		.07
Hot or Bituminous	13.55		.40		.07
Sheetrock Handtools	12.25		.40		.07
Sheetrock Power Tools	12.65		.40		.07
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10

MODIFICATION PAGE 11

DECISION NO. OR80-5145 - Mod #2 (45 FR 77321 - Nov. 21, 1980) Statewide Oregon	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$18.49	.82	1.45		.18
BOILERMAKERS	15.51	1.275	1.25	1.00	.04
ELECTRICIANS:					
Area 6:					
Electricians	16.88	.90	3% + 2.00		.08
Cable Splicers	18.57	.90	3% + 2.00		.08
ELEVATOR CONSTRUCTORS	18.06	1.345	.95	a	.035
PAINTERS:					
Area 3:					
Brush	13.10	.90	1.15	.50	.09
Spray	13.65	.90	1.15	.50	.09
Bridges, High work over 50' (Brush)	14.00	.90	1.15	.50	.09
Bridges, High work over 50' (Spray)	14.55	.90	1.15	.50	.09

MODIFICATION PAGE 12

DECISION NO. PA80-3062 MOD. NO. 3 (45 FR 72452 - October 31, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Piledrivermen	$11.97	2.63	1.40	e	.13
FOOTNOTE:					
a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day; Thanksgiving Day and Christmas Day.					
DECISION NO. PA80-3071 MOD. NO. 3 (45 FR 70699 - October 24, 1980) Allegheny County, Pennsylvania					
CHANGE:					
Electricians: (Single or two family houses walk-up garden type apartments up to and including 4 stories)	$9.65	.55	3%	.40	
DECISION NO. PA80-3072 MOD. NO. 1 (46 FR 10096 - January 30, 1981) Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland Counties, Pennsylvania					
CHANGE:					
Cement Masons	$12.89	7%	16%		

MODIFICATION PAGE 13

DECISION NO. WA80-5136 - Mod #5
(45 FR 69151 - Oct. 17, 1980)
Statewide Washington

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Area 1	$17.99	.85	1.45		.08
Area 2	18.49	.82	1.45		.18
Area 3	16.84	.78	1.45		.04
ELECTRICIANS:					
Area 1:					
Electricians	17.25	.95	3% + 1.00		.02
Cable Splicers	17.65	.95	3% + 1.00		.02
Area 2:					
Electricians	17.45	.95	3% + 1.30		.05
Cable Splicers	18.20	.95	3% + 1.30		.05
Area 3:					
Electricians	17.45	.95	3% + 1.30		.05
Cable Splicers	19.20	.95	3% + 1.30		.05
GLAZIERS:					
Area 1	12.44	.49	.70	b	
Area 4	11.84	.69	.80	b	
PAINTERS:					
Area 2:					
Brush	13.10	.90	1.15	.50	.09
Spray	13.65	.90	1.15	.50	.09
Bridges, High work over 50' (Brush)	14.00	.90	1.15	.50	.09
Bridges, High work over 50' (Spray)	14.55	.90	1.15	.50	.09
Area 3:					
General Painter	14.52	.84	.70		.04
Drywall Taper	14.92	.84	.70		.04
Industrial Painter	14.92	.84	.70		.04
SHEET METAL WORKERS:					
Area 2	18.31	3% + .64	.94		.14
Area 5	17.50	3% + .73	1.68		.14
Area 6	16.93	3% + .73	1.61		.14

MODIFICATION PAGE 14

DECISION NO. WY80-5129 - Mod. #5
(45 FR 62689 - September 19, 1980)
Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers; Stonemasons;					
Area 2	$ 12.90	.60	.50		.15
Electricians:					
Area 2:					
Contracts $150,000 and under:					
Electricians	13.75	.75	3%+.50		3/4 of1%
Painters:					
Area 1:					
Brush and Roller	13.31	.95	1.15		.08
Spray, Swing Stage and Hazardous	13.91	.95	1.15		.08
Sandblaster (interior)	15.23	.95	1.15		.08
Paperhanger	13.91	.95	1.15		.08
Drywall Finisher	13.56	.95	1.15		.08
Finisher (machine)	13.91	.95	1.15		.08

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: See below
DECISION NUMBER: FL81-1188 DATE: Date of Publication
Supersedes Decision No. FL78-1065 dated August 11, 1978 in 43 FR 35809
DESCRIPTION OF WORK: Heavy Construction

Brevard & Volusia (excluding Cape Canaveral, Kennedy Space Flight Center, Patrick Air Force Base, and Melabar Radar Site), Indian River, Lake, Martin, Orange, Osceola, Polk, St. Lucie, and Seminole counties FL.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	6.79				
Cement Masons	6.44				
Electricians					
Polk County	8.87	5.5%	3% + 3%	4%	.10
St. Lucie	10.08				
Volusia	8.65	.45	3% + .58		1%
Laborers					
Unskilled	3.91				
Pipelayers	4.73				
Millwrights	6.43				
Plumbers/Pipefitters	9.26	.50	.62	.50	.12
P.E.O.					
Backhoes	5.97				
Bulldozers	6.00				
Cranes/ Draglines	5.25				
Loaders	4.63				
Scrapers/ Pans					

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: FL81-1187 DATE: Date of Publication
Supersedes Decision No. FL78-1071 dated September 1, 1978 in 43 FR 39249
DESCRIPTION OF WORK: Heavy Construction

Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Sarasota, and Sumter counties, FL.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Boilermakers	9.95	1.05	1.05		.02
Bricklayers	8.21				
Carpenters	5.17				
Cement Masons	5.86				
Electricians	10.80	5½%	3%	4%	.10
Ironworkers, Structural	10.30	.65	.50	.50	.05
Laborers					
Unskilled	3.35				
Pipelayers	5.40				
Millwrights	9.23	.52	.50		.05
Painters	5.00				
Piledrivers	6.00				
Plumbers & Pipefitters	10.73	.60	1.00		.08
Sheet Metal Workers	9.31	.85	.55	.25	.05
Welders- Rate for craft					
P.E.O.					
Backhoes	5.21				
Bulldozers	4.50				
Cranes	8.79				
Derricks	5.63				
Draglines	6.36				
Graders	4.50				
Loaders	4.00				
Mechanics	5.43				
Rollers	5.00				
Tractors	4.54				

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 COUNTY: DADE
DECISION NUMBER: FL81-1185 DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL79-1110 dated July 20, 1979 in 44 FR 42858
DESCRIPTION OF WORK: Building Construction Projects (does not included single family homes or apartments of four stories or less)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.79	.60	1.02		.06
BOILERMAKERS	12.75	1.275	1.10		.04
BRICKLAYERS:					
Bricklayers; Cement masons; Marble setters; Plasterers; Stonemasons; Tile & Terrazzo workers	11.95	.75	.75		.07
CARPENTERS; SOFT FLOOR LAYERS	10.85	.90	.55		.08
ELECTRICIANS	13.85	.75	5%+3%		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	12.84	1.195	.95	a+b	.035
Helpers	8.99	1.195	.95	a+b	.035
IRONWORKERS	12.05	.98	1.00		.10
LABORERS:					
Permit value $500,000 and over:					
Air tool operators; Mason tenders; Mortar Mixers; and Pipelayers	8.17	1.07	.50		
Plasterers tenders	8.35	1.07	.50		
Unskilled	8.07	1.07	.50		
Permit value up to $500,000:					
Air tool operators; Mason tenders; Mortar Mixers; and Pipelayers	6.47	1.07	.50		
Plasterers tenders	6.65	1.07	.50		
Unskilled	6.37	1.07	.50		
LINEMEN:					
Linemen	12.41	4.5%	3%+2%	5%	0.75%
Groundmen	5.96	4.5%	3%+2%	5%	0.75%
MILLWRIGHTS	12.17	.70	.70		.10
PAINTERS:					
Brush	10.15	.55	.60		.07
Tapers; Paperhangers	10.05	.55	.60		.07
Spray; Sandblasters	10.65	.55	.60		.07
PILEDRIVERS	11.35	.70	.70		.10
PLUMBERS	11.42	.92	1.30		.09

DECISION NO. FL81-1185

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
REFRIGERATION & AIR CONDITIONING MECHANICS:					
A/C Units over 10 tons	13.69	1.23	1.15		.15
A/C Units over 7.5 tons but under 10 tons	10.21	1.23	1.15		.15
ROOFERS:					
Slate; tile; composition; damp & waterproofers	10.88	.83	.35		.02
Kettlemen	7.68	.83	.35		
SHEET METAL WORKERS	12.41	.75	.74		.11
SPRINKLER FITTERS	12.65	.85	1.20		.13
Welders - rate for craft to which welding is incidental					

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Credit for employee who has worked in business less than 5 years.

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DECISION NO. FL81-1185

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP A	12.40	.50	.45		.05
GROUP B	11.58	.50	.45		.05
GROUP C	10.52	.50	.45		.05
GROUP D	9.65	.50	.45		.05
GROUP E	8.40	.50	.45		.05

GROUP A: Field shop mechanic; cranes; derricks; hoist; field batch plant operator; inside elevator operator.

GROUP B: Draglines; backhoes; finisher grader; firemen; fork lift; pumps 3" or larger combination of 5 or less pumps, air compressor (over 125 CFM) or other equipment

GROUP C: Bulldozers, distributors, scrapers, motor graders, trenching machine, front end loaders, air compressor (up to 125 CFM), welding machine, winch truck

GROUP D: Rollers, finishing machines, tractor, oilers & drivers, mixers

GROUP E: Oiler on crawler cranes, drivers.

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Woodbury
DECISION No.: IA81-4011 DATE: Date of Publication
Supersedes Decision No. IA80-4053 dated July 25, 1980 in 45 FR 49814
DESCRIPTION OF WORK: Building Construction (excluding 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	$12.84	.55	1.50		
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS & STONEMASONS	13.98		1.00		.02
CARPENTERS:					
Carpenters and Drywall Hangers	12.86	.92	.60		.04
Millwrights and Piledrivermen	13.36	.92	.60		.04
CEMENT MASONS	11.215				
ELECTRICIANS:					
Within 15 miles radius of Sioux City and all electrical contracts over $300,000	13.76	.65	3%+.80		3/4%
All contracts $300,000 and under; outside 15 mile radius of Sioux City	6.15	.65	3%+.80		3/4%
ELEVATOR CONSTRUCTORS	13.05	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPER	70%JR	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' PROBATIONARY HELPER	50%JR				
IRONWORKERS	13.42	.82	.55		.045
LABORERS:					
GROUP 1 - Common laborers	9.85	1.03	.80		
GROUP 2 - Mortar mixer; plasterers' mixers; air tool operators; mechanical tampers; concrete saw; gunnite nozzle; chain saw; wrecking torch; sandpot and blasting	10.00	1.03	.80		
LATHERS	11.13				.01
Line Construction					
Group I - lineman; all rigs setting assembled "H" fixtures and steel transmission structures	13.26	.45	7%	b	½%
Group II - blaster; special equipment operations (hole digging machines, all tractors, transmission line pole hauling and setting equipment other					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
than assembled "H" fixtures)	$10.61	.45	7%	b	½%
Group III - groundman	8.62	.45	7%	b	½%
Group IV - groundman - truck driver	8.75	.45	7%	b	½%
Group V - pole treating truck driver	8.49	.45	7%	b	½%
Group VI - pole treating specialist	10.21	.45	7%	b	½%
MARBLE SETTERS	13.98		1.00		.02
PAINTERS:					
GROUP 1 - Brush and Drywall Finishers	12.31	.97	.75		
GROUP 2 - Spray; all swing work; all work higher than 40 ft.; scaffolds, jacks, ladders; pressure roller; sandblasting; structural steel over 25 ft.	12.81	.97	.75		
PLUMBERS AND STEAMFITTERS	13.77	.74	.80		.10
ROOFERS:					
Roofers	10.98	.87			
Kettlemen	10.60	.87			
SHEET METAL WORKERS	13.85	.75	.90		.04
SPRINKLER FITTERS	14.10	.85	1.20		.08
TERRAZZO WORKERS	13.98		1.00		.02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:

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; seven paid Holidays.

b - Seven Paid Holidays

PAID HOLIDAYS: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$13.095	.90	.90		.10
GROUP 2	12.85	.90	.90		.10
GROUP 3	11.58	.90	.90		.10
GROUP 4	10.80	.90	.90		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes including those being used as backhoe, dragline, clamshell, etc., tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derrick; piledrivers and extractors; caisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

GROUP 2 - 1 and 2 drum hoist; air and electric tuggers (on power plants or setting steel or grating); Economobiles; plant mixer; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge (engineer); side boom and winch truck other than Group No. 1; Motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ ton); concrete mixers (1 yard and over); ditching machine (8" and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pump; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or combination of 250 CFM or more): pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator 75 KW and over); fork lifts (other than above Group NO. 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers, mechanical heaters; truck crane drivers; permanent elevators

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: See below
DECISION NO. KY81-1186 DATE: Date of Publication
Supersedes Decision No. KY79-1095 dated June 1, 1979 in 44 FR 31823
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including 4 stories

Allen, Barren, Edmondson, Hart, Simpson, & Warren Counties, Kentucky	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A/C & Heating Mechanics	5.65				
Bricklayers	6.89				
Carpenters	5.31				
Cement Masons	5.00				
Drywall Hanger	7.21				
Drywall Finisher	6.50				
Electricians	5.75				
Insulation Installer	5.11				
Laborers					
Unskilled	3.50				
Mason Tenders	3.97				
Painters	5.00				
Plumbers	6.10				
Roofers	5.31				
Sheet Metal Workers	5.53				
Soft Floor Layers	4.87				
Truck Drivers	5.06				
Welders - Rate for craft					
P.E.O.					
Dozer Operator	6.50				
Grader	6.75				
Backhoe Operator	6.50				
Front End Loader	6.50				
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: MICHIGAN COUNTY: MARQUETTE
DECISION NO. MI81-2001 DATE: Date of Publication
Supersedes Decision No. MI80-2064 dated August 15, 1980 in 45 FR 54622
DESCRIPTION OF WORK: Residential Construction Projects 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	$12.36	.95	.50	1.00	.10
BOILERMAKERS	14.67	1.38	1.45	2.00	.05
BRICKLAYERS & STONEMASONS	12.46	.80	.75		.02
CARPENTERS & SOFT FLOOR LAYERS	8.20	.60	.80		.02
CEMENT MASONS	11.96	.80	.75		.02
ELECTRICIANS	8.95	.45	3%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Constructors	12.13	1.04	.69	a+b	.035
Helpers	70%JR	1.04	.69	a+b	.035
IRONWORKERS	12.20	.80	1.15	2.00	.04
LABORERS:					
Laborers	9.70	.75	.50		.04
Chipping Hammers; Concrete Mixers, Green Cutter (Air Electric or Gas), Material Mixers, Mortar Mixers, Motor driven buggy Opr., sandblasters, Tamping machines, vibrator Oprs.,	9.80	.75	.50		.04
MILLWRIGHTS	13.59	.75	.90		.02
PAINTERS:					
Brush & Glaziers	10.50	.60			.05
PILEDRIVERMEN	12.14	.75	.90		.02
PLASTERERS	12.46	.80	.75		.02
PLUMBERS & STEAMFITTERS	13.93	.92	.90		.05
ROOFERS	11.05	.70	.50		
SHEET METAL WORKERS	13.13	.92	1.32		.25
SPRINKLER FITTERS	14.30	.85	1.20		.08
TILE-MARBLE & TERRAZZO WORKERS	12.46	.80	.75		.02
TRUCK DRIVERS:					
Regular	10.04	c31.00	c27.00		
Heavy Duty, double axle and semi	10.17	c31.00	c27.00		
Euclid type equipment	10.40	c31.00	c27.00		

DECISION NO. MI81-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OEPRATORS					
Regular Equipment Operator Crane, Dozer, Front End Loaders Job Mechanic	10.86	1.05	*1.80	12%	.05
Air Track Drill, Boom Truck Concrete Mixers, Fork Truck, Material Hoist and Tugger, Pump, 6" and over, Pumpcrete, Belt Crete, Squeeze crete, Sweeping Machine, Trencher, Winches, Well Points and Freeze Systems	8.79	1.05	*1.80	12%	.05
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. MI81-2001

* .10 inc. in Pension Fund for Retiree Benefit Fund

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day & G. Christmas Day

FOOTNOTES:

a. 7 paid holidays; A through G

b. Employer contributes 8% of regular hourly rate to vacation credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week, Per employee

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: Nebraska

COUNTIES: Douglas, Sarpy, Otoe and Cass

DECISION NUMBER: NE81-4012

DATES: Date of Publication

Supersedeas Decision No. NE80-4022 dated April 4, 1980 in 45 FR 23260

DESCRIPTION OF WORK: Building projects, including 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	$15.52	.70	.71		.03
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS, Stonemasons	12.36	.82	.60		.05
CARPENTERS:					
Carpenters	13.07	.82	.70		.05
Piledrivermen	13.205	.82	.70		.05
Millwrights	13.35	.82	.70		
CEMENT MASONS	12.85	.82	.90		
ELECTRICIANS - Douglas & Sarpy & Cass Cos.	14.71	.90	3%+1.35		½ of 1%
Residential (not to exceed 3 stories)	10.03	.90	3%		½ of 1%
ELECTRICIANS Otoe County	13.63	.75	3%+1.00		.06
ELEVATOR CONSTRUCTORS	13.685	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS HELPERS	70%JR	1.195	.95	a	.035

FOOTNOTES:

A. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 7 paid holidays.

GLAZIERS	13.64	.90	.50		.01
IRONWORKERS	12.10	.85	1.00	1.00	.05
LABORERS:					
Common laborers	9.21	.85	.65	.85	
Buggymobile oprs., mortar mixers, mason tenders	9.375	.85	.65	.85	
Pipelayers	9.54	.85	.65	.85	
Plasterers tenders	9.585	.85	.65	.85	
LATHERS	9.95	.57	.50	1.00	
MARBLE SETTERS, TILE AND Terrazzo workers	12.22	.30	.40		
MARBLE, Tile and Terrazzo Workers Finishers	9.60				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (Douglas, Cass, & Sarpy Cos.,)					
Brush	$11.65		.50		.05
Structural steel and Paperhangers	12.00		.50		.05
Spray, swing stage, hazardous and sandblasting	12.25		.50		.05
PAINTERS: (Otoe County)					
Brush & paperhangers	10.34	.65	.30		
Structural steel	10.84	.65	.30		
PLASTERERS	13.42	.85	.58		
PLUMBERS	13.79	1.10	1.15		.10
ROOFERS:					
Composition - Douglas, Cass & Sarpy Cos.	10.90	.70	.20		.01
ROOFERS (Otoe County)	10.85	.50	.30		.02
ROOFERS:					
Roofers helpers (handling roofing materials, erecting and dismantling scaffold for roofers, and removing and cleaning up old roofers (Douglas, Cass, and Sarpy Cos.)	50%JR	.70	.20		.01
SHEET METAL WORKERS	14.29	.75			.08
SHEET METAL WORKERS Residential	10.53	.75			.08
SPRINKLER FITTERS	14.30	.85	1.20		.08
STEAMFITTERS	13.54	.70	.85		.15
LINE CONSTRUCTION:					
Lineman	13.18	.45	3%		½%
Cable splicers	14.16	.45	3%		½%
Truck Driver	9.52	.45	3%		½%
Equipment Operators	11.86	.45	3%		½%
Groundmen	8.60	.45	3%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$10.07	.85	1.20		
Group 2	10.18	.85	1.20		
Group 3	10.52	.85	1.20		
Group 4	12.26	.85	1.20		
Group 5	12.37	.85	1.20		
Group 6	12.67	.85	1.20		
Group 7	10.09	.85	1.20		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Oilers

Group 2 - Oiler drivers (mobil truck crane)

Group 3 - Conveyors; beaters; tractors, 35 hp or under; air compressors; pump and welding machine operator

Group 4- Bulldozers; forklifts; concrete pumps; tractors over 35 hp; one drum hoist; straddle trucks; spread oiler

Group 5 - Blades; end loaders; self-propelled scrapers

Group 6 - Two drum hoist; trenching machines; pile drivers; dredges; heavy duty mechanics; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers in construction work; economobile; electric hammers and extractors

Group 7 - Greasers

TRUCK DRIVERS:					
Single axle	8.645	.57	.48		
Tandem axle	8.72	.57	.48		
Lowboy, trailer	8.845	.57	.48		
Lumber carriers	9.02	.57	.48		
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).

