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Tuesday
February 17, 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.

IMPORTANT NOTICE TO FEDERAL AGENCIES

For information on billing codes required on all documents submitted for publication in the **Federal Register**, see back cover of this issue.

12618 Identification of Subjects in Agency Regulations Administrative Committee of the Federal Register publishes Thesaurus of Indexing Terms (Part II of this issue)

12494 Firearms DOD/Office of the Secretary reissues rule to sell surplus military equipment to State and local law enforcement and firefighting agencies located within the U.S.; effective 1-27-81

12502 Tax Forms Treasury/IRS proposes three new forms for reporting the generation-skipping transfer tax (Forms 706-B, 706-B(1), and 706-B(2); comments by 4-3-81

12522 Disclosure of Personal Data CSA files for a proposed amendment to its rule governing public access to grantee information; comments by 4-20-81

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Highlights

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

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

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12500 **Loan Programs** SBA proposes to make any business that produces services or distributes any product or service used in an illegal activity ineligible for loan assistance; comments by 4-20-81

12646 **Energy** DOE adds incentive clauses for fixed-price incentive, cost-plus-incentive fee and cost-plus-award fee contracts, comments by 3-19-81 (Part III of this issue)

12477 **Air Carriers** CAB eliminates the requirement that air taxis reregister every 2 years; effective 2-10-81

12566 **Radioactive Materials** NRC issues orders to modify licenses to incorporate new or upgraded radiological contingency plans; effective 3-3-81

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 80-ASW-61; Amdt. 39-4037]

Airworthiness Directives; Bell Helicopter Textron Models 206A and 206B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a mandatory inspection at each 300 hours' time in service, the application of an inspection visual aid, and daily checks of the main input driveshaft assembly, Bell Helicopter Textron (BHT) P/N 206-040-100-13 on BHT Models 206A and 206B helicopters. This AD is needed to reduce the risk of main driveshaft failure due to excessive coupling wear or overheating.

DATES: Effective—April 1, 1981. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The Alert Service Bulletin and the Operations Safety Notice specified in this AD may be obtained from Bell Helicopter Textron, Product Support Department, Post Office Box 482, Fort Worth, Texas 76101.

A copy of the service bulletin and a copy of the safety notice are contained in the rules docket, Office of the Regional Counsel, FAA, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: H. R. Whitlock, Propulsion Section, ASW-214, Engineering and Manufacturing Branch, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 525.

SUPPLEMENTARY INFORMATION: There have been reports of excessive wear and failures of the main input driveshaft assembly used on BHT Models 206A and 206B helicopters. Failure of this driveshaft will result in loss of power to the main rotor and force a hazardous emergency landing. Since this condition is likely to exist or develop on other helicopters of the same type design, an Airworthiness Directive is being issued to require on BHT Models 206A and 206B helicopters.

(a) Daily visual check of the main input driveshaft assembly.

(b) Inspection of the driveshaft couplings each 300 hours' time in service.

(c) Addition of an inspection visual aid at the next coupling inspection. The inspection visual aid is zinc chromate primer which laboratory tests have confirmed will turn brown at approximately 375° F.

Since a situation exists which requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Bell: Applies to Models 206A and 206B helicopters.

Compliance is required after the effective date of this AD as indicated unless already accomplished.

To prevent failure of the main input driveshaft assembly, accomplish the following:

(a) Before the first flight of each day after the effective date of this AD, check the transmission input driveshaft assembly, P/N 206-040-100-13, for grease leakage and after compliance with paragraph (c) of this AD, also check the inspection visual aid for signs of overheating. The driveshaft should also be inspected for visual damage and security of the clamps and/or bolts used in assembly of the driveshaft to transmission and engine couplings. If any signs of grease leakage, overheat condition, or other discrepancy exist, the driveshaft must be disassembled, inspected, and the discrepancy corrected before any further flight operations.

(b) Inspect and lubricate the main input driveshaft assembly, P/N 206-040-100-13, and couplings, P/N 206-040-108-005 and P/N 206-040-117-001, as prescribed by BHT Alert Service Bulletin No. 206-79-5 dated October 24, 1979, in accordance with the schedule provided below. In addition, repeat this inspection and lubrication within each 300 hours' time in service thereafter. Defective parts found during this inspection must be replaced prior to further flight.

(1) For helicopters with 250 or more hours' time in service on the effective date of this AD, compliance is required within the next 50 hours' time in service.

(2) For helicopters with less than 250 hours' time in service on the effective date of this AD, compliance is required prior to attaining 300 hours' time in service.

(c) Add the "visual aid" overheat indicator as prescribed by Item 2 of BHT Alert Service Bulletin No. 206-79-5 dated October 24, 1979, at the next coupling inspection.

(d) A pilot may perform the visual check outlined in Item (a), above.

Note.—See FAR 91.173 for the requirements regarding the listing of compliance with Paragraphs (a), (b), and (c) of this AD in the aircraft's maintenance records.

(e) Special flight permits may be issued in accordance with FAR 21.197 and FAR 21.199 to fly aircraft to a base where this AD can be accomplished.

(f) Any alternate equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Bell Helicopter Textron, Product Support Department, Post Office Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at the FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at their headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of

Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Fort Worth, Texas, on January 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

Note.—The incorporation by reference in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-5274 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21355; Amdt. 39-4046]

Airworthiness Directives; Short Brothers Limited Model SD3-30 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one time inspection for cracks in the nose landing gear shock strut cylinder on certain Short Brothers Limited Model SD3-30 series airplanes. It further requires the disassembly, cleaning, rework and lubrication of certain main landing gear components at regular intervals. The AD is prompted by reports of cracks in the nose landing gear shock strut cylinder and failure of the main landing gear to operate properly during adverse weather conditions which can prevent full extension of the landing gears and may result in a wheels-up landing.

DATES: Effective March 3, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Short Brothers Limited, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland, Attn.: Product Support Manager, a copy of each service bulletin is contained in the Rules Docket, Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christle, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: Cracks have been found in the nose landing gear shock strut cylinder, and there have been malfunctions of the main landing gear down lock mechanism and the shock strut and link assembly on certain Short Brothers Limited Model SD3-30 series airplanes. These conditions could result in improper extension of the landing gear and cause possible injury to passengers and damage to the airplane in the event of a wheels-up landing or a landing gear collapse. This AD establishes an inspection interval for cleaning, reworking, and lubricating certain serial number down lock mechanisms and main landing gear shock strut and link assemblies on certain Shorts SD3-30 series airplanes.

Since these conditions are likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires a one time inspection for cracks in the nose landing gear shock strut cylinder and replacement of cracked cylinders. It established maintenance procedures and requires repetitive inspections of the main landing gear shock strut and link assemblies on certain Short Brothers Limited Model SD3-30 series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Short Brothers Limited: Applies to Model SD3-30 airplanes, certificated in all categories, which have Menasco nose landing gear assembly, P/N 18001, serial numbers MMC-005, MMC-006, MMC-008, MMC-009, MMC-010, MMC-011, MMC-012, MMC-015, MMC-022, MMC-023, MMC-024, MMC-029, MMC-031 through MMC-051; Menasco nose landing gear down lock mechanism assembly, P/N 18003, serial numbers MMC-003 through MMC-059; or Menasco main landing gear shock strut and link assembly, P/N 17525, serial numbers MMC-011 through MMC-130, installed.

Compliance is required as indicated, unless already accomplished.

To prevent malfunction or collapse of the landing gear, accomplish the following:

(a) Within 100 hours time in service, or prior to the accumulation of 150 landings after the effective date of this AD, whichever occurs later:

(1) Visually inspect the nose landing gear assembly, Menasco P/N 18001, for evidence of leaking hydraulic fluid.

Note.—Pay special attention to the area around the edges of the nameplate.

(2) If no leaks are found, make the appropriate log book entry and return to service.

(3) If leakage is detected, remove the nameplate and inspect the cylinder, Menasco P/N 18103, for cracks using either the dye penetrant or the eddy current method in accordance with Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-53, Revision 2, dated March 5, 1980, or an FAA-approved equivalent.

(b) If as a result of the inspection required in paragraph (a)(3) of this AD:

(1) No cracks are found, re-install nameplate, make the appropriate log book entry, and return the cylinder to service.