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February 13, 1981

Part III

Environmental Protection Agency

Standards Applicable to Hazardous Waste Land Disposal Facilities; Proposed and Temporary Interim Final Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 267

[SWH-FRL 1725-1]

Interim Standards for Owners and Operators of New Hazardous Waste Land Disposal Facilities and EPA Administered Permit Programs: The Hazardous Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today promulgating temporary standards for four classes of new hazardous waste land disposal facilities—landfills, surface impoundments, land treatment facilities and Class I underground injection wells. These standards will allow EPA to issue permits to new land disposal facilities pending the development of permanent land disposal standards for new and existing facilities.

DATES: Effective Date: August 13, 1981. Comment Date: This regulation is being promulgated as an interim final rule. The Agency will accept comments on it until April 14, 1981.

ADDRESSES: Comments on this regulation should be sent to Docket Clerk, Docket 3004: New Land Disposal Facilities, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

For information on the technical aspects of this regulation contact: John P. Lehman, Acting Director, Land Disposal Division, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9185.

For information on the management and implementation of the RCRA permit program contact:

John H. Skinner, Director, State Programs and Resource Recovery Division, Office of Solid Waste (WH-563), 401 M Street, S.W., Washington D.C. 20460, (202) 755-9107 or

Heather Struck, Attorney, Permits Division, Office of Enforcement (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-0750.

For State or Regional related information contact:

Region I, Dennis Hueber, Chief, Radiation, Waste Management Branch, John F. Kennedy Building, Boston, Massachusetts 02203, (617) 223-5777.

Region II, Dr. Ernest Regna, Chief, Solid Waste Branch, 26 Federal Plaza, New York, New York 10007, (212) 264-0504/5.

Region III, Robert L. Allen, Chief, Hazardous Materials Branch, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-0980.

Region IV, James Scarbrough, Chief, Residuals Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 881-3016.

Region V, Karl J. Klepitsch, Jr., Chief, Waste Management Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6148.

Region VI, R. Stan Jorgensen, Acting Chief, Solid Waste Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270, (214) 787-2645.

Region VII, Robert L. Morby, Chief, Hazardous Materials Branch, 324 E. 11th Street, Kansas City, Missouri 64106, (816) 347-3307.

Region VIII, Lawrence P. Gazda, Chief, Waste Management Branch, 1860 Lincoln Street, Denver, Colorado 80203, (303) 837-2221.

Region IX, Arnold R. Den, Chief, Hazardous Materials Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-4606.

Region X, Kenneth D. Feigner, Chief, Waste Management Branch, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442-1260.

SUPPLEMENTARY INFORMATION:

I. Authority

These amendments are issued under the authority of Sections 1006, 2002(a), 3004 and 3005 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. §§ 6906, 6912(a), 6924 and 6925.

II. Purpose of and Need for These Regulations

Subtitle C of RCRA requires EPA to establish a comprehensive Federal regulatory program to assure the safe management of hazardous waste. In addition to regulating the activities of hazardous waste generators and transporters, a major goal of this program is to assure that wastes are treated, stored and disposed of only at environmentally sound hazardous waste management facilities. RCRA seeks to accomplish this goal by requiring all hazardous wastes to be designated for, transported to and treated, stored and disposed of at permitted facilities and requiring those permits to contain EPA-approved requirements for the design, construction and operation of the facility.

Unlike Clean Water Act permits, which can be issued in the absence of EPA regulations (see Section 402(a)(1), 33 U.S.C. 1342(a)(1)), RCRA permits may be issued only after EPA has promulgated regulations establishing standards for hazardous waste management facilities under Section 3004 of RCRA. See Section 3005(c). These standards are also directly enforceable against a facility.[1] Section 3008.

On May 19, 1980, EPA promulgated the first phase of its Section 3004 standards under Subtitle C of RCRA. 45 FR 33066-33588. These "Phase I" regulations contain self-executing, largely administrative and operational standards which existing hazardous waste management facilities [2] must meet during interim status. They do not contain the technical operating, design and construction requirements necessary to issue permits to new or existing facilities (e.g., requirements for landfill liners or incinerator destruction and removal efficiencies). As discussed at length in the preamble to the Phase I regulations, these standards were scheduled to be issued as "Phase II" of EPA's hazardous waste program, sometime in late 1980. 45 FR 33156-33157.

EPA has now issued a large portion of these Phase II standards. Standards for issuing permits to tanks, piles, storage surface impoundments and container management facilities were promulgated on January 12, 1981 (46 FR 2802). Standards for hazardous waste incinerators appear in the January 23, 1981, **Federal Register** at 46 FR 7666.

Conspicuously absent from these two sets of regulations are standards for permitting the four major classes of land disposal facilities—landfills, surface impoundments, land treatment facilities and Class I underground injection wells. Drafting standards for these classes of hazardous waste management facilities has been the most difficult task EPA has faced in developing its hazardous waste program. The Agency first proposed standards for permitting land disposal facilities on December 18, 1978 (43 FR 58982). EPA received hundreds of comments on these standards, criticizing them for their reliance on design criteria

[1] EPA will not enforce Section 3004 standards directly against a facility which has a RCRA permit. See 40 CFR 122.13 and 45 FR 33312 (May 19, 1980).

[2] Throughout this preamble, the term "existing facilities" will be used to refer to facilities which have qualified for interim status and the term "new facilities" to refer to facilities which have not qualified for interim status under Section 3005(e) of RCRA.

and their lack of flexibility. In response to these comments, EPA examined several other regulatory approaches, including containment strategies and numerical and non-numerical ambient health and environmental standards. Based on our analysis of the advantages and disadvantages of these alternatives, we decided to develop revised regulations that combined features of all four approaches. See 45 FR 66816 (October 8, 1980). Those regulations were published in the February 5, 1981 **Federal Register** (46 FR 11126).

Because the specifics of EPA's revised land disposal regulations had never been proposed for public comment and because the regulations require a permit applicant to make showings that may be on the fringes of the technical state-of-the-art, EPA has decided that they should be proposed. To assure that the public has adequate time to fully evaluate and comment on these very complex regulations, EPA is providing a 180-day comment period on them.

The practical result of these two actions is that EPA will probably not be able to issue final land disposal standards until the beginning of 1982 at the earliest. As noted above, EPA cannot issue permits for land disposal facilities until it issues corresponding Section 3004 standards and those standards become effective. Under the most optimistic scenario, this would mean that no land disposal facilities could be issued permits until mid-1982 if the only Section 3004 standards were the permanent standards proposed today.

Such a long delay in beginning the permit program would have undesirable consequences for existing land disposal facilities. Because Section 3005(e) of RCRA treats existing facilities as having been issued a RCRA permit until final EPA or state action is taken on their permit application, such a delay will not force them to cease operations. It will, however, slow down the upgrading of those facilities. Although they are now subject to EPA's "interim status" standards, those standards do not require them to install liners, leachate collection systems and other technical components which will assure that they do not pose hazards to human health or the environment. The imposition of these important requirements must await the promulgation of Phase II regulations and the issuance of permits.

Fortunately, there are other mechanisms to deal with existing landfills. Pending the issuance of permitting standards, EPA can take corrective action against the worst land disposal facilities using its authority under Section 7003 of RCRA. It can also impose monitoring, analysis, testing and reporting requirements under Section 3013. In addition, states can take action to close down or upgrade these facilities under state law.

The timing of EPA's final land disposal regulations creates a much more serious problem for new facilities. RCRA prohibits a new facility from commencing operations (i.e., treating, storing or disposing of hazardous waste) until a final RCRA permit is issued. In addition, under EPA's May 19, 1980, hazardous waste regulations, no new land disposal facilities can begin construction until they have been issued a RCRA permit. See § 122.22(b), as amended by 45 FR 2344 (January 9, 1981). This means that if EPA took no further action beyond its planned promulgation of detailed regulations by the beginning of next year, no new hazardous waste land disposal facilities could commence construction or operations until mid-1982 at the earliest.

This moratorium on the construction and operation of new land disposal facilities is likely to have adverse repercussions for the safe and environmentally sound disposal of hazardous waste. A November 1980 EPA report [3] indicates that our nation faces a sensitive period regarding its capability to safely manage all the hazardous waste it produces. The report indicates that although many large areas of the country appear to have sufficient commercial off-site waste management capacity for 1981, several areas—New England, the Midwest, the Plains, the Rocky Mountains and the Pacific Northwest (EPA Regions I, V, VII, VIII, and X)—do not. The total 1981 off-site capacity shortfall in these five areas could be more than 1.4 million wet metric tons (WMT), or over 30% of the total volume of waste generators in these regions may want to send to commercial facilities.

Importantly, these findings are based on the assumption that the percentage of wastes historically managed on-site will remain constant and that existing off-site commercial facilities will not close. The assumption that the percentage of wastes managed on-site will remain constant will be less valid if there is a moratorium on permitting new facilities, because new industrial operations, which are estimated to account for about 1.5 million WMT of the 1981 waste volume, would have to rely primarily on off-site commercial facilities to manage their wastes.[4] This would be a significant departure from industry's existing practice of managing nearly 80% of its hazardous waste on-site, with most of it being disposed of in landfills and surface impoundments.

Similarly, the assumption that existing sites will not close may prove to be incorrect. Some existing sites are presently encountering major public and governmental opposition to their continued operation. In the short time since the hazardous waste management industry was surveyed for EPA's report, at least eight of the 127 commercial hazardous waste management facilities identified in the report have closed down or stopped receiving hazardous waste. In California (Region IX) alone, four of its thirteen facilities have stopped receiving hazardous waste, creating capacity problems in the southern part of the State. In Texas (Region VI), two of its twelve facilities have closed (although this does not appear to have significantly reduced capacity in the Southwest). In Colorado (Region VIII), ongoing efforts to close down the state's only operating hazardous waste landfill, if successful, will require persons using that landfill to transport their wastes an additional several hundred miles for disposal.

In short, the basic assumption underlying the conclusions in EPA's report—that the status quo will continue—may prove to be inaccurate in certain areas of the country, particularly if no new landfills can be constructed for the next one or two years. Thus actual capacity shortfalls in 1981 could be higher and surpluses lower than predicted.

Even in those areas which EPA's report identifies as having generally adequate commercial off-site waste management capacity—the Mid-Atlantic States, the South and the Southwest (EPA Regions II, III, IV, VI and IX)—generators may encounter waste-specific capacity problems. Many waste management facilities are limited as to the types of wastes they can handle. Although it appears that most wastes slated for off-site treatment, storage or disposal can be managed by more than one type of facility—e.g., an incinerator, a landfill or a chemical treatment facility—some generators may discover that their region has limited capacity to handle their specific waste. In other cases, generators (particularly generators of very toxic and hard-to-manage wastes such as pesticides,

[3] Booz, Allen & Hamilton, Inc. and Putnam, Hayes & Bartlett, Inc., *Hazardous Waste Generation and Commercial Hazardous Waste Management Capacity-An Assessment*, November 1980.

[4] Existing industrial operations which exhaust their current on-site capacity or close on-site facilities in 1981 will also be relying on commercial facilities to handle their wastes.

cyanide wastes, radioactive wastes, polychlorinated biphenyls (PCBs) and explosives) may find that facility operators in their region will not accept their waste.

To respond to its perceived needs for additional capacity, the hazardous waste management industry plans to increase total off-site landfill capacity by 8.4 million WMT and land treatment capacity by slightly more than half a million WMT in 1981. EPA's own regional survey indicates that industry is planning on building or substantially expanding almost 100 on-site and off-site land disposal facilities in the immediate future. These two figures are further evidence of a need for additional landfills and land treatment facilities in 1981 and 1982.

The absence of adequate commercial capacity in local markets may cause environmental problems. Generators confronted with capacity shortfalls in their area will face the prospect of having to haul their waste to adjoining regions with surplus capacity. The farther these wastes must be transported, the greater the statistical danger of spills. Many generators may find the transportation costs of this long-distance disposal prohibitive. Even in those areas where limited capacity is available, generators may encounter rising prices at commercial facilities due to the demand for their services. As a result of these higher costs, they may resort to stockpiling wastes on-site or illegal disposal practices (e.g., midnight dumping). This obviously would defeat the very objectives of EPA's Subtitle C program.

In short, while we are not on the verge of a national crisis in hazardous waste disposal because of off-site capacity shortfalls, it is clear that there will be insufficient commercial capacity in some areas that will increase both costs and the likelihood of improper disposal. It would certainly be desirable to remedy this situation; at a minimum, EPA believes it should not be allowed to deteriorate any further.

The moratorium on new land disposal contruction and operation has consequences for on-site facilities as well. Several manufacturing facilities have advised EPA that they intend to handle their wastes in on-site landfills or surface impoundments. The ability to obtain permits for these facilities in certain areas, may, in some cases, influence these companies' decisions concerning location of their manufacturing plants. Thus, the moratorium may not only prevent companies from building land disposal facilities, it may delay construction of the production facilities connected to them as well.

The Department of Energy has expressed to EPA its concern that synfuels plants will have difficulty siting and constructing production plants and handling wastes from these plants if EPA is not able to issue permits to these facilities during the next several years. This could have important reprecussions for the national energy supply.

Finally, the mortorium on the permitting of new facilities will simply extend the amount of time during which hazardous wastes will continue to be managed at old land disposal facilities. Although EPA's interim status standards will help upgrade operating practices at these facilities, many of them are improperly sited and poorly constructed and will therefore continue to pose hazards to human health and the environment. The availability of well-designed, environmentally sound new disposal facilities would help divert wastes from these old, inadequate sites and make it easier for states and the Federal government to close them down, thus reducing the dangers they present.

In short, there are strong reasons of public policy why permitting of new hazardous waste facilities should begin as soon as possible. Some of these are directly related to the purposes of RCRA. These include the need to provide new hazardous waste disposal facilities in areas that now lack them so as to reduce the pressures for improper disposal, and the need to provide new facilities in areas where the existing ones are inadequate to provide a reserve of disposal capacity that in turn will make it easier to upgrade or if necessary close down those existing facilities. Others reflect other important national goals, most notably, the need to assure that new investment in energy and other productive facilities is not delayed simply because a national solid waste control program has taken longer to establish than Congress initially anticipated.

The question then becomes whether RCRA authorizes a regulatory approach under which some new disposal facilities in certain categories can be permitted, and thus can begin construction, before detailed regulations establishing disposal requirements have been issued and have taken effect. For the reasons given below, EPA has concluded that it does.

Section 3004 of RCRA, entitled "Standards Applicable to Owners and Operations of Hazardous Waste Treatment, Storage, and Disposal Facilities" directs EPA to issue "regulations * * * establishing * * * performance standards" in at least seven distinct areas for hazardous waste treatment facilities. Section 3005, entitled "Permits for Treatment, Storage or Disposal of Hazardous Waste" picks up this theme by stating that permits may be issued to facilities that comply "with the requirements of * * * section 3004."

EPA believes that this language should best be read to express a general Congressional preference for requirements under Section 3004 that specify the approach to be taken in individual permit proceedings and that substantially narrow the area within which the permit writer will be free to set terms without reference to detailed national standards.

However, nothing in the text of the statute compels that result. It requires only that EPA set national regulations for permit issuance, and that these then be applied to individual permits. Indeed, when Congress inserted a separate permit-issuance stage in the procedure by which RCRA standards are set for individual facilities, it presumably intended that stage to serve an independent regulatory purpose. Many of the provisions of Section 3004—for example, Section 3004(3)—are very generally worded. It is very unlikely that any nation-wide regulations implementing them could totally eliminate the need for discretion in individual permit proceedings. The statute appears to contemplate the exercise of such discretion when it requires the submission of detailed site-specific information in a permit application, (see Section 3005(b)), and when it requires widely advertised public comment on a proposed permit (see Section 7004(b)(2)).

Given this background, EPA believes that, though the statute expresses a distinct preference for regulations under Section 3004 that provide detailed binding guidance to permit writers, it also allows the burden of setting the precise RCRA requirements that bind a site to be shifted back and forth between general regulations under Section 3004 and site-specific permit proceedings under Section 3005 according to circumstances.

EPA believes that the public interest considerations discussed above provide a temporary justification for taking an approach that shifts a high degree of that burden to individual permit proceedings, and the regulations promulgated today embody that approach.

They also contain a number of safeguards to make sure that taking this approach now does not undermine either the general statutory preference for detailed national standards, or result

in less responsible environmental regulation than Congress expected when it expressed a preference for detailed standards.

To emphasize the interim nature of these regulations, their lifetime has been limited. They will be replaced by the more detailed standards now being developed as soon as feasible.

And while these standards are in effect, EPA will take steps to assure that permits issued under them contain the same depth of analysis and consideration that they would if they were based on more detailed Section 3004 regulations. In other words, EPA will aim to create a state of affairs in which each individual permit can be viewed, both procedurally and substantively, as a site-specific rulemaking under Section 3004. To the extent this goal can be achieved, EPA believes any doubts about the legal acceptability of this approach will be further removed.

The permit-issuance procedures in Part 124 already provide the basic framework for such an approach. They provide for detailed explanation of the terms of a draft permit, together with public comment on it, for an administrative record to assist public comment, and for a final decision accompanied by a response to comments. To further heighten the procedural similarity to rulemaking, EPA has provided in these regulations that the Administrator will review any permit decision on request. Finally, as discussed in more detail below, EPA will form a special permit writing team to assure quality and national uniformity in these permits.

Two other consequences of this approach need to be mentioned. First, there may well be limits to the number of permits EPA can process under this approach. It is likely to be very costly in resources, since it requires work that would normally be done once and for all in a national rulemaking to be repeated in each individual permit proceeding.

Second, as discussed in more detail in Section IV below, state permit issuance under Part 267 will not be authorized. The program under this Part will depend so heavily on what is done in individual permit proceedings that there will be no practical way to judge whether state programs, whatever they may look like on paper, will be "equivalent" to the Federal program as the statute requires. However, EPA stands ready to cooperate with states in reviewing applications and evaluating the terms of draft permits when it is taking action under this Part.

III. Implementation of These Regulations

A. Relationship to Today's Proposed Requirements for Land Disposal Facilities

As noted above, on February 5, 1981, EPA proposed permanent permitting requirements for land disposal facilities. These include facility and performance standards in Part 264 and permit application requirements in Part 122. After considering comments submitted on the proposal, EPA will issue final regulations.