(2) Cracks are found, before further flight, except as provided in paragraph (g) of this AD, remove the cylinder from service and replace with a new or serviceable cylinder of the same Menasco part number, or an FAA-approved equivalent.

Note.—Short Brothers Limited Service Bulletin No. SD3-32-68, Revision 2, dated April 25, 1980, pertains to the same subject.

(c) Within 500 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 600 hours time in service until paragraph (d) and (e) of this AD is accomplished:

(1) For Menasco nose landing gear down lock mechanism, P/N 18003, serial numbers MMC-003 through MMC-059, disassemble, clean, grease the spring and sliding faces, reinstall, and test in accordance with Part A of Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-45, dated August 27, 1979, or an FAA-approved equivalent.

Note.—Short Brothers Limited Service Bulletin No. SD3-32-66, dated September 25, 1979, refers to this same subject.

(2) For Menasco main landing gear shock strut and link assembly P/N 17525, serial numbers MMC-011 through MMC-130, disassemble components P/N 17781, P/N 17782, and P/N 17787; clean, grease spring, sliding spring, and sliding faces, reassemble, and test in accordance with Part A of Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-44, Revision 1, dated January 16, 1980, or an FAA-approved equivalent.

Note.—Short Brothers Limited Service Bulletin No. SD3-32-65, Revision 1, dated March 13, 1980, refers to this same subject.

(d) Following rework of the nose landing gear down lock mechanism components to accommodate grease fittings accomplished in accordance with Part B and C of Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-45, dated August 27, 1979, or an FAA-approved equivalent, compliance with paragraph (c)(1) of this AD is no longer required.

(e) Following rework of the main landing gear shock strut and link assemblies to accommodate grease fittings accomplished in accordance with Part B and C of Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-44, Revision 1, dated January 16, 1980, or an FAA-approved equivalent, compliance with paragraph (c)(2) of this AD is no longer required.

(f) Grease nose landing gear down lock mechanism and main landing gear shock strut and link assemblies reworked in accordance with paragraphs (d) and (e) of this AD every 600 hours time in service thereafter.

(g) The airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the maintenance can be performed.

(h) Upon submission of substantiating data, through an FAA Aviation Safety Inspector, the Chief, Aircraft Certification Staff, Europe, Africa and Middle East Office, may adjust the inspection intervals.

(i) If an equivalent means of compliance is used in complying with paragraphs (a), (c), (d) or (e) of this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective March 3, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of columbia.

Issued in Washington, DC, on February 6, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-5268 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21356; Amdt. 39-4047]

Airworthiness Directives; Short Brothers Limited Model SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which imposes life limits and a replacement requirement on the end cap sub-assembly of the nose gear steering actuator and the link sub-assembly of the nose landing gear beam on Short Brothers Limited Model SD3-30 airplane. The AD is needed to prevent failure of the nose landing gear beam and steering actuator assemblies which could result in loss of the nose wheel steering capability.

DATES: Effective March 3, 1981. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from: Manager-Spares Support, Product Support Department, Short Brothers Limited, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland.

A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: The FAA has determined, based on the results of the manufacturer's fatigue testing, that the end cap sub-assembly, P/N 18382-7A or P/N 18391-7A, of the nose gear steering actuator and the link sub-assembly, P/N 18053-1 or P/N 18053-3, of the nose landing gear beam on certain Short Brothers Limited Model SD3-30 airplanes are life limited. Accordingly, this AD requires replacement of the end cap sub-assembly, P/N 18382-7A or P/N 18391-7A, prior to accumulation of 10,500 landings, and replacement of the link sub-assembly, P/N 18053-1 or P/N 18053-3, prior to the accumulation of 10,000 landings, and each 10,000 landings thereafter, on certain serial number nose gear steering actuators and certain serial number nose landing gear beam assemblies installed on Short Brothers Limited Model SD3-30 airplanes. The link sub-assembly repetitive replacement may be discontinued when the link sub-assembly having a new part number is installed.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption ot the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Short Brothers Limited. Applies to Model SD3-30 airplanes, certificated in all categories, which have Menasco nose landing gear steering actuator, P/N 18002, serial numbers MMC-003 through MMC-048, and/or nose landing gear beam assembly, P/N 18004, serial numbers MMC-001 through MMC-041, installed.

Compliance is required as indicated unless already accomplished.

To prevent failure of the end cap sub-assembly of the nose wheel steering actuator, or of the link sub-assembly of the nose landing gear beam, accomplish the following:

(a) Within the next 25 landings after the effective date of this AD, or prior to accumulation of 10,500 landings, whichever occurs later, replace the end cap sub-assembly, P/N 18382-7A or P/N 18391-7A, of nose landing gear steering actuator assembly, P/N 18002, with end cap, P/N 18382-9 or P/N 18391-9, in accordance with Menasco Manufacturing Service Bulletin 32-21, Revision 3, dated August 7, 1979, or an FAA-approved equivalent.

(b) Within the next 25 landings after the effective date of this AD, or prior to the accumulation of 10,000 landings, whichever occurs later, replace in accordance with Menasco Manufacturing Service Bulletin 32-30, dated February 9, 1979, or an FAA-approved equivalent, the link sub-assembly, P/N 18053-1 or P/N 18053-3 as appropriate, with a link sub-assembly of the same part number, and continue replacement at intervals not to exceed 10,000 landings; or replace with link sub-assembly P/N 18293-1, in which case no further replacement is required and re-identify the nose landing gear beam assembly, P/N 18004, in accordance with paragraph 10D of Menasco Service Bulletin 32-30, dated February 9, 1979, or an FAA-approved equivalent.

(c) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, Europe, Africa, and Middle East Office, Brussels, Belgium.

This amendment becomes effective March 3, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Washington, D.C., on February 6, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-5271 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-EA-68; Amdt. 39-4044]

Airworthiness Directives; Piper PA-38-112

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to Piper PA 38-112 type airplanes. The new AD requires a repetitive inspection of the fin forward spar and fuselage bulkhead assembly in the area of the spar for cracks, and repair or replacement where necessary. The rule will preclude the propagation of incipient cracks. Such cracks could result in a hazardous situation with the deterioration of the airframe.

EFFECTIVE DATE: February 19, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.K.F. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of fatigue cracks in the fin spar and contiguous bulkhead. Inspection times were determined from tests conducted by the manufacturer which duplicated the fatigue factors. At present, the manufacturer has not recommended a permanent solution, but when it does so, the rule will be amended to incorporate any such solution. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adding the following new Airworthiness Directive:

Piper.—Applies to Model PA-38-112 certificated in all categories. To avoid possible hazards in flight associated with cracks in the fin forward spar, P/N 77601-03, and the fuselage bulkhead assembly, P/N 77553-02, accomplish the following:

a. Within the next 25 hours in service from the effective date of this AD or upon the attainment of 300 hours in service, whichever is later, unless accomplished within the previous 75 hours in service and thereafter, at intervals not to exceed 100 hours in service from the last inspection, accomplish the following:

(1) Inspect the foward surface of the fin forward spar web in the area of the vertical edges of the fin forward spar attachment fitting P/N 77553-05 for cracks using a dye penetrant method or equivalent. Remove two forward fin attachment bolts and displace fin spar ⅛" laterally in each direction to increase visibility of spar area adjacent to edge of attachment fitting. Remove any scuff marks on spar by sanding prior to applying dye penetrant.

(2) Inspect the fuselage bulkhead assembly P/N 77553-02, at fuselage station 221.42, in the area of the fin forward spar attachment fitting, P/N 77553-05, for cracks using a dye penetrant method or equivalent. Access to aft side of bulkhead may be obtained by removing rudder and adjacent access door and to front side by removing the luggage compartment rear partition. When using luggage compartment, provide a stand to support the aft fuselage and, in order to assure that no associated damage will occur during the inspection, provide a support board for the mechanic.

b. Replace fin spars with cracks exceeding one half inch and bulkheads with cracks exceeding three quarter inch prior to further flight with undamaged parts of the same part number, an equivalent part, or accomplish a repair which must be approved by the Chief, Engineering & Manfacturing Branch, FAA, Eastern Region. Parts which have cracks less than these values must be replaced or repaired within 25 hours in service. A ferry flight may be authorized under FAR 21.197 to a place of repair with prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

c. Inspect replacement and repaired parts in accordance with this AD unless otherwise authorized by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

d. Equivalent inspections and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

e. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the compliance times specified in this AD.

Effective Date: This amendment is effective February 19, 1981.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT:" It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Jamaica, New York, on February 4, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-5273 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-45-AD; Amdt. 39-4024]

Boeing Model 727-100 and 727-100C Airplanes Equipped With the Aft Airstair Emergency System, Except All Cargo Configurations and Those Airplanes Where the Aft Airstair Emergency Extension System Has Been Deactivated; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a Notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective within 60 days following January 29, 1981. This amendment, consistent with the President's directive, postpones the effective date of Airworthiness Directive 80-NW-45-AD, Amendment 39-4024 (46 FR 4862, January 19, 1981), from February 21, 1981, to April 1, 1981.

DATE: The new effective date for AD 80-NW-45-AD, Amdt. 39-4024 (46 FR 4862, January 19, 1981) is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Roger S. Young, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South,

Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: AD 80-NW-45-AD was based on a Notice of Proposed Rulemaking (NPRM), 45 FR 67678, October 14, 1980. All interested persons were given an opportunity to participate in the making of this rule. At the time that this rulemaking procedure was initiated, the FAA did not consider that an emergency situation existed with respect to safety in air commerce and does not believe that such an emergency exists at the present time.

On January 29, 1981, the President issued a memorandum directing all agencies, by notice in the **Federal Register**, to postpone for 60 days following January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that period.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational federal regulations was among his priorities as President. He indicated this program was especially important because of the country's economic climate.

In order to give his administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulations, he directed the postponement of pending regulations. In accordance with this directive, the FAA is postponing the effective date of this rule until April 1, 1981.

Since this amendment relieves a restriction, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days. Because this change of effective date does not involve rulemaking, compliance with Executive Order 12044 is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-NW-45-AD, Amdt. 39-4024 (46 FR 4862, January 19, 1981), by changing the effective date from February 21, 1981, to April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster,

Director, Norwest Region.

[FR Doc. 81-5290 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-28-AD; Amdt. 39-4022]

Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes Equipped With Upper Main Cargo Doors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a Notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective within 60 days following January 29, 1981. This amendment, consistent with the President's directive, postpones the effective date of Airworthiness Directive 80-WE-28-AD, Amendment 39-4022, (46 FR 4864, January 19, 1981), from February 19, 1981, to April 1, 1981.

DATES: The new effective date for AD 80-WE-28-AD, Amdt. 39-4022, (46 FR 4864, January 19, 1981) is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neill, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6356.

SUPPLEMENTARY INFORMATION: AD 80-WE-28-AD was based on a Notice of Proposed Rulemaking (NPRM), 45 FR 43792, June 30, 1980. All interested persons were given an opportunity to participate in the making of this rule. At the time that this rulemaking procedure was initiated, the FAA did not consider that an emergency situation existed with respect to safety in air commerce and does not believe that such an emergency exists at the present time.

On January 29, 1981, the President issued a memorandum directing all agencies, by notice in the **Federal Register**, to postpone for 60 days following January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that period.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational federal regulations was among his priorities as President. He indicated this program was especially important because of the country's economic climate.

In order to give his administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulations, he directed the postponement of pending regulations. In accordance with this directive, the FAA is postponing the effective date of this rule until April 1, 1981.

Since this amendment relieves a restriction, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days. Because this change of effective date does not involve rulemaking, compliance with Executive Order 12044 is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-WE-28-AD, Amdt. 39-4022, (46 FR 4864, January 19, 1981) by changing the effective date from February 19, 1981, to April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-5291 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-29-AD; Amdt. 39-4020]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series Airplanes Equipped With Upper Main Cargo Doors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of Effective Date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a Notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective within 60 days following January 29, 1981. This amendment, consistent with the President's directive, postpones the effective date of Airworthiness Directive 80-WE-29-AD, Amendment 39-4020, (46 FR 4865, January 19, 1981), from February 19, 1981, to April 1, 1981.

DATES: The new effective date for AD 80-WE-29-AD, Amdt. 39-4020, (46 FR 4865, January 19, 1981) is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neill, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, P.O. Box 92007 World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6356.

SUPPLEMENTARY INFORMATION: AD 80-WE-29-AD was based on a Notice of Proposed Rulemaking (NPRM), 45 FR 43791, June 30, 1980. All interested persons were given an opportunity to participate in the making of this rule. At the time that this rulemaking procedure was initiated, the FAA did not consider that an emergency situation existed with respect to safety in air commerce and does not believe that such an emergency exists at the present time.

On January 29, 1981, the President issued a memorandum directing all agencies, by notice in the **Federal Register**, to postpone for 60 days following January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that period.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational federal regulations was among his priorities as President. He indicated this program was especially important because of the country's economic climate.

In order to give his administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulations, he directed the postponement of pending regulations. In accordance with this directive, the FAA is postponing the effective date of this rule until April 1, 1981.

Since this amendment relieves a restriction, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days. Because this change of effective date does not involve rulemaking, compliance with Executive Order 12044 is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-WE-29-AD, Amdt. 39-4020, (46 FR 4865, January 19, 1981) by changing the effective date from February 19, 1981, to April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-5252 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-30-AD; Amdt. 39-4021]

Airworthiness Directives: McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a Notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective within 60 days following January 29, 1981. This amendment, consistent with the President's directive, postpones the effective date of Airworthiness Directive 80-WE-30-AD, Amendment 39-4021, (46 FR 4866, January 19, 1981), from February 19, 1981, to April 1, 1981.

DATES: The new effective date for AD 80-WE-30-AD, Amdt. 39-4021, (46 FR 4866, January 19, 1981) is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neill, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, P.O. Box 92007 World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6356.

SUPPLEMENTARY INFORMATION: AD 80-WE-30-AD was based on a Notice of Proposed Rulemaking (NPRM), 45 FR 43791, June 30, 1980. All interested persons were given an opportunity to participate in the making of this rule. At the time that this rulemaking procedure was initiated, the FAA did not consider that an emergency situation existed with respect to safety in air commerce and does not believe that such an emergency exists at the present time.

On January 29, 1981, the President issued a memorandum directing all agencies, by notice in the **Federal Register**, to postpone for 60 days following January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that period.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational federal regulations was among his priorities as President. He indicated this program was especially important because of the country's economic climate.

In order to give his administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulations, he directed the postponement of pending regulations. In accordance with this directive, the FAA is postponing the effective date of this rule until April 1, 1981.

Since this amendment relieves a restriction, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days. Because this change of effective date does not involve rulemaking, compliance with Executive Order 12044 is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-WE-30-AD, Amdt. 39-4021, (46 FR 4866, January 19, 1981) by changing the effective date from February 19, 1981, to April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-5293 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-49]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone: Santa Fe, New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the control zone at Santa Fe, New Mexico. The intended effect of the action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Santa Fe County Airport. The circumstance which created the need for the action is the installation of an instrument landing system (ILS) to Runway 02.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On November 10, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 FR 74497) stating that the Federal Aviation Administration proposed to alter the control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, April 16, 1981, as follows:

Santa Fe, New Mexico

Within a 6.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.); and within 2.5 miles each side of the Doman LOM (latitude 35°33'09" N., longitude 106°08'29" W.) 215° radial, extending from the 6.5-mile radius area to 3 miles southwest of the Doman LOM (7.5 miles southwest of the threshold of Rwy 2. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. § 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on January 30, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-4955 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-42]

Alteration of Transition Areas: Sidney, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Sidney, N.Y., Transition Area over Sidney Municipal Airport, Sidney, N.Y. This alteration will provide protection to aircraft executing a new VOR Runway 25 instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rulemaking on page 54080 of the **Federal Register** 45 FR 54078 and gave interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT April 16, 1981, as published.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69))

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,

Director, Eastern Region.

Sidney, N.Y.