The interim permit regulations promulgated today in Part 267 are temporary regulations designed to allow land disposal facilities to be permitted during the interim period while the Agency considers comments on its proposed Part 264 requirements and sets appropriate final requirements. The Part 267 standards are necessarily much more general than the proposed 264 standards.

A major example of the differences between the proposed Part 264 approach and the more general Part 267 approach is their differing approach to setting of performance standards. Proposed Part 264 very specifically requires numerical risk analyses. In particular, it sets concentration limits for many contaminants, and it specifies the location where the concentrations must be measured (at the point of actual or potential withdrawal for use).

Part 267 does not require the development of numerical risk analyses, although such information could be useful in establishing permit conditions. Likewise, Part 267 leaves to the permit process the decision where to apply any ground water quality limits—*e.g.*, at the point of initial entry into the saturated zone, at the facility property boundary, or at the first downgradient point of use.

Certainly the Part 264 scheme for land disposal being proposed today could be used to guide permit decisions. However, Part 267 does not necessarily require that the specific analyses and requirements contemplated in the proposed Part 264 regulations be performed for each permit. Depending on the circumstances, for example, it may not be possible to await full development of all the information required by Part 264 before final action is taken on a permit for a new land disposal facility. Furthermore, the methodology for assessing whether a proposed facility would be protective of human health and the environment may differ from that proposed in Part 264.

EPA has developed other documents which should be useful to both permit applicants and permit writers. These are four Technical Resource Documents: Evaluating Cover Systems for Solid and Hazardous Waste (SW-867); Hydrologic Simulations on Solid Waste Disposal Sites (SW-868); Landfill and Surface Impoundment Performance Evaluation (SW-269); and Lining of Waste Impoundment and Disposal Facilities (SW-870). See EPA's notice of availability of drafts of these four documents in 45 FR 82964 (December 17, 1980).

In summary, Part 267 is a general regulation authorizing the issuance of permits for new land disposal facilities. Any available information or mode of risk analysis may be used, provided that the resulting requirements protect human health and the environment.

B. Permit Writing Assistance Teams

The issuance of permits to land disposal facilities during the initial stages of the RCRA permit program will be very difficult. The potential for improperly sited and designed land disposal facilities to pollute the environment has aroused concern in many communities, making the issuance of permits to land disposal facilities highly controversial.

Many difficult and complex technical and policy issues must be addressed in issuing many of the these permits. Yet, the interim permitting standards of Part 267 are of necessity quite general, thereby leaving many of these issues for resolution in the permitting process.

To assist permit writers, EPA is organizing national teams of Federal and State personnel and outside consultants who are experts in issues relating to land disposal facilities. (Similar teams are being organized to assist permit writers in issuing permits for incinerators.) These experts will assist applicants in developing permit applications and will actively participate in the review of data submitted by permit applicants, the decisions whether to issue or deny permits, and the development of appropriate conditions when permits are issued.

EPA expects two chief benefits/result from its use of permit writing assistance teams. First, this will bring some of the Nation's best expertise to bear on the development of permits, thereby maximizing protection of human health and the environment. Second, the teams will assure that consistent modes of analysis are used to issue different permits.

C. State hazardous waste programs

Like several other Federal environmental statutes, RCRA authorizes EPA to approve state

programs. Once approved, these programs operate in lieu of the Federal program within their respective jurisdictions. See Section 3006.

RCRA is unique among the Federal environmental statutes in providing for two types of approvals of state programs: "interim authorization" and "final authorization". Interim authorization is a temporary approval lasting up to 24 months after full Federal program has been established; it may be granted to states whose programs are "substantially equivalent" to the Federal program. Final authorization is a permanent approval (subject, of course, to withdrawal for cuase by EPA); a state may obtain final authorization by demonstrating that its program is "equivalent" to the Federal program, is "consistent with" the Federal program and other state programs, and provides adequate enforcement.

By keying interim and final authorization to the shape of the Federal hazardous waste program, Congress sought to use the Federal program both as a model for the development of the state programs and a "minimum standard" for their approval. H.R. Rep. No. 94-1419, 94th Cong., 2d Sess. at 29 (1976). In this way, it hoped to materially upgrade existing state programs (whose inadequacy was one of the factors leading to RCRA's enactment) and to assure some degree of uniformity and consistency in hazardous waste management standards from state to state. Id. at 30.

Although EPA recognized at the time its May 19, 1980, hazardous waste regulations were issued that they would require fine tuning over time (and in fact they have been amended in several respects to date), they were, in EPA's opinion, sufficiently "final" and specific that they could serve as a model and "minimum standard" for State programs. For these reasons, EPA's regulations provided that States could obtain interim authorization based on those regulations as early as their effective date. See §§ 123.121, 123.122, 123.128.

Similarly, while EPA also contemplates future modifications to its permitting standards for hazardous waste storage/treatment facilities (published on January 12, 1981, at 46 FR 2802) and for hazardous waste incinerators (published on January 23, 1981 at 46 FR 7666), it believes that those standards, too, can serve as a model for the development and approval of State programs. Therefore, as discussed below, EPA expects to begin authorizing State hazardous waste permitting programs for these classes of facilities as soon as the storage and incinerator regulations become effective.

Unlike the final permitting standards issued for storage facilities and incinerators, today's interim permitting regulations for land disposal facilities cannot serve as the basis for the development and approval of State programs.

First, they are not permanent standards; they will be effective only for at most eighteen months. EPA's final land disposal regulations are not likely to be simply a fine tuning of these standards. They may look entirely different and impose very different requirements.

Second, today's regulations are not (and are not intended to be) a "model" Federal program. They are, rather, requirements designed to provide a minimum regulatory framework for issuing Federal permits to new land disposal facilities until more detailed standards can be developed.

Finally, today's regulations do not provide a good yardstick for evaluating State programs for interim or final authorization. Although they include broad standards for decision making and factors to be considered in determining whether those standards have been met, they do not specify how risks should be defined, assessed and minimized. Nor do they contain specific design standards; they describe the general elements commonly associated with land disposal facilities and require the applicant to demonstrate that the design will protect human health and the environment.

For States which adopt EPA's regulations verbatim, the "substantial equivalency" of the state program will depend to a great extent on how the permit writer's discretion is exercised. It will therefore be largely impossible to determine in advance whether a state's regulations are substantially equivalent to Part 267 and thus sufficient for the state to be granted interim authorization. Thus approval of state regulations as substantially equivalent to Part 267 would become possible, if at all, only in retrospect by comparing EPA-issued permits to state-issued permits to determine whether they are substantially equivalent. Indeed, since there will be no specific standards for a state's permits to be substantially equivalent to, there will be no basis to judge whether these permits are substantially equivalent. For example, if a state permit requires containment of waste for 200 years plus ongoing monitoring showing that hazardous constituents do not exceed level 2x at point y, while a federal permit in another state with similar hydrogeological and other factors requires no containment but requires that the level of constituents not exceed x at point y, are the permits "equivalent"? The Part 267 standards are too general to provide a definitive answer.

Similar problems will result if a state adopts specific performance and design standards. Again, these must be compared for substantial equivalency against the general Part 267, resulting in the same difficulty of analysis as described in the preceding example.

Beginning the process for authorization of state programs for permitting land disposal facilities based on today's regulations would result in considerable duplication of effort at the state and Federal level. States would no sooner amend their statutes and regulations to conform to the land disposal standards issued today than they would have to begin modifying them to bring them into line with the standards which EPA anticipates promulgating early in 1982. Similarly, EPA would spend substantial time reviewing and approving state interim permitting regulations over the next year only to have to start the process all over again when its final land disposal standards are issued. These efforts would divert state and Federal resources from the more important task of issuing permits to new facilities and developing state permitting programs for storage/treatment facilities and incinerators.

For these reasons, EPA does not think it would carry out the intent of RCRA or make much sense as a practical matter to begin authorizing state programs to permit land disposal facilities under Part 267. As noted above, however, the Agency does believe that its recently issued standards for tanks, surface impoundments, containers, piles and incinerators do provide the necessary foundation for approving state permitting programs for those facilities. Rather than delay the authorization of any state permitting programs until EPA has issued final regulations for *all* types of hazardous waste management facilities, EPA has decided that it would be more consistent with Congress' objective that qualified states take formal responsibility for the nation's hazardous waste program as soon as possible to allow states to obtain interim authorization now for those permitting programs for which there is a Federal "model". In addition, the prompt authorization of state programs will pour more resources into the nation's permitting efforts, increasing the speed with which new facilities can commence operations and existing facilities can be upgraded or closed.

Although EPA will not authorize states to implement Part 267, it anticipates that states will be significantly involved in the approval of land disposal facilities during the eighteen-month period in which Part 267 is effective. First, states continue to have authority over the siting of land disposal facilities. Second, states may (and many do) permit land disposal facilities independent of the RCRA permitting process. Third, where a state permits new land disposal facilities, EPA will coordinate its procedures (including any public hearings) with the state's procedures to the maximum extent practicable. Finally and most important, EPA intends in all cases to solicit the state's comments on applications and draft permits to assist us in deciding whether to issue a permit and, if so, to determining appropriate standards for the facility.

In issuing the May 19, 1980, promulgation of Part 123 (approval of State programs), EPA anticipated issuing standards suitable for authorizing permitting programs for all types of hazardous waste facilities by the end of 1980. Thus the Part 123 regulations provided for interim authorization in two phases—Phase I (based on the May 19, 1980, regulations) and Phase II (based on the regulations expected to be promulgated in fall 1980). In addition, the schedules for filing application for interim and final authorization and for obtaining final authorization are keyed to the promulgation date of the Phase II standards.

As explained above, Phase II standards for land disposal facilities will be promulgated at a later time than other Phase II standards so that changes to the schedule for authorizing State programs is necessary. Elsewhere in today's **Federal Register**, EPA has promulgated regulations to effect these changes in Part 123. These regulations allow States to obtain interim authorization to implement those Phase II standards which have already been promulgated in Part 264.

IV. Section by Section Analysis

A. *Subpart A.* Subpart A sets forth the general scope of the Part 267 standards. It also contains specific requirements that apply to all land disposal facilities covered by Part 267.

1. *Scope of Part 267.* As discussed in Part II of this preamble, Part 267 is a temporary regulation designed to respond to the immediate need for new, environmentally acceptable land disposal facilities. Its scope is limited accordingly.

First, Part 267 covers only new facilities. Since the major purposes of the regulation are to allow an increase in environmentally acceptable land disposal capacity and to allow the operation of new energy and other facilities requiring on-site disposal, limitation of Part 267 to new land disposal facilities is appropriate.

Second, Part 267 covers only four types of land disposal facilities: landfills, surface impoundments, land treatment facilities and those underground injection wells which are classified as Class I under 40 CFR 122.32(a). It does not cover waste piles used for disposal. New waste pile facilities may be designed and permitted as storage facilities under 40 CFR Part 264 Subpart L (46 FR 2802, January 12, 1981). Part 267 also does not apply to Class IV injection wells. The Agency is unaware of any emergency demand for new Class IV wells. (Class I wells are in demand in certain areas to dispose of highly toxic waste. See *Hazardous Waste Generation and Commercial Hazardous Waste Management Capacity—An Assessment*, at p.V-19 for off-site estimates.)

Third, the duration of Part 267 is limited. As provided in § 267.3 (and as explained in section A(3) of this preamble), Part 267 will be used to issue permits for at most eighteen months. This limitation again reflects the limited purpose of Part 267: to provide a temporary permitting system for new environmentally acceptable land disposal facilities during the brief period preceding promulgation of permanent Part 264 standards for these facilities.

These are some specific land disposal activities which are for a variety of reasons not covered by Part 267. These exceptions, patterned after similar ones in Part 264 and Part 265, are listed in § 267.1(c) and explained below:

a. Part 267 does not cover persons who are disposing of hazardous waste by means of ocean disposal and are subject to a permit issued under the Marine Protection, Research and Sanctuaries Act. The requirements of this Part are applicable to such persons only to the extent they are included in a RCRA permit by rule granted to such a person under Part 122 of this Chapter. The rationale for this provision is discussed in the May 19, 1980 preambles to the Consolidated Permit Regulations (45 FR 33325) and to the Part 264 standards (45 FR 33171). It should be noted that the permit by rule, contained in § 122.26(a), given to those subject to ocean dumping permits does not currently include Part 267 standards. However, it does include Part 264 standards which would otherwise be applicable to facilities covered by this Part, and EPA could eventually add Part 267 provisions to § 122.26(a). The principal reason for including this provision in Part 267 at this time is to clarify the fact that facilities subject to ocean dumping permits will be given the same treatment under Part 267 as they currently receive under Part 264.

b. Part 267 applies to persons who are disposing of hazardous waste by means of underground injection and are subject to permits issued under the Underground Injection Control (UIC) program of the Safe Drinking Water Act only to the extent they are not included in a RCRA permit by rule under Part 122 of this Chapter. The rationale for this provision is discussed in the May 19, 1980 preambles to the Consolidated Permit Regulations (45 FR 33326, 33335) and to Part 264 standards (45 FR 33171). As with ocean dumping, the RCRA permit by rule does not currently include Part 267 requirements. Thus at this time the purpose of this provision is to indicate that underground injection subject to the UIC program will receive similar treatment under both Parts 264 and 267.

c. Part 267 does not cover owners and operators of publicly-owned treatment works (POTW's) which treat, store or dispose of hazardous waste except to the extent that its requirements are included in a RCRA permit by rule granted to such a person under Part 122 of this Chapter. The rationale for this provision is discussed in the May 19, 1980 preambles to the Consolidated Permit Regulations (45 FR 33325) and to the Part 264 standards (45 FR 33172). As with ocean disposal and underground injection, the RCRA permit by rule does not currently include Part 267 requirements. Thus at this time the purpose of this provision is to indicate that treatment, storage and disposal of hazardous waste by POTW's will receive similar treatment under both Parts 264 and 267.

d. Part 267 does not cover owners or operators of treatment, storage or disposal facilities that only manage hazardous waste from small quantity generators subject to the requirements of § 261.5. A similar exclusion is contained in Part 264. For an explanation of the small generator exclusion readers should consult the preambles to EPA's May 19, 1980 hazardous waste regulations (45 FR 33102) and the November 19, 1980 amendment to § 261.5 (45 FR 76620).

e. Part 267 does not cover generators who temporarily accumulate hazardous waste on-site, provided that they comply with § 262.34. A similar exclusion is contained in Part 264. For an explanation of the on-site accumulation provision, readers should consult EPA's

preambles to the February 26, 1980 hazardous waste regulations (45 FR 12730), the May 19, 1980 hazardous waste regulations (45 FR 33141) and the November 19, 1980 amendment to § 262.34 (45 FR 76624).

f. Part 267 does not cover any farmer who disposes of waste pesticides from his own use, provided that the farmer complies with § 262.51. A similar exclusion is contained in Part 264. For an explanation of this exclusion one should consult the preamble to EPA's February 26, 1980 hazardous waste regulations (45 FR 12732).

g. Part 267 does not cover owners or operators of facilities that qualify as totally enclosed treatment facilities, as defined in § 260.10. A similar exclusion is contained in Part 264. For an explanation of this exclusion, readers should consult the preamble to the May 19, 1980 hazardous waste regulations (45 FR 33177).

h. Part 267 does not cover owners or operators of elementary neutralization units or wastewater treatment units, as defined in $260.10 of this Chapter. A similar exclusion is contained in Part 264. For an explanation of this exclusion, reader's should consult the preamble to the November 17, 1980 amendments to the hazardous waste regulations (45 FR 76074).

i. Part 267 does not cover any person who takes steps to contain or treat a spill of hazardous waste or material which, when spilled, becomes a hazardous waste. A similar exclusion is contained in Part 264. For an explanation of this provision, readers should consult EPA's November 19, 1980 amendments to its hazardous waste regulations.

2. *Applicability of Part 264 Standards.* Although specific land disposal standards have not yet been promulgated in Part 264, many general requirements applicable to all permitted facilities have been. These include § 264.18 (Location Standards), promulgated at 46 FR 2802 (January 12, 1981); Part 264, Subparts B (General Facility Standards), C (Preparedness and Prevention), D (Contingency Plan and Emergency Procedures) and E (Manifest System, Recordkeeping and Reporting), promulgated at 45 FR 33220—33232 (May 19, 1980); and Subparts G (Closure and Post-Closure) and H (Financial Responsibility), promulgated at 46 FR 2802 (January 12, 1981). Section 267.2 incorporates these requirements by reference. Therefore any permit issued under Part 267 must, like any other RCRA permit, reflect all these general requirements.

3. *Duration of Part 267 Standards and Their Relationship to Permits.* As mentioned previously, the Agency is limiting the duration of Part 267. The Agency intends to promulgate Part 264 standards for land disposal facilities in early 1982. Therefore, § 267.3 provides that Part 267 will be applicable and serve as a basis for issuing permits until the final Part 264 regulations become effective or until 2 years after today's date, whichever is sooner.

In thus fashioning the schedule for phasing out Part 267, EPA is mindful of section 3010(b) of RCRA, which provides that hazardous waste regulations promulgated under Subtitle C of RCRA take effect six months after promulgation. Thus Part 267 will not take effect until [six months from publication date]. Since Part 267 will cease to be applicable as a basis for issuing permits no later than 2 years from today, it will be in effect for a maximum of eighteen months. If the Part 264 land disposal regulations are promulgated within less than eighteen months after today's date, so that they become effective six months later, then Part 267 will have been the basis for issuing permits for less than eighteen months.

Since the Part 267 regulations are of limited duration and are to be succeeded by another set of standards, it is necessary to determine the point in the permit process when Part 267 ceases to be applicable as a basis for issuing permits. The most obvious points to choose from are the submission of a complete application, the issuance of a draft permit or the issuance of a final permit.

The Agency has decided in § 267.3(b) that applicants for whom draft permits have been prepared, for which public notice has been issued under Part 124, before Part 267 expires may be issued permits under Part 267. Where no public notice of a draft permit has been issued by that time, no permit will be issued under Part 267. Rather, a permit will be issued under the Part 264 standards which EPA intends to promulgate in 1982.

EPA's selection of the public notice of a draft permit under Part 267 as the event that determines whether Part 264 or Part 267 regulations will apply to the issuance of the final permit is consistent with prior EPA actions relating the phasing in of new requirements to the public notice of draft permits. See, e.g., 40 CFR 124.21(e) (45 FR 33492, May 19, 1980) and former 40 CFR 124.135(a) (44 FR 32948, June 7, 1979, superseded May 19, 1980).

More important, the use of the draft permit as the dividing line represents sound policy. By the time EPA prepares a draft permit, the applicant will have submitted the relevant information, EPA will have developed an appropriate methodology for determining whether the proposed facility has been designed and would be operated in a manner that will protect human health and the environment, and EPA will have drafted its conclusions after applying this methodology to the facts. Given that the analysis will have been carried through to this point, it would be sensible to continue to use the same methodology to finally issue the permit. If the Part 267 regulation ceased to apply even if a draft permit were already prepared under these regulations, it is unlikely that many owners or operators would make the significant commitment of resources necessary to develop and submit relevant information to EPA at this time. Owners and operators would reasonably anticipate that Part 267 might well cease to apply before they could be issued final permits, thereby starting anew the entire cycle of permit application, review and issuance proceedings under a new set of standards. Thus, applying Part 267 only to permits issued in final form prior to the expiration of Part 267's applicability to permit issuance would inhibit development of new environmentally sound land disposal facilities, contrary to EPA's intent in promulgating Part 267.