In the text delete, "from a 080° bearing to a 215° bearing from the airport," and substitute therefor, "from a 080° bearing to a 215° bearing from the airport and within 9.5 miles northwest and 4.5 miles southeast of the Rockdale VORTAC 218°/038° radials extending from 8.5 miles southwest to 11 miles northeast of the Rockdale VORTAC."

[FR Doc. 81-5289 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-17]

Designation of Transition Areas; Annville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates an Annville, Pa., Transition Area over Millard Airport, Annville, Pa. This rule will provide protection to aircraft executing a new VOR-DME-A instrument approach which has been developed for the airport. An instrument

approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rule Making on page 54078 of the **Federal Register** 45 FR 54078 and gave interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GmT April 16, 1981, as published.

(Sections 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,

Director, Eastern Region.

Annville, Pa.

That airspace extending upward from 700 feet above the surface within 5.0-mile radius of the center (40°19'00" N/76°32'15" W) of the Millard Airport, Annville, Pennsylvania and within 4.0 miles either side of the Ravine, Pennsylvania, VORTAC 169° radial extending southward from the 5.0-mile radius area to a point 26 miles from the VORTAC.

[FR Doc. 81-5257 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-50]

Designation of Transition Areas: Quarryville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Quarryville, Pa., Transition Area over Tanglewood Airport, Quarryville, Pa. This designation will provide protection to aircraft executing a new VOR-DME-B instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rule Making on page 54079 of its **Federal Register**, 45 FR 54078 and gave interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT April 16, 1981, as published.

(Sections 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69.)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,

Director, Eastern Region.

Quarryville, Pa.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (39°51'00"N/76°12'55"W) of Tanglewood Airport, Quarryville, Pennsylvania, and within 4.5 miles each side of the Lancaster, Pennsylvania, VORTAC 168° radial extending from the 6.5-mile radius area to the VORTAC.

[FR Doc. 81-5256 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-19]

Designation of Transition Areas; Woodbine, New Jersey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Woodbine, N.J., Transition Area over Woodbine Municipal Airport, Woodbine, N.J. This designation will provide protection to aircraft executing a VOR-A runway instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rulemaking on page 54077 of the **Federal Register** 45 FR 54078 and gave interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT April 16, 1981, as published.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69.)]

Note.—The Federal Aviation Administration has determined that this

document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,

Director, Eastern Region.

Woodbine, N.J.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (39°13'08" N/74°47'37" W) of the Woodbine Municipal Airport, Woodbine, New Jersey, and within 1.5 miles each side of the Sea Isle, New Jersey, VORTAC 002 radial extending from the 6.5-mile radius area to a point 1 mile north of the VORTAC.

[FR Doc. 81-5256 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-54]

Designation of Transition Area; Greenville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Greenville, Pa., Transition Area over Greenville Municipal Airport, Greenville, Pa. This designation will provide protection to aircraft executing a new VOR Runway 4 instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rulemaking on page 54078 of the **Federal Register**, 45 FR 54078 giving interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT April 16, 1981, as published.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69.)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,

Director, Eastern Region.

Greenville, Pa.

That airspace extending upward from 700 feet above the surface within an 6.0 mile radius of the center (41°26'49"N/80°23'30"W) of the Greenville Municipal Airport, Greenville, Pennsylvania and within 4.5 each side of the Youngstown, Pennsylvania, VORTAC 062 radial from the 6.0 mile radius area to a point 7 miles east of the VORTAC.

[FR Doc. 81-5275 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 298

[Regulation ER-1213; Economic Regulations Amdt. No. 15 to Part 298; [Docket No. 38815]

Classification and Exemption of Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB eliminates the requirement that air taxis reregister every 2 years. They will still have to register before beginning operations and file amendments when there is a change in their operations. The information that has been obtained by the biennial reregistration is available from other sources.

DATES: Adopted: February 10, 1981. Effective: February 10, 1981.

FOR FURTHER INFORMATION CONTACT: Patti Szrom, Bureau of Domestic Aviation, Special Authorities Division, Civil Aeronautics Board, 1825 Connecuticut Avenue, N.W., Washington, D.C. 20428; 202-673-5088.

SUPPLEMENTARY INFORMATION: In EDR-410, 45 FR 67680, October 14, 1980, the Board proposed to eliminate the requirement that air taxis reregister every 2 years. 14 CFR Part 298 requires all air taxi operators, including commuter air carriers, to register with the Board before commencing operations and to maintain a minimum level of insurance coverage on those operations. The initial registration provides a list of air taxis, information used in Board reports and surveys, and a method to check air taxi operator compliance with insuance requirements. The requirement that air taxis reregister every 2 years was designed to keep the list of air taxis current and to provide notice to the Board of any change in carrier operations and insurance coverage. The next reregistration is scheduled for July 1, 1981.

The notice of proposed rulemaking proposed to eliminate the biennial reregistration requirement because the Board receives the same information under other Board rules. Section 298.23 requires air taxi operators to notify the Board of changes in name, address, type of operation, type of aircraft used, and any temporary or permanent cessation of operation. The Board is notified of any changes in air taxi insurance coverage under §§ 298.41(d) and 298.45. In addition, we are able to keep track of changes in air taxis' operations and insurance through communications with the FAA. Although reregistration provides an additional source of information, it is an unnecessary burden on air taxi operators.

Comments were filed by Bryan Aircraft, Cal Sierra, Carteret Surgical Associates, Charles L. Gross, Corporate Flight, Crow, Crystal Shamrock, Ed's Flying Service, Falcon Aeronautical, Great Lakes Aero Distributors, Kenmore Air Harbor, Prattville Aviation Company, Scenic Airlines, Tacoma Aviation Center and Tri-State Flite Services. All endorsed the Board's proposal for eliminating unnecessary regulatory paperwork. No negative comments were received.

The Board therefore eliminates the reregistration requirement. A reference to reregistration in § 298.21(c)(1)(iv) that was overlooked in the NPRM has been deleted. Air taxis still must register with the Board, maintain insurance coverage and submit amendments when required by § 298.23. The registration will remain in effect until it is amended by the carrier refiling Form 298-A or is canceled by the Board. Seasonal carriers

should note the nature of their service on Form 298–A so that their registration will not be canceled when they cease operations for part of the year.

Form 298–A has been revised to clarify certain ambiguities. The changes are not substantive. A question asking whether the registering carrier is a U.S. citizen has been added to that form and in § 298.21(c)(1)(viii). The section on types of service has been expanded, and the order of the questions has been changed for clarity.

Under the Regulatory Information Planning Project, we have considered what effect elimination of these recurrent reports may have. As stated previously, the information gathered from reregistration is readily available from other sources. All the commenters agreed that the report was unnecessary. Elimination of these reports, therefore, merely reduces the burden on air carriers without jeopardizing other sources of the identical information.

The revised version of Form 298–A has been submitted to the General Accounting Office for review under the Federal Reports Act (44 U.S.C. 3512). The original version of this form was approved by the GAO under the number B–180226 (RO331). Air taxis may use this form until the revised form has been cleared. We will publish a notice of GAO's action as soon as it is received.

Since this final rule relieves a restriction and creates no additional burden, we find that it may become effective immediately.

Accordingly, the Board amends 14 CFR Part 298, *Classification and Exemption of Air Taxi Operators*, as follows:

Part 298 Authority [Revised]

1. The authority for Part 298 is revised to read:

Authority: Secs. 204, 401, 407, 416, 418, Pub. L. 85–726, as amended, 72 Stat. 743, 754, 766, 771, 91 Stat. 1284; 49 U.S.C. 1324, 1371, 1377, 1386, 1388.

2. A new § 298.24 is added to the table of contents, to read:

* * * * *

Sec.
298.24 Cancellation of the registration.
* * * * *

3. Section 298.3(a)(3) is amended to eliminate the reference to re-registration, so that it reads:

§ 298.3 Classification.

(a) * * *

(3) Have registered with the Board in accordance with Subpart C of this part;

* * * * *

4. In § 298.21, paragraphs (b), (c), (c)(1), (c)(1)(iv), (c)(1)(v), (c)(1)(vii), and (c)(3) are revised and a new paragraph (c)(1)(viii) is added to read:

§ 298.21 Filing for registration by air taxi operators.