It would also be inappropriate to apply Part 267 to all permits arising from applications that have been submitted prior to the expiration of Part 267's applicability to permit issuance. If EPA has not completed its analysis of the proposed facility by the time Part 267's applicability expires, it is sensible to use Part 264 as a basis for assessing the facility's design and effect on human health and the environment. Since Part 264 will be more complete and specific than the Part 267 regulations, it will probably resolve some of the issues relating to the proposed facility. Of course, any information previously developed and submitted by the applicant can still be used in issuing the permit under Part 264, so that the applicant will have not wasted its time or money in submitting a Part 267 permit application. In fact, issuance of a permit under the Part 264 standards should be speedier than under Part 267 because of those standards' greater specificity.

Once a public notice of a draft permit is issued under the Part 267 regulations, the final permit will also be issued under those regulations. Even after Part 264 regulations are promulgated, any permit issued under Part 267 will remain in effect for its stated life (which may not exceed ten years, as provided in 40 CFR 122.9(b)). This, again, will

encourage new facilities to apply now for permits under Part 267, knowing that these permits will not be immediately superseded, rather than to wait for the issuance of Part 264 regulations before applying.

4. *Imminent Hazard Action.* § 267.4 provides that notwithstanding any other provision of Part 267, enforcement actions may be brought under section 7003 of RCRA. That section provides that the EPA Administrator may issue administrative orders or bring suit to immediately restrain any person contributing to the disposal or other handling of hazardous waste which may present "an imminent and substantial endangerment to health or the environment." These actions may be instituted regardless of whether the person is complying with Part 267 or any other RCRA requirement. Part 264 contains a provision parallel to § 267.4.

5. *Additional Permit Procedures Applicable to Part 267.* Procedures for the issuance, modification, revocation and reissuance, and termination of permits under Part 267 are set forth in 40 CFR Part 124. (Grounds for permit modification, revocation and reissuance, and termination are set forth in 40 CFR 122.15 and 122.16, 45 FR 33428–30, May 19, 1980.) In addition, the permitting provisions of Part 122 apply to permits issued under Part 267. These two points are stated explicitly in § 267.5.

Section 267.5 contains several provisions that modify or expand upon the requirements of Parts 122 and 124. In addition to submitting application information required by §§ 122.4 and 122.25, applicants are required by §267.5 to submit enough information to demonstrate compliance with the applicable performance/design requirements. Due to the general nature of the performance/design requirements of Subpart C–F in these temporary regulations, specific application requirements could not be developed. Applicants should contact EPA to discuss appropriate application information. EPA intends to work closely with applicants to specify reasonable application requirements as expeditiously as possible.

Section 267.5 also contains certain procedural provisions designed to assure that permits issued under Part 267 meet a high standard of quality. Facilities issued permits under Part 267 will automatically be designated "major" facilities. Since § 124.8 requires EPA to propose a fact sheet whenever it issues a draft permit to a major facility, EPA will prepare a fact sheet for each draft permit issued under Part 267. Section 267.5 further requires fact sheets for Part 267 draft permits to be even more detailed than standard fact sheets, which must already be fairly detailed. Fact sheets for Part 267 draft permits must reflect the consideration of factors required by Subparts C–G of Part 267. For example, § 267.21 (General Design Requirements for Landfills) requires that landfills include liner systems designed to protect human health and the environment and that the design "reflect a consideration" of six factors. The fact sheet for a draft permit issued for a landfill must show how each of those six factors was considered and how the requirements in the draft permit reflect the considerations.

Section 267.5 contains one other provision to assure careful scrutiny of each permit application. Currently, § 124.19 allows any person who filed comments on a draft permit or participated in a public hearing to petition the EPA Administrator to review any permit condition. § 124.125 allows persons participating in non-adversary panel procedures under Part 124 Subpart F to appeal the recommended decision to the EPA Administrator. Section 267.5(a)(2) provides that the Administrator "shall accept" any such petition or appeal to review permits issued under Part 267. This will assure the highest level EPA review of these permits.

The requirement of fact sheets for draft permits, the appeal as of right to the Administrator to review permits, and the assistance of a national team of experts throughout the proceedings are all designed to focus attention by both the Agency and other interested parties on each Part 267 permit application. This will increase the quality of the decisions made in issuing permits under Part 267.

B. Environmental Performance Standard

The Part 267 standards for new hazardous waste landfill, surface impoundment, land treatment and Class I underground injection facilities rely heavily on performance standards. At the center of the regulatory scheme is the environmental performance standard set forth in Subpart B. Section 3004 requires that the standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities be those "necessary to protect human health and the environment." In § 267.10 EPA has translated this general objective into a set of more specific goals that will guide consideration of permit applications. Four general sets of concerns are identified in § 267.10—ground water, surface water, air quality and subsurface migration. While these do not exhaust all possible environmental concerns for hazardous waste management facilities, they do represent the principal concerns and should be adequate to guide permit decisions in most situations. Of course, where necessary to protect human health and the environment, § 267.10 contemplates that the Regional Administrator could identify and investigate additional environmental impacts.

EPA does not view § 267.10 as a provision that will apply directly to owners and operators of landfill, surface impoundment, land treatment and Class I underground injection facilities. Rather, § 267.10 provides a general set of objectives that will guide EPA, the permit applicant, and the public in evaluating the acceptability of these facilities. The broad outlines of the owner or operator's permit application are determined by reference to the other Subparts of Part 267, which identify the basic design and operational components that should be present in a permitted facility. (As discussed later, EPA may waive some of those components under appropriate circumstances.) While Subparts C, D, E, F and G of Part 267 set forth the general design and operational components of the facility, the specific contents of the permit application will depend on site-specific factors and their relationship to the objectives identified in § 267.10.

For example, Subpart C requires that all landfills include liners. However, the particular design of a liner will depend on its function in the permit applicant's ground water protection scheme. Depending on the waste in the facility, the liner may be used as a filter mechanism which captures or degrades the various constituents at different rates. For example, a clay liner may immobilize certain heavy metals to a significant degree while allowing other, possibly less significant constituents, to eventually pass through. In other situations, it may be appropriate to view the liner as a barrier that precludes any migration of constituents from the facility while in-situ treatment is occurring at the facility. Although both situations require some type of liner, the specifications for the liner will require consideration of the risks presented by the waste in the facility and the development of a ground water protection approach for the facility in that environment.

Thus EPA anticipates that § 267.10 will be used to guide the owner or operator in preparing the permit application and the EPA and the public in evaluating the facility. While detailed analyses of all of the factors identified in § 267.10 would certainly assist the evaluator of the permit, it will not

always be necessary for the permit applicant to explicitly analyze each factor. The considerations identified in § 267.10 will provide a basis for seeking additional information about the facility during the permit process, where it appears that the environmental impact of the facility could be substantial. Based on that additional information, additional conditions may be placed in the permit.

Section 267.10 identifies four general sets of concerns that will be examined in the consideration of land disposal permits—ground water quality, surface water quality, air quality and subsurface migration of waste constituents. Each of these is discussed in more detail below:

1. *Ground-Water.* Contamination of ground-water caused by land disposal is a major concern under RCRA. Section 267.10(a) therefore provides that prevention of adverse effects on ground-water quality is a major component of protection of human health and the environment. The regulation provides that eight factors should be considered in assessing adverse effects on ground-water quality.

The first factor is the volume and physical and chemical characteristics of the waste itself. The volume of the waste placed in the facility determines the maximum amount of waste which may enter the ground-water (assuming no attenuation or removal through a leachate collection system). Relevant physical and chemical characteristics determine, among other things, the toxicity of the waste, the ability of the waste to be contained or immobilized, degraded or attenuated in or by certain types of materials, and the probability of undesirable reactions taking place among waste or between wastes and liners or natural earth materials.

The second and third factors are the hydrogeological characteristics of the facility and surrounding land and the quantity, quality and direction of ground-water flow. These factors affect the movement of hazardous waste constituents in the environment and thus of crucial importance in assessing the risks of land disposal.

The fourth factor is proximity and withdrawal rates of ground-water users. While drinking water is probably the most critical use, other uses, such as agricultural and industrial, are also of concern. Clearly, water which may be contaminated by hazardous waste leachate and then used presents significant risks.

The regulation allows future uses to be considered when that is feasible. Available approaches may include reference to state ground-water planning efforts and local land use ordinances or the use of certain presumptions (e.g., assume that the water will be used at some future time absent evidence to the contrary).

In addition to ground-water use, migration of hazardous constituents through the ground-water is also of concern. Migration is separately addressed in § 267.10(d).

The fifth factor focuses on the existing ground-water quality including other sources of contamination. This factor is relevant to predicting future uses of the ground-water as well as to determining the incremental risk posed by the new facility.

The sixth and seventh factors are the potential for human health risks and the damage to wildlife, crops, vegetation and physical structures caused by exposure to wastes constituents. These factors depend on the concentration, quantities and toxicities of the hazardous waste constituents which ultimately reach a point of use.

The final factor required by the regulations to be considered in evaluating ground-water impacts is the persistence and permanence of the potential adverse effects. Most of the wastes which have been and will be identified or listed as hazardous are likely to present significant risks for many years (in some cases forever, such as in the case of heavy metals) and thus to continue to pose the threat of irreversible degradation of ground-water long after their deposition. Therefore, the length of time for which protection can be assured will be a critical consideration in evaluating the adequacy of a facility's design and operation. This issue, which should be examined in conjunction with the waste characteristics and patterns of ground-water use, will be evaluated in the context of each permit.

2. *Surface Water.* Section 267.10(b) emphasizes the importance of preventing adverse effects on surface waters. Many of the same factors that influence ground water protection are significant for surface water. Therefore, many of the factors listed in § 267.10(b) parallel those in § 267.10(a).

The volume and the characteristics of the waste in the facility is the first factor to be evaluated. Since surface waters may be contaminated by migration of waste constituents through hydrologically-connected ground water, the second and third factors require considerations of the hydrogeology of the area as well as the characteristics of ground water, including its flow patterns.

Surface water may be contaminated by runoff from the facility. Therefore evaluation of rainfall patterns in the area is the fourth factor which must be considered. (Topography, which is relevant to runoff, must be evaluated as part of the consideration of hydrogeology.)

Patterns of surface water use, proximity of the surface water to the facility, and existing water quality are factors which must be considered. Assessment of surface water effects are aided by water quality standards programs which have been developed by the States in cooperation with EPA. Such standards provide numerical and narrative criteria, tied to particular uses established for particular water bodies, that should guide EPA, permit applicants, and the public in evaluating the acceptability of disposal facilities.

Risks for human health, wildlife, crops, vegetation and physical structures presented by waste constituents in surface waters must be assessed just like those presented in ground-waters. The persistence of the potential adverse effects must be analyzed here, although surface water impacts are less likely to be as long-lasting or irreversible as those affecting ground water.

3. *Air.* Prevention of adverse effects on air quality is commonly thought of as a concern identified with such activities as incineration. The land disposal facilities regulated under this Part may, however, have significant effects on the air. Land treatment facilities, for example, typically leave wastes exposed to the air. Depending on the waste and the weather conditions in the area, waste constituents may be dispersed by the wind. Likewise, surface impoundments used for treatment of certain wastewaters may contain wastes or constituents that volatilize and enter the atmosphere. Also, under certain circumstances, chemical processes taking place in a landfill may produce toxic or explosive gases that are emitted into the air.

Adverse effects on air quality are similar in many respects to other forms of environmental degradation. Thus, as for ground and surface water, the nature of the waste (including its potential for volatilization and wind dispersal) and the cumulative impact of other sources of air pollution must be considered here.

The regulations in this Part anticipate that some consideration will be given to the full range of adverse effects which can be caused by air emissions. Human health effects due to inhalation of constituents is of greatest significance and should be considered in all circumstances. Other adverse effects from air pollution are also worth examining. Deposition of waste constituents from the air can cause

damage to wildlife, crops, vegetation and physical structures (e.g., buildings), and these should be considered as well. EPA's air pollution programs may also provide useful guidance on the question of acceptable risk. For example, some measures developed to control fugitive emissions from asbestos piles and some of the Section 112 hazardous pollutant limitations could be applicable to some land disposal activities.

4. *Subsurface Migration.* Subsurface migration of wastes is a distinct form of environmental degradation apart from contamination of ground-water which is subsequently drawn for use. The tragedy of Love Canal provides a classic example. There waste constituents migrated from the landfill area through the unsaturated zone (which lies above the ground-water) and into the basements of nearby residential homes. Direct human exposure resulted from physical contact with waste and inhalation of volatile contaminants as well from ingestion of contaminated water. The potential adverse effects of subsurface migration of waste constituents must be considered in addition to any direct effects of such migration on surface water and ground-water. However, many of the same factors considered with respect to surface and ground-water must also be considered here.

Both the saturated and unsaturated zone must be considered in evaluating the potential for subsurface migration. This will require some knowledge about the characteristics of both the waste in the facility (e.g., liquid vs. solid) and the geology of the surrounding area. The patterns of land use in the area, including proximity to residential buildings, are particularly important here, as illustrated in the example above. In particular, the potential for migration of waste constituents into subsurface physical structures is a factor which must be considered.

Another type of harm from subsurface migration can occur when waste constituents migrate into the root zone of crops and other vegetation. Depending on the constituents (e.g., heavy metals) phytotoxicity may occur. In addition, the roots may take up certain constituents that could contaminate the crop and make it unfit for use in the human food-chain. For example, EPA has substantial evidence to indicate that high levels of cadmium, a substance that can cause kidney damage at high exposure levels, can be readily absorbed by leafy vegetables. This problem can be particularly significant at land treatment facilities that grow crops in the area where waste has been applied. There the root zone of the crop coincides directly with the area receiving waste. Therfore, potential for migration of waste constituents into the root zone of food-chain crops and other vegetation must be considered.

While the essential inquiry in evaluating new land disposal facilities will be the acceptability of the facility in protecting human health and the environment, EPA believes that potential applicants should consider managing hazardous waste in a manner that avoids the necessity of land disposal. As EPA examines the problem of hazardous waste management generally, it is becoming increasingly convinced that the long-range potential for migration of wastes from even the good facilities argues for a long-term strategy that involves phasing out land disposal. However, land disposal remains a necessary option for certain types of hazardous waste at the present time.

Those who manage hazardous waste should at least consider other options (e.g., treatment, recycling and reuse, incineration, and elimination of materials that generate hazardous waste) before seeking to use land disposal. Such an approach represents sound planning to avoid the long-term responsibility and legal liability (not all of which can be eliminated by complying with a RCRA permit) that will be associated with land disposal in the future.

C. Landfills

Subpart C of Part 267 sets forth the general design and operation requirements that will apply to new hazardous waste landfills. This Subpart is designed to guide the preparation of a permit. The permit applicant will present an application that contains a proposed design and operating plan that includes the elements contained in this Subpart. (Where appropriate, the permit application may also provide a justification for any requests for waivers sought by the facility owner or operator where necessary to allow treatment to occur.) In justifying the particular design and operating plan proposed for the facility, the permit application will have to reflect a specific examination of the factors included in this Subpart. Finally, the permit applicant will be required to demonstrate how the facility achieves the objectives identified in § 267.10. Where appropriate, the applicant may provide or EPA may require specific consideration of one or more of the factors identified in § 267.10. EPA anticipates that the same general approach will be used to implement Subparts D, E, F and G as well.

The first design requirements for landfills is a liner. for example, a liner may be used as a gross filter for certain constituents. Likewise a liner may be used, as it has traditionally, as a barrier that contains the waste completely for some period of time. Generally, this liner requirement will involve the emplacement of material into the ground. Under appropriate conditions, it might be possible to consider the natural material which underlies the facility as being part of the liner design.

The amount of leachate that will be generated in the landfill is of critical importance in assessing the adequacy of a liner design. This must involve a consideration of the waste type (e.g., liquid content, biodegradability, solubility, migratory potential), the volume of waste, and climatic conditions in the area (e.g., rainfall.)

In assessing the potential performance of the liner, the characteristics of the liner material must be examined. The permeability of the liner material is a central concern. Thickness, susceptibility to cracking or tearing, resistance to adverse weather conditions and other such factors will be important for all liners. For earthen liners, the compaction density and moisture content of the material is also significant. For synthetic membrane liners, longevity (based on degradability and resistence to wear) is significant.

The pressures placed on the liner should be examined by the applicant in conjunction with his assessment of the liner material. Thus factors such as the pressure head of leachate on the liner, the properties of the underlying soil (e.g., ability to support the liner, presence of sharp materials) and the potential for damage to the liner during installation should also be considered.

Under § 267.21(b), all landfills must have some kind of leachate and runoff control system. The facility may have one system that controls both types of liquid or separate systems. The selection of a particular approach will depend on the relative quality of leachate and runoff at the facility and on how these two liquids will be managed.

The regulations in this Subpart do not specifically require run-on controls. Such a design measure has the significant advantage of avoiding any contact of run-on water with waste constituents and therefore will typically be a desirable design feature. However, EPA is willing to examine during the permit process alternative schemes that provide for control of leachate and contaminated runoff after it is produced.

Some of the key factors in assessing the adequacy of a leachate and runoff control system are those that influence

the volume of leachate and contaminated runoff produced at the facility. This will be determined by the characteristics of the waste, particularly the potential for solubilizing waste constituents in water, and climatic conditions such as rainfall.

Another important factor is the quality of contaminated runoff or leachate and its implications for management of those liquids. Depending on the level of contamination, it may be necessary, and legally required, to carefully manage the liquids. This will influence the design of the facility because it affects the amount of contaminated liquid which the permitted design should allow to be produced. For example, if it appears that runoff from a facility will be highly contaminated, the facility may need to include run-on controls. If the runoff from the facility is unlikely to be highly contaminated, perhaps because of the facility slope or the operational practices of the owner or operator, then an alternative design may be acceptable. If the permit applicant intends to discharge collected leachate or runoff to surface waters, the effect of that discharge or attainment of water quality standards in the receiving water as well as any potential responsibility under the Clean Water Act (e.g., NPDES permit conditions) should be considered. Of course, any leachate or runoff which qualifies as a hazardous waste must be managed in accordance with the hazardous waste regulations.

The general operating requirements for new hazardous waste landfills are set forth in § 267.22 of this Subpart. This section requires that incompatible wastes, as defined in § 260.10, and incompatible wastes and materials, not be placed in the same landfill unless § 264.17(b) (which contains precautions to prevent ignitions and reactions) is complied with. A similar provision is contained in the Part 265 interim status standards for land disposal facilities and in the Part 264 standards recently issued for storage facilities. This is a "good practice" measure which is justified by the same arguments supporting its use in Parts 265 and 264. The Part 267 provision has been modified somewhat to indicate clearly that the waste analysis plan required by § 264.13 must include the analysis needed to comply with § 267.22(a).

The regulations also make clear that any emplaced liner must be installed in a manner that will protect the function and physical integrity of the liner. For example, the owner or operator must assure that the installation process does not cause rips or tears in the liner material and that any seams in the liner are properly joined.

As indicated in § 267.22(d), a landfill must be inspected by the owner or operator at a sufficient frequency to assure compliance with § 267.10 of this Part. General inspection requirements are also set forth in § 264.14 and are applicable to facilities regulated under Part 267. The frequency of inspections and the objects of inspection will depend on the specific design for the facility; EPA will determine them on a permit by permit basis.

The closure and post-closure requirements for landfills are set forth in § 267.33. Subpart G of Part 264, which applies to new facilities regulated by this Part, establishes the requirements for closure and post-closure. The measures taken to properly close a landfill and maintain it during the post-closure period will be set forth in the closure and post-closure plans, which will be incorporated into permits issued under this Part.

All landfills must use some type of cover in closing the landfill. The function and design of the cover will depend on the applicant's strategy for complying with § 267.10. The cover may be used as a means to prevent wind dispersal and to avoid public contact with the waste in the landfill. Under other circumstances it may be used as a barrier designed to keep liquids out of the facility to minimize the production of leachate. Whatever approach is taken, the development of cover specifications should be coordinated with the design of the liner in order to avoid the "bathtub" effect. This occurs when a relatively permeable cover is placed over a facility that has a relatively impermeable liner. Such a facility may simply fill up with water and overflow, carrying waste constitutents with it.

The factors that must be considered in properly closing a landfill are analogous to those relevant to closure under Part 265. They include characteristics of the waste (type, amount, mobility, rate of migration), characteristics of the cover (material, surface contours, porosity and permeability, slope, length of run of slope, type of vegetation on the cover), and characteristics of the local environment (climate, location, topography, surrounding land use, geological and soil profiles, surface and subsurface hydrology.)

A landfill must be maintained in a manner that complies with § 267.10 of this Part during the post-closure period. The relevant factors are essentially the same as those considered for closure. An additional factor that is important during the post-closure period is the maintenance of any ground water monitoring system or leachate and runoff control system at the facility. These measures are often necessary because leachate can continue to be produced and to migrate long after the waste is placed in the landfill.

An important element in the regulation of landfills under Part 267 is the "treatment waiver" under § 267.24. Under this provision the Regional Administrator may waive any of the requirements in §§ 267.21, 267.22 and 267.23 where necessary to achieve treatment of hazardous waste in a landfill. As indicated earlier in this preamble, EPA believes that treatment options should be explored by permit applicants prior to seeking land disposal permits. Moreover, EPA expects that hazardous waste treatment technology will be undergoing considerable innovation in the next few years. EPA does not intend to stifle such innovation with its land disposal regulations.

Thus, under Part 267, EPA will be willing to consider modifications to the basic elements of the landfill requirements to accomplish a treatment objective. For example, if an applicant can demonstrate that the chemical or physical treatment process that he intends to trigger inside a landfill would be impeded by the presence of a cover at closure, EPA would consider such a waiver. However, the burden is on the applicant to demonstrate that any proposed in-situ treatment technique will be effective. The applicant must also demonstrate that, if the treatment waiver is granted, the landfill will comply with the environmental performance standard of § 267.10.

Under §267.25, the Regional Administrator may place additional requirements in permits for new landfills where necessary to comply with §267.10. This provision makes it clear that the other provisions of Subpart C are not exhaustive. Since the range of potential site-specific circumstances is broad, the Regional Administrator must retain this power in order to provide sufficient flexibility in hazardous waste permitting. EPA anticipates that permit conditions under §267.25 would only be imposed after full review of the applicant's proposed design and operating plan.

D. Surface Impoundments

The regulations applicable to new hazardous waste surface impoundments are contained in Subpart D of Part 267. They are quite similar to those required for landfills. Therefore this preamble discussion of Subpart D will address those provisions that are unique to surface impoundments.

Readers should consult the discussion of landfills in this preamble for a discussion of overlapping provisions. The major distinction between surface impoundments and landfills is that surface impoundments will typically contain much more liquid than a landfill. Several factors that are common to these two disposal options will be of more significance in the case of surface impoundments because of their larger amounts of liquids. For example, the pressure head of leachate on a liner in a surface impoundment is likely to be greater than that found in a landfill. Adjustments in the design and operation of surface impoundments will need to be made to accommodate this factor.

As a preliminary matter, surface impoundments are not necessarily subject to standards for disposal facilities. The may instead be used as storage facilities. (Whether used for disposal or storage, a surface impoundment can also be used as a treatment facility). Storage is defined under these regulations (§260.10) as "the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere." A disposal facility is one "at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure." When a new facility will be used as a storage facility, the substantially different standards set forth in Subpart K of Part 264 will apply. (See 46 FR 2802, January 12, 1981, for further explanation of storage under these regulations and of the requirements applicable to storage in surface impoundments.) If a facility is to be used as a final repository for the waste and is therefore a disposal facility, then the regulations in this Part apply to the facility.

The design requirements for surface impoundments under §267.31 require a liner but do not require a leachate and runoff control system. EPA recognizes that the installation of a leachate collection system at a surface impoundment would generally require a double liner system.

Such a design feature may not always be necessary. For example, if the liner is close to the water table, normal ground water monitoring might pick up any significant degradation of the area below the facility quickly. Moreover since surface impoundments can be drained, relatively quick action can be taken to limit degradation. Similar action with landfills (i.e., removal of the leachate on the liner) is usually only feasible with a collection system. Therefore EPA decided not to require a leachate control system for all surface impoundments. EPA will, however, be examining the need for such a system in each permit proceeding when evaluating the permit applicant's overall scheme for managing liquids at a surface impoundment. Where appropriate the Regional Administrator could require the installation of a leachate control system at the facility under authority of §267.35.

Similarly no runoff control system is required. The regulations require that the facility be designed to prevent overtopping. This can be accomplished by additional diking to provide freeboard above the expected liquid level at the facility. Controls on inflow and outflow as well as secondary overflow tanks may also be used to satisfy this requirement. Since such measures avoid "runoff" from the facility, the only real runoff issue is whether or not run-on controls are necessary. As long as a facility satisfies the overtopping requirement, this type of control will generally not be necessary. In some circumstances (e.g., where rainfall may be heavy and difficult to anticipate) run-on controls may be needed to provide a margin of safety. This issue will be examined during the permit process, and an additional requirement for run-on control may be placed in a permit under §267.35.

The only other design requirement addressed by §267.31 is diking. Where dikes are part of the surface impoundment, the dikes must be designed to comply with §267.10. The purpose is to maintain the structural integrity of the dike against catastrophic failure, and to protect against excessive seepage through the dike and against overtopping of the dike. Structural integrity may be adversely affected by erosion of the dike, by the effects of plant roots on earthen dike materials and by burrowing animals which create fissures in the dike. Wind erosion must also be considered because it can adversely affect the ability of a facility to meet the overtopping requirement and can undermine the dike's structural integrity. Water erosion, which also affects structural integrity, can lead to excessive seepage through a dike, and thus should be considered as well.

The general operating requirements for surface impoundments under §267.32 are patterned after those for landfills. Thus there are requirements for incompatible wastes, installation of liners, operation of leachate and runoff control systems, and inspections. In addition, the regulations require that each surface impoundment be operated to prevent overtopping due to wind and wave action, overfilling, precipitation or any combination of these factors. This is generally accomplished by the maintenance of freeboard between the liquid waste surface and the top of the impoundment. Careful management of controls on inflow and outflow devices as well as secondary overflow tanks are typical measures for satisfying requirement. Implementation of this provision will require setting specific permit conditions, such as a minimum freeboard level, based on the general requirement.

The general requirements for closure and post-closure at a surface impoundment also mirror the analogous provisions for landfills. The factors for consideration, however, additionally address the significant free liquids problem presented by surface impoundments. Such free liquids may eventually leach or otherwise run out of the facility and present substantial risks to human health and the environment. Therefore, the permit writer must consider the possibility of requiring the removal of some portion of the free liquids in the facility to reduce that risk and consider the use of absorbent material in the surface impoundment to reduce the risks of leaching.

Removal of free liquids should be considered together with the cover requirement in § 267.33. The cover requirement for surface impoundments is based on the same rationale as the analogous requirements for landfills. As a practical matter, free liquids must be minimized before a cover can successfully be placed on a surface impoundment.

A treatment waiver identical to that for landfills is available for surface impoundments under § 267.34. The decision whether to grant a waiver depends on the individual circumstances of each facility and requires a satisfactory showing that treatment, serving the objectives of § 267.10, would occur.

Under § 267.35, the Regional Administrator may place additional requirements on owners and operators of new hazardous waste surface impoundments where necessary to comply with § 267.10.

E. Land Treatment

The requirements applicable to new hazardous waste land treatment facilities are set forth in Subpart E of Part 267. While bearing several similarities to landfills and surface impoundments, land treatment facilities are generally designed to achieve somewhat different purposes. Land treatment facilities are designed to use the soil as a treatment medium. The

intent is to break down the organic component of the waste through chemical and biological processes in the upper layers of the soil. Since adequate treatment is expected to occur in the upper soil layers, there is generally no need to design the facility with barriers above or below the waste. Thus the design requirements in § 267.41 do not require a liner or leachate collection system at the facility.

Runoff may still be a problem at land treatment facilities; thus a runoff control system is included as a design requirement. Design of the system may include specific runoff and/or run-on controls. The factors which must be considered are the same as those required for landfills and surface impoundments.

The general operating requirements for land treatment facilities under § 267.42 include some of the same requirements applied to landfills and surface impoundments. These include provisions for incompatible wastes, operation of the runoff control system and inspections.

Two additional operating provisions are contained in § 267.42. First, the land treatment facility must be operated to treat the waste in the facility to the extent necessary to comply with § 267.10. The success of the land treatment option depends heavily on careful management of the waste at the facility to ensure that treatment occurs. This may require the use of traditional farming techniques, such as tilling the waste/soil mixture and applying lime to raise pH, in order to aid the treatment process. Rate and method of application of the waste to the facility are also important. The particular management techniques that will be used at the facility will need to be considered during the permit process. Thus EPA anticipates that more specific management practices will be developed as permit conditions based on this general requirement.

Second, § 267.42(d) contains operating requirements to handle situations where owners or operators of land treatment facilities wish to grow food-chain crops at the land treatment facility. ("Food-chain crops" is defined in 40 CFR 260.10). This is a potentially dangerous practice and will be allowed only after the fullest possible review. If food-chain crops are grown at a land treatment facility, the facility must be operated in a manner designed to protect the quality of those crops to the extent necessary to comply with § 267.10.

Several factors must be considered when food-chain crops will be grown. The nature of the waste (its chemical, physical and biological characteristics), the application rate, the characteristics of the soil (including its pH, cation exchange capacity, etc.), and the type of crop to be grown are important. The permit writer must examine the likelihood of plant uptake of waste constituents as well as the possible exposure of field workers who will be handling the crop and working directly with the soil/waste mixture to waste constituents.

The manner in which the crop is marketed must also be considered. Crops used by commercial distributors are likely to be mixed with crops from other fields before they are used by consumers. The mixing process reduces the risk of exposure to high levels of contaminated food. A higher risk situation is presented where the owner or operator sells the potentially contaminated crop directly to consumers.

Finally, the potential future uses of the facility must be considered when food-chain crops will be grown. Land treatment facilities used for food-chain crops are likely to be used to grow crops even after the facility owner or operator stops applying waste. This may present significant risks. For example, if the facility is used to grow field corn for animal feed the risks may be acceptable (since corn does not take up most hazardous constituents at high levels). However, if that property is later used for high-uptake leafy vegetables by an unknowing or uncaring user, a significant risk may be created. Such a risk requires consideration. EPA's standards for protection of food-chain crops in the Criteria for Classification of Solid Waste Disposal Facilities and Practices (40 CFR Part 257) provide standards for cadmium and PCB's which should be useful in assessing risks for this purpose.

Another unique element of Subpart E is the requirement for an unsaturated zone monitoring program in § 267.43. This monitoring program, which applies to land treatment facilities in addition to the ground water monitoring program of Subpart F, is required to assure compliance with § 267.42(c). It will be used to determine whether the operating conditions in the permit are adequate to treat the waste. The monitoring program must include the installation of an unsaturated zone monitoring system at the facility or at a representative test plot. If a test plot is used, then it is important that the plot be representative of the conditions at the facility (including the soil and climate) and that the testing procedures be patterned directly after the waste, the application rate and the management techniques. The monitoring system may include soil core and soil pore monitoring, but the specifics of the system will be developed during the permit process. The key consideration for the unsaturated zone monitoring system is that the wells be placed at proper locations and drilled to sufficient depths to obtain a representative sample of the waste treatment process.

The procedures for sampling, analyzing, and evaluating data obtained from the monitoring system will be specified in the permit. Those procedures will be established based on a consideration of soil characteristics (pH, cation exchange capacity, total organic carbon, permeability and microbial activity in the soil), the waste application procedures (frequency, time and rate of application), climate, and the potential for rapid migration of waste constitutents through the soil. Another significant factor, for both the monitoring system and procedures, is the accessibility of the monitoring system devices for maintenance and repair. Lysimeters, for example, may become clogged relatively easily and thus it is important to have such devices accessible for repair.

The closure and post-closure requirements for land treatment facilities, contained in § 267.44, are similar to those required for landfills and surface impoundments. There is no requirement for a cover, however, because land treatment facilities are designed to treat the waste, and thus concerns about leachate generation over time are less severe. The Regional Administrator may, of course, require the placement of a cover over the facility as an additional requirement under § 267.46. Such measures may be necessary, for example, if wind dispersal is a significant problem at the facility.

The factors for consideration in closure and post-closure plans for land treatment facilities are generally the same as those applicable to landfills and surface impoundments, with a few minor modifications. In considering climate in the area, the amount, frequency and pH of precipitation can be particularly signficant. A pH change, for example, could conceivably cause chemical reactions that reverse attenuation processes in the soil. Likewise, in examining geologic and soil profiles, such factors as the pH, cation exchange capacity and total organic carbon in the soil could affect the relative permanence of any treatment reactions in the soil. Finally, both the closure and post-closure requirements should reflect a consideration of

unsaturated zone monitoring data, which should reveal whether waste treatment at the facility is successful, and any ground-water monitoring data.

Like landfills and surface impoundments, the land treatment facility regulations allow for a "treatment variance" where appropriate.

F. Ground-Water Monitoring

Subpart F sets forth generally the kind of ground-water monitoring program which is required at all new landfills, surface impoundments or land treatment facilities under § 267.50. Since a ground-water monitoring program will be heavily dependent on the function, design and operation of a land disposal facility, the monitoring requirements must, of necessity, be generally stated. The specifics of the monitoring program will be fully explored during the permit proceedings.

It is necessary to have some kind of monitoring program at new facilities, however, because once constituents enter ground-water, such monitoring provides the only effective means of tracking the progress of the plume. Such information is important regardless of how the facility is designed. If a facility uses a controlled release approach, for example, ground water monitoring is the only effective means of validating predictions about the impact of the facility. If a containment approach is used, ground-water monitoring is essential in detecting the failure of the design and in tracking the plume to assist in remedying the problem.

The ground water monitoring program required by this Subpart includes the ground-water monitoring system itself, as well as procedures for sampling, analyzing and evaluating ground-water data and taking appropriate response measures. The ground-water monitoring system must be capable of indicating the facility's impact on ground-water in the uppermost aquifer to assure compliance with § 267.10. The uppermost aquifer is the focus of the monitoring program in order to give the earliest possible detection of a contaminant plume. Where necessary to track a plume's progress into other aquifers, the Regional Administrator may of course impose additional requirements under § 267.53.

The design of the ground-water monitoring system must be based on a consideration of several factors. The placement and depth of the wells must be aimed at yielding a representative sample of constituents in the uppermost aquifer. In order to accurately assess the impact of the disposal facility, the monitoring program must account for background ground-water quality. For this reason, the ground-water monitoring system should be installed at appropriate locations on both the downgradient and upgradient sides of the facility.

Appropriate design measures should also be taken to assure the physical integrity of the monitoring well bore hole. Casing is a common technique for accomplishing this goal. Likewise, design measures must be taken to prevent contamination of ground water samples that could bias the monitoring results. Gravel or sand packing around ground water sampling points is a common method for accomplishing this objective.

The ground-water monitoring procedures required by this Subpart must be capable of assuring compliance with § 267.10. The permit will include procedures for sampling, analyzing and evaluating ground-water data. These procedures must involve sample collection, sample preservation and shipment, analytical methods, chain of custody control and evaluation of the data. The procedures for data evaluation should consider the use of appropriate statistical techniques (Student's T test, Mann-Whitney U test) which are best suited to the use of the data in the overall ground-water monitoring strategy for the facility. Whatever techniques are used, the evaluation procedures must include some provisions for determining the extent and rate of migration of waste constituents.

The monitoring program must also include appropriate procedures for action when the monitoring program indicates that the facility is not complying with the permit conditions or that facts assumed to be true when the conditions were set are not true. While these response procedures are of critical significance, it is difficult to elaborate on their content in Subpart F. Since the response procedures are closely linked to the overall ground-water protection approach for the facility, the specific procedures needed will have to be developed on a permit-by-permit basis. Any response procedures must be linked to the general contingency plan provisions developed to satisfy Subpart D of Part 264 (incorporated by reference in § 267.2).

G. Underground Injection

Subpart G of this Part sets forth the general requirements applicable to new hazardous waste underground injection wells. As indicated in §§ 267.1 and 267.60, Part 267 only applies to injection wells which are classified as Class I under § 122.32(a) of this Chapter. The other major type of injection well that receives hazardous waste are the Class IV wells, defined under § 122.32(d). The status of these wells in the RCRA and UIC program is undergoing further scrutiny within the Agency. The proposed 264 standards being published today, for example, reclassify certain of these facilities as seepage facilities and provide a complex regulatory approach for such facilities. Moreover, EPA has no evidence that there is a pressing need for new Class IV wells, particularly since today's regulations will allow for permitting of new hazardous waste landfills, surface impoundments, land treatment facilities and Class I injection wells. Therefore EPA is not now including Class IV wells under Part 267.

In issuing RCRA permits for Class I underground injection wells, EPA will be making every effort to coordinate such permits with the requirements established for state programs under the UIC program. To the fullest extent possible, EPA will be using the 40 CFR Part 146 standards for Class I wells in issuing RCRA permits.

The requirements for underground injection wells under Subpart G are generally stated and thus will require further elaboration in permits. Under § 267.61 an injection well must be designed to comply with § 267.10. The design must include measures, such as casing, tubing and packer to prevent the escape of fluids to the area above the zone of injection.

In addition, the injection well must be operated in a manner that will comply with § 267.10. In developing those operating methods in his permit application, the permit applicant must consider the characteristics of the waste, the injection pressure and measures designed to detect failure in the mechanical integrity of the well.

At closure, an injection well must be plugged and sealed. There are no post-closure responsibilities for Class I injection wells.

As with all other disposal facilities regulated under Part 267, the Regional Administrator may place additional requirements on owners and operators of Class I injection wells where necessary to achieve the environmental performance standards in § 267.10.

V. Effective Date

These regulations will become effective six months from today (see Section 3010(b) of RCRA). However, EPA is prepared to begin working with permit applicants immediately to help them develop their applications. In addition, although the Agency will not be issuing any permits under Part 267 until it becomes effective, it will begin processing permit applications (e.g.,

reviewing applications, preparing draft permits) as soon as they are received.

VI. Interim Final Promulgation

These interim final regulations grow out of EPA's December 18, 1978, proposed land disposal regulations (43 FR 58982) and its more recent supplemental proposal (45 FR 66816, October 8, 1980). Although EPA would like to have obtained additional comment on these regulations prior to promulgation, the Agency has determined, under Section 553 of the Administrator Procedures Act, 5 U.S.C. 553, that it would not be in the public interest to do so. The process of going through another proposal would probably take at least nine months, and thus would largely defeat the purpose of issuing Part 267 in the first place, discussed at length in Section II, above.