* * * * *

(b) The registration of an air taxi operator shall remain in effect until it is amended by the carrier or canceled by the Board.

(c) Registration shall be accomplished by a filing with the Board's Bureau of Domestic Aviation, except for air taxi operators with a mailing address in the State of Alaska who shall file with the Board's Field Office, Box 27, Anchorage, Alaska, 99513, the following:

(1) CAB Form 298–A, "Air Taxi Operator and Commuter Air Carrier Registration and Amendments Under Part 298 of the Economic Regulations of the Civil Aeronautics Board" executed in duplicate.[6] This form shall be certified by a responsible official and shall include the following information:

(i) * * *

(ii) * * *

(iii) * * *

(iv) The type of service the carrier will offer (scheduled passenger, scheduled cargo, mail under a United States Postal Service contract, on-demand passenger, on-demand cargo, or other service such as air ambulance operations, firefighting or seasonal operations);

(v) A list of the aircraft that the carrier proposes to operate, or, in the case of an amendment to the registration, the aircraft that it is currently operating in its air taxi operations, and the aircraft type, FAA registration number and passenger capacity of each aircraft:

(vi) * * *

(vii) For amendments, whether the carrier has carried passengers in foreign air transportation during the previous 12 months;

(viii) Whether the carrier is a United States citizen;

(2) * * *

(3) A 15 dollar registration fee in the form of a check, draft, or postal money order payable to the Civil Aeronautics Board.

[6] CAB Form 298–A is filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

5. Section 298.22 is revised to read:

§ 298.22 Processing by the Board.

After examination of the Form 298–A submitted by the carrier, the Board will stamp the effective date of the registration on the form and retrun the duplicate copy to the carrier to confirm that it has registered with the Board as required by this part. The effective date of the registration shall not be earlier than the effective date of the insurance policy or policies named in the certificate of insurance filed by the carrier under § 298.21(c)(2).

6. Section 298.23 is revised to read:

§ 298.23 Notifications to the Board of change in operations.

(a) An air taxi operator shall submit an amendment to its registration not later than 30 days after any of the following events:

(1) A change in its name or address;

(2) A change in its type of operations (passenger, cargo, mail, scheduled, etc.);

(3) A temporary or permanent cessation of its operations; or

(4) A change in the type of aircraft operated.

(b) An amendment shall be made by resubmitting CAB Form 298–A to the Board's Bureau of Domestic Aviation. If the air taxi operator has a mailing address in the State of Alaska, the form shall be mailed to the Board's Field Office, Box 27, Anchorage, Alaska 99513.

7. A new § 298.24 is added, to read:

§ 298.24 Cancellation of the registration.

The registration of an air taxi operator may be canceled by the Board if any of the following occur:

(a) The operator notifies the Board that it is ceasing operations;

(b) The operator's insurance coverage changes or lapses;

(c) The operator fails to file an amended registration when required by § 298.23;

(d) The operator's operating authorization is revoked by the Federal Aviation Administration;

(e) In the case of a commuter air carrier, the Board finds that the carrier is not fit, willing, and able to conduct scheduled service.

8. Section 298.31 is amended by removing the reference to reregistration so that it reads:

§ 298.31 Scope of service and equipment authorized.

Nothing in this part shall be construed as authorizing the operation of large aircraft in air transportation, and the exemption provided by this part to air taxi operators that register with the Board extends only to the direct operation in air transportation in accordance with the limitations and conditions of this part of aircraft designed to have a maximum passenger capacity of 60 seats or less or a maximum payload capacity of 18,000 pounds or less.

9. CAB Form 298–A has been amended as shown in the attachment.*

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–5338 Filed 2–13–81; 8:45 am]

BILLING CODE 6320–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8954]

Equifax Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires, among other things, an Atlanta, Ga. consumer credit reporting firm to cease misrepresenting the identity of its investigative personnel; improperly providing its customers with updated consumer report information; and rewarding or punishing its employees on the basis of the amount of adverse information collected and included in their reports on consumers. The order further requires that the company cease failing to make statutorily required disclosures to consumers requesting information concerning their credit status; provide such consumers with all the information in its files; and reinvestigate any disputed item of information promptly.

DATES: Complaint issued February 21, 1974. Final order issued December 15, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523–3727.

SUPPLEMENTARY INFORMATION: In the Matter of Equifax Inc., a corporation (formerly Retail Credit Company, a corporation). The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Collecting, Assembling, Furnishing or Utilizing Consumer Reports and/or Information: § 13.382 Collecting, assembling, furnishing or utilizing consumer reports and/or information; 13.382–1 Confidentiality, accuracy, relevancy, and proper utilization; 13.382–1(a) Fair Credit Reporting Act; 13.382–5 Formal regulatory and/or statutory requirements; 13.382–5(a) Fair Credit Reporting Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–37 Formal regulatory and/or statutory requirements. Subpart—Failing To Comply With Affirmative Statutory Requirements: § 13.1048 Failing to comply with affirmative statutory requirements; 13.1048–10 Fair Credit Reporting Act. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1520 Personnel or staff. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–60 Fair Credit Reporting Act; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 84 Stat. 1128–36; 15 U.S.C. 1681–1681t)

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

This matter having been heard by the Commission upon the cross-appeals of respondent and complaint counsel from the initial decision and upon briefs and oral argument in support thereof and opposition thereto, and the Commission for the reasons stated in the accompanying opinion having determined to affirm in part and reverse in part the initial decision:

It is ordered that the initial decision of the administrative law judge be adopted as the findings of fact and conclusions of law of the Commission, except to the extent inconsistent with the accompanying opinion.

Other findings of fact and conclusions of law of the Commission are contained in the accompanying opinion.

It is further ordered that the following order to cease and desist be, and it hereby is, entered:

I

It is ordered that respondent Equifax Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the collection, preparation, assembly, sale, or distribution of consumer reports, investigative consumer reports, and files, as "consumer report," "investigative consumer report," and "file" are defined in Section 603 (d), (e) and (g) of the Fair Credit Reporting Act (Pub. L. No. 91–508, 15 U.S.C. 1681 *et seq.*) ("the Act") and interpreted in the accompanying Opinion of the Commission (except credit reports prepared by Credit Bureau, Inc. of Georgia, Credit Bureau of Montreal, Ltd., and Credit Marketing Services), shall cease and desist from:

A. Representing, directly or by implication, during the preparation of any report, that investigative personnel employed by Equifax are agents or employees of the company to which the consumer who is the subject of the report has applied for a benefit.

B. Submitting consumer report information to any of its customers who has previously received a consumer report regarding the same consumer, unless: in response to the order of a court having jurisdiction to issue such an order; in accordance with the written instructions of the consumer to whom it relates; or respondent has reason to believe the requester intends to use the information for a permissible purpose as set out in Section 604 of the Act.

C. (1) Rewarding or punishing employees, or representing to employees that they will be rewarded or punished, on the basis of the amount of adverse information (*i.e.*, information which may have, or may reasonably be expected to have, an unfavorable bearing on a consumer's eligibility or qualification for credit, insurance, employment or other benefit, including information which may result, or which may reasonably be expected to result, in a denial of, or increased costs for such benefits) or the proportion, or number, of consumer reports or investigative consumer reports they prepare which contain adverse information about or relating to the consumers who are subjects of said reports; or (2) Encouraging employees, directly or indirectly, to produce a specified number, or proportion, of reports containing adverse information.

D. Using any system of quality audits or any other plan or procedure whereby the performance of branch offices, regions, or other organizational units, or individuals, with respect to the production of adverse information, is ranked against that of other organizational units or individuals, or against previous performance by the same organizational units or individuals.

E. Including in a consumer report concerning employment at an annual salary of less than $20,000 any notice or other statement that indicates directly or indirectly by means of boilerplate language the existence of items of adverse information, the disclosure of

[1] Revised CAB Form 298–A filed with the Office of the Federal Register as part of the original document.

[1] Copies of the Complaint, Initial Decision, Opinion, Appendices and Final Order filed with the original document.

which is prohibited by Section 605 of the Act; *provided,* however, that language notifying the customer of the statutory limitations on the reporting of adverse information may be included in the type of consumer report to which this paragraph applies if it is included in all such reports, regardless of whether a particular consumer's file contains adverse information which the statute prohibits from being reported; and *provided further,* that it is accompanied by an explanation that the notification is included in all reports of the type to which this paragraph applies and is not intended to imply the existence of obsolete adverse information which may not be reported.