These regulations are being promulgated in interim final form, however, which means that, while they are "promulgated" for purposes of the six-month effective date in Section 3010(b) and the 90-day deadline for filing petitions for review in Section 7006, the Agency will accept comment on them prior to issuing "final final" regulations. EPA intends to rectify any major problems with the regulations raised by commenters prior to their effective date.

VII. Economic, Environmental and Regulatory Impacts

A. Executive Order 12044

Under Executive Order 12044, Federal agencies are required to prepare a regulatory analysis for all new significant regulations, except in an emergency or where preparation of a regulatory analysis would prevent the agency from meeting a court or statutory deadline.

EPA is currently under a court-ordered deadline to promulgate final regulations implementing Section 3004 of RCRA (including land disposal standards) by the fall of 1980. See *State of Illinois v. Costle*, No. 78–1689 (D.D.C., December 18, 1979). The sheer enormity and complexity of this task, coupled with the need to divert attention and major resources to the implementation and fine-tuning of EPA's May 19, 1980, hazardous waste program, have already resulted in the Agency's missing its deadline by over a month. Preparing a regulatory analysis on the Part 267 regulations published today would have further delayed EPA's compliance with the court's order.

Furthermore, as noted above, EPA's Part 267 standards are being issued to meet an immediate need for additional hazardous waste land disposal capacity. While they may not rise to the level of "emergency" regulations, there is a real need for them to be issued as soon as possible.

For these reasons, EPA believes that it is not required to prepare a regulatory analysis under Executive Order 12044. Moreover, even if a regulatory analysis were required, EPA believes it has in part fulfilled that requirement by its October 8, 1980, solicitation of public comment on several alternatives for regulating land disposal facilities. See 45 FR 66816.

The Agency will be preparing a regulatory analysis to accompany the proposed Part 264 land disposal regulations which it is publishing elsewhere in today's **Federal Register.** It is also planning to evaluate the economic impact of its Part 267 standards as they are implemented. This information will be useful to EPA in developing its final land disposal regulations.

B. The Regulatory Flexibility Act

The Regulatory Flexibility Act requires all Federal agencies to consider the effects of their regulation on "small entities", i.e., small businesses, small organizations and small governmental jurisdictions. Section 603 of the Act directs agencies to propose for public comment a "regulatory flexibility analysis" for any regulations which will cause a significant impact on a substantial number of small entities. This analysis must include, among other things, an estimate of the number of small entities affected by the regulations (where feasible), a description of the reporting and other compliance requirements imposed on them, and a description of any alternatives considered to minimize the economic impact of the regulations on them.

EPA does not presently believe that these rules will have significant economic effect on a substantial number of small entities. EPA estimates that only about 25 facilities per year will be permitted under these regulations nationwide. Although there is no way to know in advance what percentage of these facilities will be owned by small entities. EPA esitmates that only about 25 facilities per year will be permitted under these regulations nationwide. Although there is no way to know in advance what percentage of these facilities will be owned by small entities, EPA anticipates that the large capital requirements and the technical complexity involved in establishing safe and secure land treatment or disposal facilities will mean that larger entities will predominate in the field. Therefore, in accordance with Section 605(b), no regulatory flexibility analysis has been prepared for these regulations.

EPA will re-examine this conclusion over the next six months, and invites comment on it together with comment on other aspects of these regulations. However, it is certain that any economic impact on small entities, to the extent one exists, will not be adverse. These rules provide a means for hazardous waste disposal facilities to open, operate, and serve customers where none would have existed before. They therefore operate to expand, not restrict, the range of opportunity open to participants in the economy.

Considering this fact, the fact that the rules will not even take effect for another six months, and the public need for speedy action described above, EPA believes that, even if further study should suggest the need for a regulatory flexibility analysis, it is appropriate at this time to defer preparation of such an analysis under Section 608.

EPA, within 180 days of the publication of these rules, will either affirm its conclusion that no regulatory flexibility analysis is required, or issue such an analysis.

C. The Federal Reports Act of 1942, as Amended

Under the Federal Reports Act of 1942, OMB reviews reporting requirements in forms and regulations which collect identical information from more than ten persons in order to minimize the burden on respondents and the cost to the Federal Government. For all new regulations containing such information requests OMB's procedures require agencies to estimate the site of the reporting burden, describe who must report and apply to OMB for a clearance.

EPA's Part 267 regulations impose two types of reporting requirements: permit application requirement and reporting requirements in the permit itself. To the extent that these requirements incorporate EPA's May 19, 1980, Part 264 standards by reference, that have already been cleared by OMB The remaining permit application requirements, although they seek the same board general categories of information (e.g., information on how a liner will meet the requirements of § 267.10), are so site-specific in terms of the specific information they require and the reporting burdens they impose that they are not requests for "identical information" from more than ten persons. For this reason, EPA does not believe that they are subject to OMB review under the Act.

Because OMB, in the course of its review, often makes good suggestions as to ways to minimize reporting requirements, EPA will be voluntarily preparing an estimate of the reporting burden which might be imposed by its Part 267 regulations and submitting it to OMB for its review in the near future. Because the Agency does not expect to be processing more than 30 or 40 permit applications under these regulations, the reporting impact of the regulations, on a national basis, should be minimal.

(Sections 1006, 2002(a), 3004 and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. §§ 6905, 6912, 6924 and 6925)

Dated: January 17, 1981.

Douglas M. Costle

Administrator.

1. Title 40 of the Code of Federal Regulations is amended by adding the following new Part 267:

PART 267—INTERIM STANDARDS FOR OWNERS AND OPERATORS OF NEW HAZARDOUS WASTE LAND DISPOSAL FACILITIES

Subpart A—General

Sec.
267.1 Purpose, scope and applicability.
267.2 Applicability of Part 264 standards.
267.3 Duration of Part 267 standards and their relationship to permits.
267.4 Imminent hazard action.
267.5 Additional permit procedures applicable to Part 267.
267.6 Definitions.

Subpart B—Environmental Performance Standard

267.10 Environmental performance standard.

Subpart C—Landfills

267.20 Applicability.
267.21 General design requirements.
267.22 General operating requirements.
267.23 Closure and post-closure.
267.24 Treatment of waste.
267.25 Additional requirements.

Subpart D—Surface Impoundments

267.30 Applicability.
267.31 General design requirements.
267.32 General operating requirements.
267.33 Closure and post-closure.
267.34 Treatment of waste.
267.35 Additional requirements.

Subpart E—Land Treatment

267.40 Applicability.
267.41 General design requirements.
267.42 General operating requirements.
267.43 Unsaturated zone monitoring.
267.44 Closure and post-closure.
267.45 Treatment of waste.
267.46 Additional requirements.

Subpart F—Ground-Water Monitoring

Sec.
267.50 Applicability.
267.51 Ground-water monitoring system.
267.52 Ground-water monitoring procedures.
267.53 Additional requirements.

Subpart G—Underground Injection

267.60 Applicability.
267.61 General design requirements.
267.62 General operating requirements.
267.63 Closure
267.64 Additional requirements.

Authority: Sections 1006, 2202(a), 3004 and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6905, 6912(a), 6924 and 6925.

Subpart A—General

§ 267.1 Purpose, scope and applicability.

(a) The purpose of this Part is to establish minimum national standards that define the acceptable management of hazardous waste for new land disposal facilities.

(b) The regulations in this Part apply to owners and operators of new hazardous waste landfills, surface impoundments, land treatment facilities and Class I underground injection wells (as defined in § 122.32(g) of this Chapter) that require individual RCRA permits under 40 CFR Part 122.

(c) The requirements of this part do not apply to:

(1) A person disposing of hazardous waste by means of ocean disposal subject to a RCRA permit by rule issued under § 122.26(a) of this Chapter.

(2) A person disposing of hazardous waste by means of underground injection subject to a RCRA permit by rule under § 122.26(b) of this Chapter.

(3) An owner or operator of a POTW subject to a RCRA permit by rule under § 122.26(c) of this Chapter.

(4) The owner or operator of a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under Parts 262 through 265 and Parts 122 and 124 of this Chapter by § 261.5 of this Chapter;

(5) The owner or operator of a facility which treats or stores hazardous waste, which treatment or storage meets the criteria in § 261.6(A) of this Chapter, except to the extent that § 261.6(b) of this Chapter provides otherwise;

(6) A generator accumulating waste on-site in compliance with § 262.34 of this Chapter;

(7) A farmer disposing of waste pesticides from his own use in compliance with § 262.51 of this Chapter;

(8) The owner or operator of a totally enclosed treatment facility, as defined in § 260.10;

(9) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in § 260.10 of this Chapter.

(10) Persons with respect to those activities that are carried out to immediately contain or treat a spill of hazardous waste or material which, when spilled, becomes a hazardous waste.

§ 267.2 Applicability of Part 264 standards.

In addition to the standards contained in this Part, owners and operators of new hazardous waste landfills, surface impoundments, land treatment facilities and underground injection wells must comply with § 264.18 and Subparts B, C, D, E, G and H of Part 264.

§ 267.3 Duration of Part 267 standards and their relationship to permits.

(a) The regulations in this Subpart are applicable, and will serve as a basis for issuing permits, to owners or operators of new hazardous waste landfills, surface impoundments, land treatment facilities, or underground injection facilities until final Part 264 regulations for such facilities become effective or until February 13, 1983, whichever is earlier.

(b) Only those owners and operators of new hazardous waste landfills, surface impoundments, land treatment facilities or underground injection wells who have applied for a permit and for whom public notice of the preparation of a draft permit has been issued under § 124.10 of this Chapter by the date final Part 264 regulations for these facilities become effective or [2 years after date of publication], whichever is earlier, may be issued permits under the regulations in this Part.

§ 267.4 Imminent hazard action.

Notwithstanding any other provisions of these regulations, enforcement actions may be brought pursuant to Section 7003 of RCRA.

§ 267.5 Additional permit procedures applicable to Part 267.

(a) The procedures for issuance, modification, revocation and reissuance, and termination of permits under this Part are set forth in Part 124 of this Chapter. In addition, the following procedures apply to permits under Part 267:

(1) Any facility for which a draft permit is prepared pursuant to this Part is a major hazardous waste management facility. A fact sheet shall be prepared for each such facility in accordance with § 124.8. Instead of the "brief summary of the basis for the draft permit conditions" required by § 124.8(b)(4), the fact sheet shall include a detailed discussion of

basis for the draft permit conditions. This shall include a demonstration that relevant factors listed in Subparts C–G of this Part were considered and a showing of how the draft permit reflects these considerations.

(2) The Administrator shall accept any petition under § 124.19 of this Chapter and any appeal under § 124.125 of this Chapter to review a permit issued under this Part.

(b) The provisions of Subparts A and B in Part 122 of this Chapter apply to permits under Part 267. In addition to the information required by § 122.4 and § 122.25 of this Chapter, the applications for permits under this Part must include the following information:

(1) For a landfill, sufficient information to demonstrate compliance with Subparts C and F of this Part.

(2) For a surface impoundment, sufficient information to demonstrate compliance with Subparts D and F of this Part.

(3) For a land treatment facility, sufficient information to demonstrate compliance with Subparts E and F of this Part.

(4) For an underground injection well, sufficient information to demonstrate compliance with Subpart G of this Part.

§ 267.6 Definitions.

Unless otherwise specified in this Part, terms used in this regulation are defined in §§ 260.10 and 122.3 of this Chapter.

Subpart B—Environmental Performance Standard

§ 267.10 Environmental performance standard.

All new landfills, surface impoundments, land treatment facilities and underground injection wells shall be located, designed, constructed, operated, maintained and closed in a manner that will assure protection of human health and the environment. Protection of human health and the environment shall include, but not be limited to:

(a) Prevention of adverse effects on ground-water quality considering:

(1) The volume and physical and chemical characteristics of the waste in the facility, including its potential for migration through soil or through synthetic liner materials;

(2) The hydrogeological characteristics of the facility and surrounding land;

(3) The quantity, quality and directions of ground-water flow;

(4) The proximity and withdrawal rates of ground-water users;

(5) The existing quality of ground-water, including other sources of contamination and their cumulative impact on the ground-water;

(6) The potential for health risks caused by human exposure to waste constituents;

(7) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents;

(8) The persistence and permanence of the potential adverse effects; and

(b) Prevention of adverse effects on surface water quality considering:

(1) The volume and physical and chemical characteristics of the waste in the facility;

(2) The hydrogeological characteristics of the facility and surrounding land, including the topography of the area around the facility;

(3) The quantity, quality and directions of groundwater flow;

(4) The patterns of rainfall in the region;

(5) The proximity of the facility to surface waters;

(6) The uses of nearby surface waters and any water quality standards established for those surface waters;

(7) The existing quality of surface water, including other sources of contamination and their cumulative impact on surface water;

(8) The potential for health risks caused by human exposure to waste constituents;

(9) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constitutents;

(10) The persistence and permanence of the potential adverse effects; and

(c) Prevention of adverse effects on air quality, considering:

(1) The volume and physical and chemical characteristics of the waste in the facility, including its potential for volatilization and wind dispersal;

(2) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;

(3) The potential for health risks caused by human exposure to waste constitutents;

(4) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents;

(5) The persistence and permanence of the potential adverse effects; and

(d) Prevention of adverse effects due to migration of waste constituents in the subsurface environment, considering:

(1) The volume and physical and chemical characteristics of the waste in the facility, including its potential for migration through soil;

(2) The geologic characteristics of the facility and surrounding land;

(3) The patterns of land use in the region;

(4) The potential for migration of waste constituents into sub-surface physical structures;

(5) The potential for migration of waste constituents into the root zone of food-chain crops and other vegetation;

(6) The potential for health risks caused by human exposure to waste constituents;

(7) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents; and

(8) The persistence and permanence of the potential adverse effects.

Subpart C—Landfills

§ 267.20 Applicability.

The regulations in this Subpart apply to owners and operators of new facilities that dispose of hazardous waste in landfills.

§ 267.21 General design requirements.

(a) Each landfill must include a liner designed to comply with § 267.10 of this Part. The design of the facility liner must reflect a consideration of:

(1) The physical and chemical characteristics of the waste in the facility;

(2) The pressure head of leachate on the liner;

(3) Climatic conditions in the area;

(4) The permeability of the liner material, including compaction density and moisture content where earthen materials are present;

(5) The physical and chemical properties of the soil underlying the facility that supports any emplaced liner; and

(6) The potential for damage to the liner system that could occur during installation of any emplaced liner.

(b) Each landfill must include a leachate and runoff control system designed to comply with § 267.10 of this Part. The design of the facility leachate and runoff control system must reflect a consideration of:

(1) The physical and chemical characteristics of the waste in the facility;

(2) Climatic conditions in the area;

(3) The volume of leachate or contaminated runoff that could be produced at the facility; and

(4) The available options for managing any leachate or contaminated runoff that is collected at the facility.

§ 267.22 General operating requirements.

(a) Incompatible wastes, or incompatible waste and materials, must

not be placed in the same landfill, unless § 264.17(b) is complied with. The waste analysis plan required by § 264.13 must include the analysis needed to comply with this paragraph.

(b) Any emplaced liner material must be installed in a manner that will protect the function and physical integrity of the liner.

(c) The leachate and runoff control system must be operated and maintained in a manner that will comply with § 267.10 of this Part. The procedures for operating the leachate and runoff control system must reflect a consideration of:

(1) The volume of leachate or contaminated runoff produced at the facility;

(2) The capacity of any leachate or runoff collection device at the facility;

(3) Climatic conditions in the area; and

(4) The quality of the leachate or runoff produced and the available alternatives for managing any leachate or contaminated runoff produced at the facility.

(d) The landfill must be inspected at a sufficient frequency to assure compliance with § 267.10 of this Part.

§ 267.23 Closure and post-closure.

(a) A landfill must be closed in a manner that will comply with § 267.10 of this Part. Closure must include placement of a final cover over the landfill, and the closure plan under § 264.112 of this Chapter must specify the function and design of the cover. Proper closure of a landfill must reflect a consideration of:

(1) The type and amount of waste in the facility;

(2) The mobility and expected rate of migration of waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area;

(5) Characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope, and type of vegetation on the cover; and

(6) Geological and soil profiles and surface and subsurface hydrology of the site.

(b) A landfill must be maintained in a manner that complies with § 267.10 of this Part during the post-closure period. The post-closure plan under § 264.118 of this Chapter must specify the procedures that will be used to satisfy this paragraph. Proper maintenance of a landfill during the post-closure period must reflect a consideration of:

(1) The type and amount of waste in the facility;

(2) The mobility and expected rate of migration of the waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area;

(5) Characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope, and type of vegetation on the cover;

(6) Geological and soil profiles and surface and subsurface hydrology of the site; and

(7) The maintenance of any ground-water monitoring system or leachate and runoff control system at the facility.

§ 267.24 Treatment of waste.

The Regional Administrator may waive any of the requirements in §§ 267.21, 267.22 or 267.23 of this Subpart where necessary to achieve treatment of hazardous waste in a landfill, provided that the waiver does not result in noncompliance with § 267.10.

§ 267.25 Additional requirements.

The Regional Administrator may place additional requirements on owners and operators of new landfills, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

Subpart D—Surface Impoundments

§ 267.30 Applicability.

The regulations in this Subpart apply to owners and operators of new facilities that dispose of hazardous waste in surface impoundments.

§ 267.31 General design requirements.

(a) Each surface impoundment must include a liner designed to comply with § 267.10 of this Part. The design of the facility liner must reflect a consideration of:

(1) The physical and chemical characteristics of the waste in the facility;

(2) The pressure head on the liner;

(3) Climatic conditions in the area;

(4) The permeability of the liner material, including compaction density and moisture content where earthen materials are present;

(5) The physical and chemical properties of the soil underlying the facility that supports any emplaced liner; and

(6) The potential for damage to the liner system that could occur during installation of any emplaced liner.

(b) Each surface impoundment must be designed so as to prevent overtopping due to wind and wave action, overfilling, precipitation or any combination thereof.

(c) Where dikes are part of the surface impoundment, the dikes must be designed to comply with § 267.10 of this Part. The design of any facility dikes must reflect a consideration of:

(1) The structural integrity of the dike, including the effects of plants and burrowing animals on earthern dikes;

(2) The potential for water erosion of the dike; and

(3) The potential for wind erosion of the dike.

§ 267.32 General operating requirements.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same surface impoundment, unless § 264.17(b) is complied with. The waste analysis plan required by § 264.13 must include the analyses needed to comply with this paragraph.

(b) Any emplaced liner material must ber installed in a manner that will protect the function and physical integrity of the liner.

(c) The surface impoundment must be operated so as to prevent overtopping due to wind and wave action, overfilling, precipitation or any combination thereof.

(d) The surface impoundment must be inspected at a sufficient frequency to assure compliance with § 267.10 of this Part.

§ 267.33 Closure and Post-closure.

(a) A surface impoundment must be closed in a manner that will comply with § 267.10 of this Part. Closure must include placement of a final cover over the surface impoundment, and the closure plan under § 264.112 of this Chapter must specify the function and design of the cover. Proper closure of a surface impoundment must reflect a consideration of:

(1) The type and amount of waste in the facility, including the amount of free liquids;

(2) The mobility and expected rate of migration of the waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area;

(5) Characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope and type of vegetation on the cover;

(6) Geological and soil profiles and surface and subsurface hydrology of the site; and

(7) The potential for eliminating free liquids from the facility.