F. Misrepresenting to any consumer who requests information concerning himself or herself in respondent's files, the consumer's rights to obtain disclosure by telephone under Section 610 of the Act.

G. Failing: 1. To make available to any consumer who requests information concerning himself or herself in respondent's files, in person or by mail, at the consumer's option, all forms which he or she must execute in connection with the requirements of Section 610 of the Act to receive disclosure to which the consumer is entitled under the Act and this order; and

2. To inform the consumer: that he or she has the right to disclosure upon proper identification, by telephone if he or she pays any toll charge, or in person, at the consumer's option; and what constitutes proper identification.

H. Failing to give disclosure required by Section 609 of the Act to any consumer who has requested disclosure, has provided proper identification as required by respondent under Section 610 of the Act, and has paid or accepted any charges which may be imposed under Section 612 of the Act.

I. Failing, when giving consumers disclosure, to disclose the nature and substance of all information (excluding medical information as defined in Section 603(i) of the Act) in its files on the consumer at the time of the request, as required by Section 609 of the Act.

J. Requiring a consumer, as a prerequisite to disclosing information from the consumer's file pursuant to Section 609 of the Act, to fill out or sign a form which authorizes respondent to conduct a reinvestigation of any item the consumer may dispute, or to transmit the results of such reinvestigation to persons to whom it has previously reported the disputed information or which authorizes any business, organization, professional person or anyone else to give full information and records about said consumer to respondent; or interposing any other similar condition or requirement which exceeds those specified in Section 610 of the Act.

K. Failing within a reasonable period of time to reinvestigate any item of information in a consumer's file, the completeness or accuracy of which is disputed by the consumer, unless it has reasonable grounds to believe the dispute is frivolous or irrelevant, as required by Section 611(a) of the Act.

L. Furnishing, directly or indirectly, other than for reports prepared solely for use in the business of insurance, medical information, as defined in Section 603(i) of the Act, obtained in response to a written authorization signed by a consumer, unless the authorization clearly identifies respondent as a recipient of the medical information.

II

It is further ordered that respondent deliver a copy of this order to all present and future employees who are engaged in the preparation of consumer reports and investigative consumer reports or who are engaged in the disclosure or reinvestigation of information required by the Act.

It is further ordered that respondent distribute a copy of this order to each of its operating divisions and subsidiaries.

III

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

IV

It is further ordered that respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.[1]

Carol M. Thomas,

Secretary.

[FR Doc. 81-5279 Filed 2-13-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Commissioner Pitofsky did not participate.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 229, 230, 240, 249, 250 and 260

[Release Nos. 33-6288; 34-17524; 35-21913; 39-610; IC-11612; AS-286]

New Interim Financial Information Provisions and Revision of Form 10-Q for Quarterly Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of amendments to Form 10-Q, the quarterly reporting form under the Securities Exchange Act of 1934; to Regulation S-K, the standard instructions for filing forms under the Securities Act of 1933 and the Securities Exchange Act of 1934; to Regulation S-X, the regulation which prescribes the form and content of and requirements for financial statements; and to related rules. These amendments make disclosure requirements for interim financial information in quarterly reports and in registration statements consistent with those recently adopted for annual reporting as part of the integrated disclosure program and establish standard requirements for both interim financial statements and management's discussion and analysis for interim periods. This action is intended to simplify disclosure regulations, to reduce reporting burdens by furthering the Commission's program to integrate disclosure obligations under the federal securities laws, to encourage integration of formal and informal shareholder communications, and to enhance the value of quarterly and interim information disclosed to investors and shareholders.

EFFECTIVE DATE: For all filings and reports pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934 containing financial information for interim periods subsequent to the end of fiscal years ended after December 15, 1980. For filings and reports containing financial information for interim periods prior to such time, registrants are permitted to comply with these amendments, provided that the filing or a previous filing contains financial information for the most recent fiscal year prepared in compliance with the amendments to Regulation S-X and S-K adopted in Securities Act Release Nos. 6231, 6233, and 6234 (September 2, 1980) (45 FR 63630, 63660, and 63682).

FOR FURTHER INFORMATION CONTACT: Prior to effectiveness of the amendments, contact Lawrence C. Best,

(202) 272–2130, Office of the Chief Accountant (Accounting Matters); Catherine Collins McCoy, (202) 272–2589, or William E. Morley, (202) 272–2573 (Other Matters); Division of Corporation Finance. Thereafter, contact only William E. Morley.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announced today: (1) the revision of Form 10–Q (17 CFR 249.318a), the quarterly report form required to be filed by most publicly owned companies; (2) the adoption of an amendment to Item 11 of Regulation S–K (17 CFR 229.20) setting forth the standard requirements for management's discussion and analysis of interim financial information; (3) the adoption of a new Article 10 in Regulation S–X (17 CFR Part 210) containing uniform instructions as to the form and content of interim financial statements in Form 10–Q; (4) related amendments to various provisions of Regulation S–X, to the projections safe-harbor rules under the federal securities laws, and to the exhibits provisions of Item 7 of Regulation S–K; and (5) a technical amendment to Rule 3–12 of Regulation S–X.

The new provisions in Regulation S–K and Regulation S–X significantly change as well as standardize the requirements as to the form and content of financial information disclosed for interim periods both in quarterly reports required under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq.) and registration statements filed under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq.). These actions, together with the streamlining and clarifying revisions to Form 10–Q, are an integral part of the Commission's program to integrate the disclosure requirements of the Exchange Act with those of the Securities Act and to encourage and facilitate the integration of corporate reporting on formal Commission filings with informal corporate communications with shareholders.

Background

The proposed revisions to Form 10–Q, Regulation S–K, Regulation S–X and related rules were published for public comment on September 2, 1980,[1] as part of a group of six rulemaking actions designed to achieve an integrated and simplified disclosure system. At that time, the Commission adopted amendments to Form 10–K (17 CFR 249.310), Rule 14a–3 (17 CFR 240.14a–3), Regulation S–K, and Regulation S–X which laid the foundation for integration and substantially changed the requirements for annual reporting to the Commission and to security holders under the Exchange Act.[2]

The remaining two actions taken on September 2, 1980, concerned the registration of securities under the Securities Act [3] and demonstrated the operation of the Commission's integration initiatives. First, Securities Act disclosure documents are scaled down by relying, wherever possible, through incorporation by reference, on the role played by continuous reporting under the Exchange Act in supplying current information to shareholders and to the trading markets. Second, the concepts of uniform disclosure and interchangeable document parts are employed so that documents produced in response to one disclosure system may then be used to satisfy some or all of the obligations under another system.

It was within this framework that the Commission proposed to revise Form 10–Q and the requirements for reporting interim financial information. The amendments being adopted herein for quarterly reporting complement those previously adopted for annual reporting, most significantly through management's discussion and analysis of financial information and uniform financial statement instructions. The comprehensive scheme for Exchange Act reporting thus will ensure the continuous flow of meaningful information necessary to allow Exchange Act disclosure to replace full reiteration in the Securities Act context or to support abbreviated Securities Act disclosure where appropriate. In addition, the amendments adopted herein make the requirements for interim financial reporting under the Exchange Act consistent with those for interim financial information presented in Securities Act registration statements.

If they desire, registrants may meet the obligations of the Exchange Act system by using their informal annual and quarterly reports to shareholders to satisfy Exchange Act requirements for all or any part of the information required to be filed. The Form 10–Q, Regulation S–K and Regulation S–X revisions build upon the annual reporting system to ensure meaningful disclosure on a continuous basis by making quarterly reporting a mechanism to update the annual report. Where an informal report to shareholders contains some or all of the required information, appropriate portions of the report may be incorporated by reference into the Form 10–Q in lieu of repetitive disclosure, just as the annual report to security holders may be used to satisfy some of the requirements of Form 10–K.

The proposed amendments generated substantial public commentary, with seventy-five letters received in response to the invitation for comment.[4] Comment was overwhelmingly in favor of the proposals. In addition, a number of specific comments were directed to various specific aspects of the proposals, many suggesting respects in which the proposals could be enhanced to better achieve the Commission's goals. The amendments adopted herein reflect a number of helpful comments received. These specific comments, as well as some others not directly reflected in the text of the amendments as adopted, are discussed where appropriate in the following "Synopsis" portion of the release.

Synopsis of Rule Amendments Adopted

The following brief synopsis is intended to assist interested parties in their understanding of the amendments being adopted. Included in the discussion are respects in which the amendments differ from those as proposed. The changes in the financial statement instructions for interim financials and the amended management's discussion and analysis provision, the most critical aspects of the amendments adopted herein, will be addressed first. Next, the amendments being adopted to the cover page, instructions, and Part II of Form 10–Q will be discussed. Finally, the synopsis

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[1] Securities Act Release No. 6236 (September 2, 1980) [45 FR 63724].

[2] Securities Act Release Nos. 6231, 6233, 6234 (September 2, 1980) [45 FR 63630]. The changes adopted included eliminating unnecessary and overlapping reporting requirements; restructuring Form 10–K to facilitate integration of formal and informal reports; adding a new requirement for management's discussion and analysis of financial condition and results of operations; establishing uniform financial statement instructions governing the periods to be covered in Form 10–K, the annual report to security holders and other forms and reports under both Acts; and revising Regulation S–X to eliminate certain differences with generally accepted accounting principles.

[3] The Commission adopted new Form S–15 (17 CFR 239.29), an abbreviated form for registering securities issued in certain business combinations, Securities Act Release No. 6232 (September 2, 1980) [45 FR 63647], and proposed for comment Forms A, B and C, new forms that would constitute the basic Securities Act disclosure framework, Securities Act Release No. 6235 (September 2, 1980) [45 FR 63693].

[4] Letters were received from the following categories of commentators: corporations (56); accounting firms and associations (10); law firms and associations (3); trade organizations and associations (5); and the securities industry (1). Copies of these letters are available for public inspection and copying at the Commission's Public Reference Room (File No. S7–850). For the convenience of the public, a copy of a letter summary prepared by the staff of the Commission has been placed in File No. S7–850 and is also available for public inspection and copying.

will point out the related amendments being adopted to the projections safe harbor rules and to the exhibits item (Item 7) of Regulation S–K. Attention is directed to the text of the rule and form amendments for a more complete understanding.

A. Interim Financial Information Requirements

1. *Financial Statement Requirements Centralized in Regulation S–X.*

With the adoption in September 1980, of the new Article 3 of Regulation S–X, standard requirements for financial statements were established for reporting on annual periods in Form 10–K and in most registration forms.[5] At the same time, the rules governing the form and content of interim financial statements for purposes of registration statements were conformed with the requirements of Form 10–Q, with the instructions in Form 10–Q becoming the principal guidance for the preparation of all interim financial information. The new Article 10 of Regulation S–X adopted herein transfers to a separate article in Regulation S–X the standard instructions for interim financial statements heretofore contained in Form 10–Q. The rules concerning the form and content of interim financial statements have been taken principally from the existing provisions of Form 10–Q. Changes made to those provisions are specifically addressed in the following discussions. The Commission believes this move to standardize the instructions as to interim financial statements in Regulation S–X and to standardize the requirements for management's discussion and analysis of interim periods (discussed in greater detail below) further simplifies the disclosure requirements under the federal securities laws.

2. *Clarification of Interim Disclosure Rules.*

The rules which have been included in Regulation S–X contain revised language, in paragraph (a)(5) of Article 10–01, regarding the basis upon which the adequacy of the interim financial disclosure may be determined. This provision is designed to alleviate the confusion caused by the previous Instruction 4(a)(3) to Part I of Form 10–Q[6] by setting forth an expanded description of the basis upon which registrants may determine the adequacy of interim disclosure. Registrants are instructed that the interim financial information is to include disclosure, either on the face of the financial statements or in accompanying footnotes, sufficient so as to make the interim information presented not misleading. The need for and adequacy of additional disclosure is to be determined, except in regard to material contingencies, in the context of a presumption that users of interim financial information have either read or have access to the audited financial statements for the latest fiscal year. Footnote disclosure which would substantially duplicate the disclosure contained in the audited financial statements for the most recent fiscal year, such as a statement of significant accounting policies and practices, details of accounts which have not changed significantly in amount or composition since the end of the most recent fiscal year, and detailed disclosures prescribed by Rule 4–08 of Regulation S–X (note requirements for complete financial statements) may be omitted.

Disclosure is required to be provided, however, where events having a material impact on the registrant have occurred since the end of the most recent fiscal year. Disclosure will encompass, for example, significant changes since the end of the most recent fiscal year in such items as: accounting principles and practices; estimates inherent in the preparation of financial statements; status of long-term contracts; capitalization including significant new borrowings or modification of existing financing arrangements; and the reporting entity resulting from business combinations or dispositions. Where material contingencies exist, disclosure of these contingencies must be included even though a material change in such contingencies may not have occurred since the end of the prior fiscal year.

As proposed, the rules would have allowed registrants the flexibility of providing disclosure necessary for fair presentation on the face of the interim financial statements, in accompanying footnotes or in the interim management's discussion and analysis. Commentators objected to this degree of flexibility because they believe interim financial statements should stand on their own, with all relevant disclosures included therewith, just as Regulation S–X requires fiscal year financial statements to stand on their own. Allowing flexibility would mean that registrants could combine the verifiable data needed for a fair presentation of the interim financial statements with the more subjective data in management's discussion and analysis. In addition, limited reviews of interim results by independent accountants could become more difficult to perform. The Commission believes that even for interim reporting it is important to distinguish between disclosures necessary for fair presentation of financial condition and disclosures which are supplemental in nature. Accordingly, paragraph (a)(5) of Article 10–01 as adopted does not allow registrants to provide the disclosures necessary for fair presentation in management's discussion and analysis.

Many commentators also objected to the proposed requirement to disclose material contingencies in interim reports even though a significant change since the prior year end may not have occurred. A number of commentators believed this provision to be inconsistent with the ability of registrants to presume that users have read or have access to the latest audited financial statements and recommended that this exception to the general rule be eliminated. The requirement to repeat the disclosure of material contingencies in interim reports was proposed by the Commission, however, because of its understanding of the disclosure requirements already existing under generally accepted accounting principles.[7] The Commission continues to believe that APBO No. 28 requires material contingencies to be disclosed in interim reports regardless of whether a material change in the status of the contingencies has occurred. Accordingly, the amendments adopted specify that "when material contingencies exist, disclosure of such matters shall be provided even though a significant change since year end may not have occurred."

Certain commentators indicated that certain of the specific requirements of Form 10–Q, proposed for transfer to Regulation S–X, were duplicative of generally accepted accounting principles and thus should be deleted. In response to these comments, the Commission wishes to restate its general desire not to retain provisions in Regulation S–X

[5] Regulation S–X contains uniform rules regarding the periods for which financial statements must be provided as well as requirements governing their form and content.

[6] Instruction 4(a)(3) of Form 10–Q provided that:

Rule 4–08 of Regulation S–X and other requirements which call for detailed footnote disclosure and schedules shall not apply. As with all information filed with the Commission, however, disclosures must be adequate to make the information presented not misleading.

[7] Paragraph 22 of Accounting Principles Board Opinion (APBO) No. 28, "Interim Financial Reporting," states:

Contingencies and other uncertainties that could be expected to affect the fairness of presentation of financial data at an interim date should be disclosed in interim reports in the same manner required for annual reports. Such disclosures should be repeated in interim and annual reports until the contingencies have been removed, resolved, or have become immaterial.

which are clearly duplicative of generally accepted accounting principles. However, the Commission at this time does not believe that generally accepted accounting principles for interim reporting purposes are as well defined as the principles for annual reporting purposes, especially in regard to financial statements which constitute less than a complete set of financial statements but which are more comprehensive than summarized data of operations. Consequently, the Commission has elected to retain, and in some cases add to, the level of guidance offered applicable to the interim data it requires.