(b) A surface impoundment must be maintained in a manner that complies with § 267.10 of this Part during the post-closure period. The post-closure plan under § 264.118 of this Chapter must specify the procedures that will be used to satisfy this paragraph. Proper maintenance of a surface impoundment during the post-closure period must reflect a consideration of:

(1) The type and amount of waste in the facility;

(2) The mobility and expected rate of migration of the waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area;

(5) Characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope, and type of vegetation on the cover;

(6) Geological and soil profiles and surface and subsurface hydrology of the site; and

(7) The maintenance of any ground-water monitoring system at the facility.

§ 267.34 Treatment of Waste.

The Regional Administrator may waive any of the requirements in §§ 267.31, 267.32 or 267.33 of this Subpart where necessary to achieve treatment of hazardous waste in a surface impoundment, provided that the waiver does not result in noncompliance.

§ 267.35 Additional requirements.

The Regional Administrator may place additional requirements on owners and operators of new surface impoundments, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

Subpart E—Land Treatment

§ 267.40 Applicability.

The regulations in this Subpart apply to owners and operators of new facilities that dispose of hazardous waste in land treatment facilities.

§ 267.41 General design requirements.

Each land treatment facility must include a runoff control system designed to comply with § 267.10 of this Part. The design of the facility runoff control system must reflect a consideration of:

(a) The physical, biological and chemical characteristics of the waste in the facility;

(b) Climatic conditions in the area;

(c) The volume of runoff that could be produced at the facility; and

(d)The available options for managing any contaminated runoff that is collected at the facility.

§ 267.42 General operating requirements.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same land treatment facility, unless § 264.17(b) is complied with. The waste analysis plan required by § 264.13 must include the analyses needed to comply with this paragraph.

(b) The runoff control system must be operated and maintained in a manner that will comply with § 267.10 of this Part. The procedures for operating the runoff control system must reflect a consideration of:

(1) The volume of contaminated runoff produced at the facility;

(2) The capacity of any runoff collection device at the facility;

(3) Climatic conditions in the area; and

(4) The quality of the runoff produced and the available options for managing any contaminated runoff from the facility.

(c) The land treatment facility must be operated to treat the waste in the facility to the extent necessary to comply with § 267.10 of this Part.

(d) If food-chain crops are grown at the facility, the facility must be operated in a manner designed to protect the quality of those crops to the extent necessary to comply with § 267.10 of this Part. Proper operation of a land treatment facility on which food-chain crops are grown must reflect a consideration of:

(1) The characteristics of the soil, including the pH;

(2) The volume and chemical, biological and physical characteristics of the waste in the facility;

(3) The type of crop to be grown;

(4) The manner in which such crop marketed (e.g. direct sale to consumers, use as an animal feed grain);

(5) The potential future uses of the facility;

(6) The potential for crop uptake of waste constituents; and

(7) The potential exposure of workers who handle the crop to waste constituents.

(e) The treatment facility must be inspected at a sufficient frequency to assure compliance with § 267.10 of this Part.

§ 267.43 Unsaturated zone monitoring.

In addition to the ground-water monitoring program required in Subpart F of this Part, a land treatment facility must have an unsaturated zone monitoring program which will assure compliance with § 267.10. An unsaturated zone monitoring program must include an unsaturated zone monitoring system at the facility or at a representative test plot, as well as procedures for sampling, analysis and evaluation of data. The unsaturated zone monitoring program required by this paragraph must reflect a consideration of:

(a) The placement and depth of monitoring wells that is necessary to obtain a representative sample of the success of waste treatment in the facility;

(b) Soil characteristics, including its pH, its permeability and the level of microbial activity in the soil;

(c) Climatic conditions in the area;

(d) The potential for rapid migration of waste constituents through the soil; and

(e) The accessibility of the monitoring system devices for maintenance and repair.

§ 267.44 Closure and post-closure.

(a) A land treatment facility must be closed in a manner that will comply with § 267.10 of this Part. The closure plan under § 264.112 of this Chapter must specify the measures which will be used to satisfy this paragraph. Proper closure of a land treatment facility must reflect a consideration of:

(1) The type and amount of waste applied to the facility;

(2) The mobility and expected rate of migration of the waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area, including the amount, frequency and pH of precipitation;

(5) Geologic and soil profiles and surface and subsurface hydrology of the site, including cation exchange capacity, total organic carbon and pH of the soil; and

(6) Unsaturated zone monitoring information obtained under § 267.43.

(b) A land treatment facility must be maintained in a manner that complies with § 267.10 of this Part during the post-closure period. The post-closure plan under § 264.118 of this Chapter must specify the procedures that will be used to satisfy this paragraph. Proper maintenance of a land treatment facility during the post-closure period must reflect a consideration of:

(1) The type and amount of waste applied to the facility;

(2) The mobility and expected rate of migration of the waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area, including the amount, frequency and pH of precipitation;

(5) Geologic and soil profiles and surface and subsurface hydrology of the site, including cation exchange capacity, total organic carbon and pH of the soil;

(6) Unsaturated zone monitoring information obtained under § 267.43; and

(7) The maintenance of any ground-water monitoring system at the facility.

§ 267.45 Treatment of waste.

The Regional Administrator may waive any of the requirements in § 267.21, 267.22 or 267.23 of this Subpart where necessary to achieve treatment of hazardous waste in a land treatment facility, provided that the waiver does not result in non-compliance with § 267.10.

§ 267.46 Additional requirements.

The Regional Administrator may place additional requirements on owners or operators of new land treatment facilities, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

Subpart F—Ground-Water Monitoring

§ 267.50 Applicability.

Each new hazardous waste landfill, surface impoundment, or land treatment facility must have a ground-water monitoring program, which includes a ground-water monitoring system, procedures for sampling, analysis and evaluation of ground-water data, and appropriate response procedures.

§ 267.51 Ground water monitoring system.

The ground-water system required by this Subpart must be capable of determining the facility's impact on ground-water in the uppermost aquifer so as to assure compliance with § 267.10 of this Part. The design of the ground-water monitoring system must reflect a consideration of:

(a) The placement and depth of monitoring wells that is necessary to obtain a representative sample of constituents in the uppermost aquifer, including those present in the ground-water upgradient from the facility;

(b) Measures such as casing which maintain the integrity of the monitoring well bore hole; and

(c) Measures which prevent contamination of ground-water samples.

§ 267.52 Ground water monitoring procedures.

(a) The ground-water monitoring procedures required by this Subpart must be capable of assuring compliance with § 267.10 of this Part. The procedures must reflect a consideration of:

(1) Sample collection procedures;

(2) Sample preservation and shipment procedures;

(3) Analytical methods;

(4) Chain of custody control; and

(5) Evaluation procedures, including methods for determining the extent and rate of migration of waste constituents.

(b) The ground-water monitoring procedures required by this Subpart must include appropriate procedures for when the ground-water monitoring program indicates that the facility is not in compliance with § 267.10 of this Part. Such response procedures must be contained in the contingency plan required by Subpart D of Part 264.

§ 267.53 Additional requirements.

The Regional Administrator may place additional ground-water monitoring requirements on owners or operators of facilities subject to this Part, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

Subpart G—Underground Injection

§ 267.60 Applicability.

The regulations in this Subpart apply to owners and operators of new facilities that dispose of hazard waste in underground injection wells which are classified as Class I under § 122.32(a) of this Chapter.

§ 267.61 General design requirements.

An injection well must be designed to comply with § 267.10 of this Part. The facility design must include measures (*e.g.* casing, tubing and packer set) to prevent the escape of injected fluids to the area above the zone of injection.

§ 267.62 General operating requirements.

An injection well must be operated in a manner that will comply with § 267.10 of this Part. The methods for operating the injection well must reflect a consideration of:

(a) The volume and physical and chemical characteristics of the waste injected in the well;

(b) The injection pressure; and

(c) Monitoring measures to assure that the mechanical integrity of the well is maintained.

§ 267.63 Closure.

An injection well must be plugged and sealed at closure to prevent the escape of injected fluids to the area above the zone of injection.

§ 267.64 Additional requirements.

The Regional Administrator may place additional requirements on owners and operators of new injection wells, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

PART 122—[AMENDED]

2. Part 122 of Title 40 of the Code of Federal Regulations is amended by revising § 122.11(c) to read as follows:

§ 122.11 Requirements for recording and reporting of monitoring results.

* * * * *

(c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in Parts 264, 266 and 267 (RCRA), Part 146 (UIC), § 122.62 (NPDES), and, when applicable, 40 CFR Part 230 (404). Reporting shall be no less frequent than specified in the above regulations.

3. Part 122 of Title 40 of the Code of Federal Regulations is amended by revising § 122.29 to reas as follows:

§ 122.29 Establishing RCRA permit conditions.

(Applicable to State RCRA programs, see § 123.7)

In addition to the conditions established under § 122.8(a), each RCRA permit shall include permit conditions necessary to achieve compliance with each of the applicable requirements specified in 40 CFR Parts 264, 266 and 267. In satisfying this provision, the Director may incorporate applicable requirements of 40 CFR Parts 264, 266 and 267 directly into the permit or establish other permit conditions that are based on these Parts.

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Friday
February 13, 1981

Part IV

Department of the Interior

Bureau of Land Management

Outer Continental Shelf, Central and Northern California; Proposed Oil and Gas Lease Sale No. 53

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf

Central and Northern California

Proposed Oil and Gas Lease Sale No. 53

In connection with oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior has established a policy pursuant to Sec. 19 of the OCS Lands Act, as amended, relating to sale notices to further and enhance consultation with the affected coastal States. That policy includes providing the affected States with the opportunity to review the draft proposed sale notice prior to its final publication in the Federal Register. The following is a draft sale notice for proposed Sale No. 53 in the waters offshore Central and Northern California. This sale is identified in the June 1980, Final Five-Year OCS Oil and Gas Leasing Schedule published by the Department of the Interior. This notice is hereby published as a matter of information to the public. This notice supersedes the previous Proposed Notice of Sale published at 45 F.R. 71140 on October 27, 1980.

Ed Hartz
Director, Bureau of Land Management

Dated: FEB 10 1981

Approved:

James G. Watt
Secretary of the Interior

Proposed Sale Notice

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, Pacific Outer Continental Shelf (OCS) Office, Bureau of Land Management, 1340 West 6th Street, Room 200, Los Angeles, California 90017. Bids may be delivered, either by mail or in person, to the above address until 4:00 p.m., p.s.t., _____; or by personal delivery to the (place of sale), (address), (city and State) between the hours of 8:30 a.m., p.s.t. and 9:30 a.m., p.s.t., _____. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., p.s.t., _____. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in ___ FR _____, _____.

3. Methods of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., p.s.t. _____" must be submitted for

each tract. A suggested form appears in 43 CFR Part 3300 Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft on a solvent bank, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300 Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental of $8 per hectare or fraction thereof. Except for the fixed net profit share tracts listed in paragraph 4(c) of this notice all leases awarded will provide for a minimum annual royalty payment of $8 per hectare or fraction therof. The following systems will be utilized.

(a) Bonus Bidding with 33 1/3 percent Royalty. Bids on tracts 53-138, 53-142, 53-143, 53-145, 53-146, 53-147, 53-149, 53-150, 53-151, 53-153, 53-154, 53-155, 53-159, 53-160, 53-161, 53-235, 53-236 and 53-239 must be on a cash bonus basis with a fixed royalty of 33 1/3 percent.

(b) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts 53-185, 53-186, 53-192, 53-193, 53-197, 53-198, 53-199, 53-202, 53-203, 53-204, 53-205, 53-208, 53-209, 53-210, 53-211, 53-212, 53-213, 53-214, 53-215, 53-216 53-217, 53-218, 53-219, 53-220, 53-221, 53-222, 53-223, 53-224, 53-225, 53-226, 53-227, 53-228, 53-229, 53-230, 53-231, 53-232, 53-233 and 53-234 must be submitted on a cash bonus basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way; when the quarterly value of production, adjusted for inflation, is less than or equal to $14.7878536 million, a royalty of 16.66667 percent in amount or value of production saved removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $14.7878537 million, but less than or equal to $1197.2061410 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[Ln\ (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 11.0

Ln = natural logarithm

Vj= the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.25

When the adjusted quarterly value of production is equal to or greater than $1197.2061410 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 21.25878 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar (for example, 15.392847 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

Figure 1
Form of the Sliding Royalty Schedule

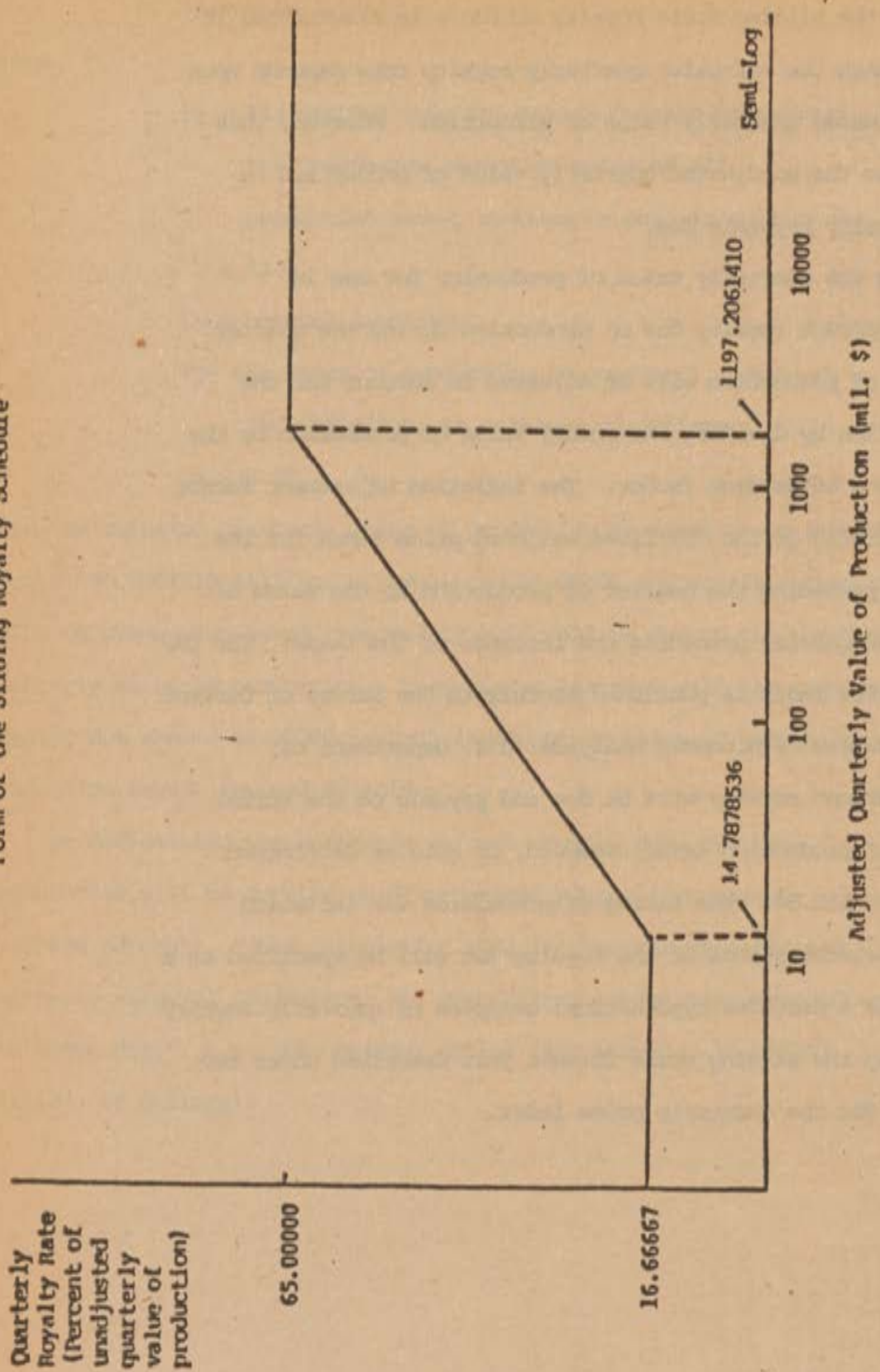

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	21.28346	6.385039
90.000000	200.0	4/3	67.500000	33.36819	30.031378
270.000000	200.0	4/3	202.500000	45.45293	122.722921
810.000000	200.0	4/3	607.500000	57.53767	466.055118
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	18.82888	5.648665
90.000000	250.0	5/3	54.000000	30.91362	27.822257
270.000000	250.0	5/3	162.000000	42.99835	116.095557
810.000000	250.0	5/3	486.000000	55.08308	446.173028

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E). All values are rounded for display purposes only.

(c) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts 53-13 through 53-30, must be submitted on a cash bonus basis with a fixed net profit share rate of 45 percent and a fixed capital recovery factor of 1.00 (which is a fixed capital recovery multiplier of 2.00). Note: The capital recovery factor represents the actual capital recovery premium that is debited to the net profit share lease capital account, which is made in addition to the debit for actual expenses. The net profit share payment shall be calculated according to the Department of Energy regulations 10 CFR 390 (45 FR 36784, May 30, 1980).

(d) Bonus Bidding with a 16 2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16 2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., p.s.t., _____, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

6. Bid Opening. Bids will be opened on _____, beginning at 10:00 a.m., p.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, _____, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks or bank drafts on a solvent bank, submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, Pacific Outer Continental Shelf Office at the address stated in paragraph 2, at a cost of $2.00 each:

Outer Continental Shelf Official Protraction Diagrams:

NK 10-10	Eureka
NJ 10-1	Noyo Canyon
NJ 10-2	Ukiah
NJ 10-5	Santa Rosa
NJ 10-8	San Francisco
NI 10-3	San Luis Obispo
NI 10-6	Santa Maria

12. Tract Descriptions. The tracts offered for bids are as follows: Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice.

Tentative Tract List
OCS SALE #53

OCS OFFICIAL PROTRACTION DIAGRAM, EUREKA, NK 10-10
(Approved April 18, 1979)

Tract	Block	Description	Hectares
53-001	27	All	2304.00
53-002	28	All	2304.00
53-003	29	All	2304.00
53-004	30	All	2304.00
53-005	71	All	2304.00
53-006	72	All	2304.00
53-007	73	All	2304.00
53-008	74	All	2304.00
53-009	115	All	2304.00
53-010	116	All	2304.00
53-011	117	All	2304.00
53-012	118	All	2304.00
53-013	119	All	2304.00
53-014	159	All	2304.00
53-015	160	All	2304.00
53-016	161	All	2304.00
53-017	162	All	2304.00
53-018	163	All	2304.00
53-019	203	All	2304.00
53-020	204	All	2304.00
53-021	205	All	2304.00
53-022	206	All	2304.00
53-023	207	1/	2283.44
53-024	248	All	2304.00
53-025	249	All	2304.00
53-026	250	All	2304.00
53-027	251	1/	1571.16
53-028	293	All	2304.00
53-029	294	1/	2249.77
53-030	295	1/	293.37

OCS Official Protraction Diagram, Noyo Canyon, NJ 10-1

(Approved November 2, 1976)

Tract	Block	Description	Hectares
53-031	608	All	2304.00
53-034	652	All	2304.00
53-037	696	All	2304.00
53-040	740	All	2304.00

OCS Official Protraction Diagram, Ukiah, NJ 10-2

(Approved November 2, 1976)

Tract	Block	Description	Hectares
53-032	573	All	2304.00
53-033	574	All	2304.00
53-035	617	All	2304.00
53-036	618	All	2304.00
53-038	661	All	2304.00
53-039	662	All	2304.00
53-041	705	All	2304.00
53-042	706	All	2304.00
53-043	749	All	2304.00
53-044	750	All	2304.00
53-045	793	All	2304.00
53-046	794	All	2304.00
53-047	795	All	2304.00
53-048	796	1/	2224.94
53-049	837	All	2304.00
53-050	838	All	2304.00
53-051	839	All	2304.00
53-052	840	All	2304.00
53-053	882	All	2304.00
53-054	883	All	2304.00
53-055	884	All	2304.00
53-056	927	All	2304.00
53-057	928	All	2304.00
53-058	971	All	2304.00
53-059	972	All	2304.00
53-060	973	1/	2134.73

OCS Official Protraction Diagram, Santa Rosa, NJ 10-5

(Approved November 2, 1976)

Tract	Block	Description	Hectares
53-061	673	All	2304.00
53-062	674	All	2304.00
53-063	717	All	2304.00
53-064	718	All	2304.00
53-065	761	All	2304.00
53-066	762	All	2304.00
53-067	805	All	2304.00
53-068	806	All	2304.00

OCS Official Protraction Diagram, San Francisco, NJ 10-8

(Approved November 2, 1976)

Tract	Block	Description	Hectares
53-069	376	All	2304.00
53-070	377	All	2304.00
53-071	378	All	2304.00
53-072	379	1/	1855.38
53-073	420	All	2304.00
53-074	421	All	2304.00
53-075	422	All	2304.00
53-076	423	1/	1469.03
53-077	464	All	2304.00
53-078	465	All	2304.00
53-079	466	All	2304.00
53-080	467	1/	1595.75
53-081	508	All	2304.00
53-082	509	All	2304.00
53-083	510	All	2304.00
53-084	511	1/	1974.17
53-085	552	All	2304.00
53-086	553	All	2304.00
53-087	554	All	2304.00
53-088	555	All	2304.00
53-089	596	All	2304.00
53-090	597	All	2304.00
53-091	598	All	2304.00
53-092	599	All	2304.00
53-093	641	All	2304.00
53-094	642	All	2304.00
53-095	643	All	2304.00
53-096	685	All	2304.00
53-097	686	All	2304.00
53-098	687	All	2304.00
53-099	688	All	2304.00
53-100	729	All	2304.00
53-101	730	All	2304.00
53-102	731	All	2304.00
53-103	732	All	2304.00
53-104	773	All	2304.00
53-105	774	All	2304.00
53-106	775	All	2304.00
53-107	776	All	2304.00
53-108	817	All	2304.00
53-109	818	All	2304.00
53-110	819	All	2304.00
53-111	820	All	2304.00
53-112	821	1/	1986.05
53-114	861	All	2304.00

OCS Official Protraction Diagram, San Francisco, NJ 10-8, continued

Tract	Block	Description	Hectares
53-115	862	All	2304.00
53-116	863	All	2304.00
53-117	864	All	2304.00
53-118	865	All	2304.00
53-119	906	All	2304.00
53-120	907	All	2304.00
53-121	908	All	2304.00
53-122	909	All	2304.00
53-123	951	All	2304.00
53-124	952	All	2304.00
53-125	953	All	2304.00
53-126	996	All	2304.00
53-127	997	All	2304.00
53-128	998	All	2304.00

OCS Official Protraction Diagram, San Luis Obispo, NI 10-3

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-129	589	All	2304.00
53-130	590	All	2304.00
53-131	591	All	2304.00
53-132	633	All	2304.00
53-133	634	All	2304.00
53-134	635	All	2304.00
53-135	677	All	2304.00
53-136	678	All	2304.00
53-137	679	All	2304.00
53-138	680	1/	1528.66*
53-139	721	All	2304.00
53-140	722	All	2304.00
53-141	723	All	2304.00
53-142	724	1/	1848.35*
53-143	725	1/	16.86*
53-144	767	All	2304.00
53-145	768	All	2304.00
53-146	769	1/	1196.23
53-147	770	1/	10.37
53-148	811	All	2304.00
53-149	812	All	2304.00
53-150	813	All	2304.00

OCS Official Protraction Diagram, San Luis Obispo, NI 10-3 continued

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-151	814	1/	1663.03
53-152	855	All	2304.00
53-153	856	All	2304.00
53-154	857	All	2304.00
53-155	858	All	2304.00
53-156	897	All	2304.00
53-157	898	All	2304.00
53-158	899	All	2304.00
53-159	900	All	2304.00
53-160	901	All	2304.00
53-161	902	All	2304.00
53-162	941	All	2304.00
53-163	942	All	2304.00
53-164	943	All	2304.00
53-165	944	All	2304.00
53-166	945	All	2304.00
53-167	946	All	2304.00
53-168	947	All	2304.00
53-169	985	All	2304.00
53-170	986	All	2304.00
53-171	987	All	2304.00
53-172	988	All	2304.00
53-173	989	All	2304.00
53-174	990	All	2304.00
53-175	991	All	2304.00

OCS Official Protraction Diagram, Santa Maria, NI 10-6

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-176	16	All	2304.00
53-177	17	All	2304.00
53-178	18	All	2304.00
53-179	19	All	2304.00
53-180	20	All	2304.00
53-181	21	All	2304.00
53-182	22	All	2304.00
53-183	61	All	2304.00
53-184	62	All	2304.00
53-185	63	All	2304.00
53-186	64	All	2304.00
53-187	65	All	2304.00
53-188	66	All	2304.00
53-189	67	All	2304.00
53-190	105	All	2304.00
53-191	106	All	2304.00

OCS Official Protraction Diagram, Santa Maria, NI 10-6 continued

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-192	107	All	2304.00
53-193	108	All	2304.00
53-194	109	All	2304.00
53-195	110	All	2304.00
53-196	111	All	2304.00
53-197	150	All	2304.00
53-198	151	All	2304.00
53-199	152	All	2304.00
53-200	153	All	2304.00
53-201	154	All	2304.00
53-202	155	All	2304.00
53-203	156	1/	2245.37
53-204	195	All	2304.00
53-205	196	All	2304.00
53-206	197	All	2304.00
53-207	198	All	2304.00
53-208	199	All	2304.00
53-209	200	1/	2051.92
53-210	201	1/	10.63
53-211	239	All	2304.00
53-212	240	All	2304.00
53-213	241	All	2304.00
53-214	242	All	2304.00
53-215	243	All	2304.00
53-216	244	All	2304.00
53-217	245	1/	917.10*
53-218	283	All	2304.00
53-219	284	All	2304.00
53-220	285	All	2304.00
53-221	286	All	2304.00
53-222	287	All	2304.00
53-223	288	All	2304.00
53-224	289	1/	719.12
53-225	328	All	2304.00
53-226	329	All	2304.00
53-227	330	All	2304.00
53-228	331	All	2304.00
53-229	332	1/	1976.80
53-230	333	1/	8.13
53-231	373	All	2304.00
53-232	374	All	2304.00
53-233	375	All	2304.00
53-234	376	1/	1761.43
53-235	418	All	2304.00

*Estimated

OCS Official Protraction Diagram, Santa Maria, NI 10-6 continued

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-236	419	All	2304.00
53-237	420	1/	2277.34
53-238	421	1/	738.55
53-239	463	1/	2190.91*
53-240	464	1/	2076.54*
53-241	465	1/	1962.21*
53-242	466	1/	1847.86*
53-243	467	1/	1733.53*

*Estimated

1/ That portion seaward of the three geographical mile line.

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, Pacific Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4(c), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Fixed Net Profit Share. The lessee agrees to pay a net profit share rate of 45 percent with a fixed capital recovery factor of 1.00 (which is a fixed capital recovery multiplier of 2.00) calculated pursuant to 10 CFR 390.

(b) For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, listed in paragraph 4(b), Form 3300-1 will be amended as follows:

Sec. 6 Royalty on Production. (a) The lessee agrees to pay the lessor royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $14.7878536 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $14.7878537 million, but less than or equal to $1197.2061410 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[Ln\ (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 11.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.25

When the adjusted quarterly value of production is equal to or greater than $1197.2061410 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent due, Rj, the calculation will be carried to five decimal places (for example, 21.25878 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 15.392847 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(c) Except as otherwise noted, the following stipulations will be included in each lease resulting from this proposed sale. In the following stipulations the term DCMOFO refers to the Pacific Area Deputy Conservation Manager, Offshore Field Operation of the Geological Survey and the term Manager refers to the Manager of the Pacific OCS Office of the Bureau of Land Management.

Stipulation No. 1

(a) If the DCMDFO has reason to believe that biological populations or habitats exist and require protection, he shall give the lessee notice that the lessor is invoking the provisions of this stipulation and the lessee shall comply with the following requirements. Prior to any drilling activity or the construction or placement of any structure for exploration or development on lease areas including, but not limited to, well drilling and pipeline and platform placement hereinafter referred to as "operation," the lessee shall conduct site specific surveys as approved by the DCMDFO and in accordance with prescribed biological survey requirements to determine the existence of any special biological resource including, but not limited to:

(1) Very unusual, rare, or uncommon ecosystems or ecotones.

(2) A species of limited regional distribution that may be adversely affected by any lease operations.

If the results of such surveys suggest the existence of a special biological resource that may be adversely affected by any lease operation, the lessee shall: (1) relocate the site of such operation so as not to adversely affect the resources identified; (2) establish to the satisfaction of the DCMDFO, on the basis of the site specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist. The DCMDFO will review all data submitted and determine, in writing, whether a special biological resource exists and whether it may be significantly affected by the lessee's operations. The lessee may take no action until the DCMDFO has given the lessee written directions on how to proceed.

(b) The lessee agrees that if any area of biological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCMDFO, and make every reasonable effort to preserve and protect the biological resource from damage until the DCMDFO has given the lessee directions with respect to its protection.

Stipulation No. 2

If the DCMDFO, having reason to believe that a site, structure or object of historical or archaeological significance, hereinafter referred to as a "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct

remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCMOFO and the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCMOFO, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCMOFO, either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCMOFO and the Manager for their review. Should the DCMOFO determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCMOFO has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCMOFO and make every reasonable effort to preserve and protect the cultural resource from damage until the DCMOFO has given directions as to its preservation.

Stipulation No. 3

(a) To be included in any lease resulting from this sale for tracts:

53-1, 53-2, 53-3, 53-4, 53-5, 53-6, 53-7, 53-8, 53-9, 53-10, 53-11, 53-12, 53-14, 53-15, 53-16, 53-19, 53-20, 53-21, 53-24, 53-37, 53-38, 53-41, 53-43, 53-45, 53-49, 53-156, 53-157, 53-158, 53-159, 53-162, 53-163, 53-164, and 53-165.

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portion of a lease block unless or until the lessee has demonstrated to the DCMOFO's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all such unstable areas must be mapped. The DCMOFO may also require soil testing before exploration and production operations are allowed.

(b) To be included in any lease resulting from this sale for tracts:

53-114, 53-128, 53-226, 53-227, 53-228, 53-231, 53-232, 53-233, 53-235,

53-236, 53-237, and 53-239.

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas or emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DCMOFO's satisfaction that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of submarine canyons or channels, either within or outside of this lease block.

If exploratory drilling operations are allowed, site specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The DCMOFO may also require soil testing before exploration and production operations are allowed.

(c) To be included in any lease resulting from this sale for tracts:

53-33, 53-48, 53-131, 53-138, 53-142, 53-143, 53-146, 53-147, 53-150, 53-151, 53-155, 53-161, 53-168, 53-175, 53-182, 53-189, 53-196, 53-203, 53-209, 53-210, 53-217.

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas and the emplacement of pipelines will not be allowed in the vicinity of the fault until the lessee has demonstrated to the DCMOFO's satisfaction that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case fault movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of potential fault movement, either within or outside of this lease block.

If exploratory drilling operations are allowed, site specific surveys shall be conducted to determine the potential for active faulting. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all fault zones must be mapped. The DCMOFO may also require soil testing before exploration and production operations are allowed.

Stipulation No. 4

This stipulation applies to those tracts located in military operating areas. The tracts affected are listed with the appropriate military geographical area coordinator.

Tracts 53-129 through 53-243: Commander, Western Space and Missile Center (WSMC) and the Commander, Pacific Missile Test Center (PMTC), or other appropriate military agency.

Tracts 53-63, 53-65, 53-66, 53-67, 53-68, 53-69, 53-70, 53-73, 53-74, 53-77, 53-78, 53-79, 53-82, 53-83, 53-96, 53-100, 53-104, 53-105, 53-108, 53-109, 53-114, 53-115, 53-116, and 53-119: Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency.

(a) The lessee agrees that prior to operating or causing to be operated on its behalf boat or aircraft traffic into individual, designated warning areas, the lessee shall coordinate and comply with instructions from the Commander, Western Space and Missile Center (WSMC), the Commander, Pacific Missile Test Center (PMTC), and the Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency. Such coordination and instruction will provide for positive control of boats and aircraft operating in the warning areas at all times.

(b) The lessee, recognizing that mineral exploration and exploitation and recovery operations of the leased areas of submerged lands can impede tactical military operations, hereby recognizes and agrees that the United States reserves and has the right to temporarily suspend operations of the lessee under this lease in the interests of national security requirements. Such temporary suspension of operations, including the evacuation of personnel, and appropriate sheltering of personnel not evacuated (an appropriate shelter shall mean the protection of all lessee personnel for the entire duration of any Department of Defense activity from flying or falling objects or substances), will come into effect upon the order of the DCMOFO, after consultation with the Commander, Western Space and Missile Center (WSMC), the Commander, Pacific Missile Test Center (PMTC), and the Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency, or higher authority, when national security interests necessitate such action. It is understood that any temporary suspension of operations for national security may not exceed seventy-two hours; however, any such suspension may be extended by order of the DCMOFO. During such periods equipment may remain in place.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commander, Western Space and Missile Center (WSMC), the Commander, Pacific Missile Test Center (PMTC), and the Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency, to the degree necessary to prevent damage to, or unacceptable

interference with Department of Defense flight, testing or operations activities conducted within individual, designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area: provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 5

To be included in any lease resulting from this sale for tracts: 53-63, 53-65 through 53-70, 53-73, 53-74, 53-77, 53-78, 53-79, 53-82, 53-83, 53-96, 53-100, 53-104, 53-105, 53-108, 53-109, 53-114 53-115, 53-116, 53-119 and 53-129 through 53-243.

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Western Space and Missile Center (WSMC), the Pacific Missile Test Center (PMTC), or other appropriate military agency.

Notwithstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations and agencies, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

Stipulation No. 6

a) Pipelines will be required: 1) if pipeline rights-of-way can be determined and obtained; 2) if laying of such pipelines is technologically feasible and environmentally preferable; and 3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with the participation of Federal, State, and local governments and the industry.

b) Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCMOFO.

c) Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Port and Tanker Safety Act of 1978 (PL 95-474).

Stipulation No. 7

(a) Wells. Subsea well heads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, in such a manner as to allow commercial trawl gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the DCMOFO. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ±50 feet (15.25 meters) at 200 miles (322 kilometers).

(b) Pipelines. All pipelines, unless buried, including gathering lines, shall have a smooth surface design. In the event that an irregular pipe surface is unavoidable due to the need for valves, anodes or other structures, those irregular surfaces shall be protected in such a manner as to allow trawl gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 8

The lessee shall include in his exploration and development plans, submitted under 30 CFR 250.34, a proposed fisheries training program for review and approval by the DCMDFO. The training program shall be for the personnel involved in vessel operations (related to offshore exploration and development and production operations), and platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry, the methods of offshore fishing operations, the potential conflicts between fishing operations and offshore oil and gas activities, the locations of marine mammal and bird rockery sites in the area, the seasonal abundance and sensitivities of these animals to disturbance, and the federal laws that have been established to protect endangered and threatened species from harassment and injury. The program shall be formulated and implemented by qualified instructors.

Stipulation No. 9

To be included only in the leases resulting from this sale for the 33 1/3 percent royalty tracts and the fixed sliding scale royalty tracts identified in paragraph 4(a) and 4(b) of this notice.

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, U.S. Geological Survey, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6 (a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as royalty in amount, except as provided in sec. 15(d); the royalty on any portion of the production saved, removed or sold from the lease in excess of 16-2/3 percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 10

To be included only in the leases resulting from this sale for tracts subject to Federal revenue based on profit share, as identified in paragraph 4(c) of this notice:

> "Although the profit share specified in this lease is, by statute, subject to the Secretary's demand that it be paid in oil or gas, not more than 16 2/3 percent of the production saved, removed or sold from the lease area may be taken from the lessee by the lessor in oil and gas in payment of the Federal profit share revenues."

Stipulation No. 11

To be included in any lease resulting from this sale for tracts: 53-3, 53-4, 53-7, 53-8, 53-13, 53-21, 53-22, 53-25, 53-26, 53-27, 53-29, 53-30, 53-36, 53-62, 53-65, 53-69, 53-106, 53-116, 53-117, 53-122, 53-124, 53-126, 53-131, 53-134, 53-137, 53-138, 53-141, 53-142, 53-143, 53-145, 53-146, 53-150, 53-151, 53-154, 53-155, 53-175, 53-181, 53-182, 53-185, 53-186, 53-187, 53-188, 53-189, 53-192, 53-193, 53-194, 53-195, 53-196, 53-199, 53-200, 53-201, 53-205, 53-206, 53-207 53-208, 53-209, 53-212, 53-213, 53-214, 53-215, 53-216, 53-219, 53-221, 53-222, 53-223, 53-224, 53-227, 53-228, 53-229, 53-230, 53-232, 53-233, 53-234, 53-235, 53-236, 53-237, 53-238, 53-239, 53-240, 53-241 and 53-242.

Portions of this tract may contain a shallow "bright spot" seismic amplitude anomaly which may be indicative of a shallow gas deposit. Surface occupancy above this anomaly and drilling through the anomaly will not be allowed unless or until the lessee has demonstrated to the Deputy Conservation Manager's satisfaction that a potentially hazardous accumulation of shallow gas does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be placed or drilling plans designed to assure safe operations in the area above the anomaly. This may necessitate that all exploration for and development of oil and gas be performed from locations outside the area of concern, either within or outside this lease block.

14. Information to Lessees. The Department of the Interior will seek the advice of the State of California and other Federal agencies to identify areas of special biological or cultural resources.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) & (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

To reduce the impacts of aircraft disturbances at seabird colonies and marine mammal rookeries along the coast, a distance of at least one mile from the coastline and an altitude of 1,000 feet should be maintained, consistent with aircraft safety, from specific areas to be identified by the DCMOFO. The lessee is advised that all violations may be reported to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or the California Department of Fish and Game, as appropriate, for disposition.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Pacific Region Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

List of Public Laws

Last Listing February 11, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 253 / Pub. L. 97-3 To increase the number of members of the Commission on Wartime Relocation and Internment of Civilians (Feb. 10, 1981; 95 Stat. 5) Price $1.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.