3. *Reference to Review by Independent Accountants.*

Paragraph (d) of Article 10-01 reflects a change from past requirements applicable where an independent accountant performs a review of interim financial statements and the registrant makes reference to the review in the report containing the interim data. Previously, if a registrant stated that an independent accountant had performed a review of the interim data, it also had to state whether all adjustments or additional disclosures proposed by the independent accountant had been reflected in the data presented, and, if not, why not. Further, a letter from the independent accountant could have been included but was not required to be included as an exhibit to the form confirming or otherwise commenting on the registrant's representations. These requirements of Form 10-Q were never updated to recognize the provisions of Statement on Auditing Standards (SAS) No. 24,[8] which provides the accounting profession guidance on the nature, timing and extent of procedures to be applied in conducting interim reviews and on the reporting applicable to such engagements. SAS No. 24 requires, among other things, a statement in the independent accountant's report as to whether he is aware of any material modifications that should be made to the interim financial information so that it conforms with generally accepted accounting principles.

The Commission believes that the expression of limited assurance now provided for by SAS No. 24 renders unnecessary the previous Form 10-Q requirement and, therefore, has appropriately modified the requirements in the rules adopted. Under the revised provision, if a review of interim data is made in accordance with the established professional standards and procedures for such reviews and the registrant refers to the review performed, the report of the independent accountant must accompany the interim information, rather than be filed as an exhibit as proposed. The Commission believes paragraph (d) as adopted results in greater consistency with the provisions of SAS No. 24.

4. *Other Changes Reflected in New Article 10.*

Other changes from the proposed interim financial statement requirements include the following. First, the periods for which balance sheets are required in filings on Form 10-Q have been revised. This change, which was made in conjunction with revisions to the scope of management's discussion and analysis for interim periods, is discussed below together with the discussion of the latter provision. Second, the bases to be used in applying the percentage tests for determining required balance sheet and income statement captions have been more clearly specified. Third, the rules regarding rounding of amounts and presentation of negative amounts in interim reports have been conformed to the general provisions of Regulation S-X by removing the separate instructions as to these items from the interim requirements. Fourth, the phrase "significant portion of its business" in the instruction regarding disclosure of discontinued operations has been replaced by the phrase "significant segment of its business." Fifth, the word "material" has been added to the instruction regarding accounting changes. Finally, required disclosure of the components of inventories—raw materials, work-in-progress and finished goods—may now be shown either on the face of the balance sheet or in the footnotes to the financial statements.

5. *Management's Discussion and Analysis.*

New requirements governing the scope and content of management's discussion and analysis of interim financial statements have been added to Item 11 of Regulation S-K. The new provision is intended to complement the requirements already established for discussions of annual periods by requiring interim period discussions to focus on the same information discussed for annual periods in order to provide an update of the annual discussion. The interim discussion is not required to reiterate all of the information presented in the full year discussion. Rather, only material changes in financial condition and results of operations occurring during the periods covered by the interim financial statements need be discussed.

The discussion of material changes in financial condition must cover the period from the end of the preceding fiscal year to the date of the most recent interim balance sheet provided and must focus on items required for annual discussions such as liquidity and capital resources. The proposed provision would have required a discussion of financial condition as of the date of the most recent interim balance sheet provided and of financial condition as of the corresponding interim date of the preceding fiscal year. However, the Commission shares the views expressed by many commentators that the most meaningful discussion of financial condition for interim reporting purposes would deal with the end of the preceding fiscal year and the date of the most recent interim balance sheet provided. Accordingly, a discussion of changes in financial condition from the corresponding interim balance sheet date of the preceding fiscal year is only required if the interim balance sheet as of that date is included in the interim financial statements. Thus, only when the registrant believes the discussion is necessary for an understanding of the impact of seasonal fluctuations on financial condition as of an interim date will that period be required in the discussion of financial condition.

In conjunction with this change, the Commission also changed the requirements for the balance sheets which must be included in filings on Form 10-Q. In order to correspond with the focus of the discussion and analysis of financial condition for interim reporting, the Commission has added a requirement to include a balance sheet, which may be condensed, as of the end of the preceding fiscal year.[9] The requirement to provide an interim balance sheet as of the corresponding date of the prior year has been eliminated except when, in the registrant's opinion, the inclusion of the comparative interim balance sheet is necessary for an understanding of the impact of seasonal fluctuations.

The amendments for management's discussion and analysis of interim financial statements also require registrants to discuss any material changes with respect to results of operations for the most recent interim year-to-date period for which an income statement is provided and the corresponding year-to-date period of the preceding fiscal year. If interim financial statements are required or are otherwise

[8] Statement on Auditing Standards No. 24, "Review of Interim Financial Information," American Institute of Certified Public Accountants, March 1979.

[9] Article 10 provides that the balance sheet required as of the end of the preceding fiscal year may be condensed to the same degree as the most recent interim balance sheet provided.

provided in a filing for the most recent fiscal quarter,[10] the registrant must also discuss the material changes in the results of operations with respect to that quarter and the corresponding quarter of the preceding fiscal year. In addition, if a registrant chooses to provide financial statements for a cumulative twelve month period preceding the date of the most recent interim balance sheet provided, material changes in results of operations must also be discussed with respect to that period and the preceding cumulative twelve month period. However, if a registrant provides a cumulative twelve month income statement in a registration statement in place of the interim statements of income otherwise required, as provided for by paragraph (b) of Rule 3-06 of Regulation S-X, the discussion of material changes in results of operations for that period shall be in respect to the preceding fiscal year as opposed to the corresponding preceding period.[11]

The same items required to be addressed in annual discussions of results of operations must, with the exception of the impact of inflation, also be addressed in discussions of interim periods. This reflects a change from the proposed requirement to discuss the impact of inflation on operations for purposes of interim reporting. Although the Commission believes registrants should strive to provide users of interim reports with information regarding the impact of inflation and changing prices, it also believes that it would be premature to require all registrants to address inflation for interim reporting purposes, particularly in light of the experimental nature of this type of disclosure. Once registrants have had the opportunity to experiment with alternative methods of disclosing the impact of changing prices and once improved reporting standards are developed by the accounting profession, the Commission will reconsider disclosure obligations for reporting interim results. In the meantime, the Commission encourages registrants to experiment with this type of disclosure but is not imposing a requirement that this area be addressed in interim reports filed with the Commission.

Other changes from those proposed reflected in the adopted management's discussion and analysis provision consist primarily of clarifying rather than substantive changes. For example, proposed Instruction (2) to paragraph (b) of Item 11 was deleted because it was viewed as redundant and thus unnecessary. The list of specific examples of elements of a registrant's income or loss from continuing operations which were contained in proposed Instruction (5) was deleted in order to avoid the possibility that the list could be perceived as a checklist for determining the minimum disclosure required and because specific guidance of a similar character is not included in paragraph (a) of Item 11 for annual periods.

B. Amendments to Form 10-Q

1. *Cover Page.*

The Commission has adopted a minor technical amendment to the cover page of Form 10-Q which corrects an unnecessary inconsistency with the corresponding Form 10-K cover page requirement. The requirement to indicate the number of shares of each of the issuer's classes of common stock outstanding as of the close of the quarter being reported on has been changed to a requirement to report, as is the case on the cover page of Form 10-K, the number of shares outstanding as of the latest practicable date.

2. *Instruction as to Incorporation by Reference.*

The structure of Form 10-Q as amended is essentially unchanged. The interim financial information and management's discussion and analysis called for by Part I of the Form could be satisfied, in whole or in part, through incorporation by reference from an informal quarterly report to shareholders containing the required information. The ability to make partial use of an informal report reflects a change from the proposal. A number of commentators believed that the all-or-none formulation of the proposal would needlessly prevent combination of the informal report with the Form 10-Q in cases where shareholders are furnished informal interim reports containing some but not all of the information required by Part I. This change is adopted in view of the Commission's stated intention to facilitate the practice of sending quarterly reports to shareholders by emphasizing that issuers have the option of incorporating their informal communications into the Form 10-Q. It should be noted that Rule 12b-23(b)(17 CFR 240.12b-23(b)] already operates to provide that non-financial statement disclosure contained in informal reports to security holders may be incorporated by reference in answer or partial answer to any item of Part II of Form 10-Q.

The Commission believes that it is appropriate at this time to reiterate its support for the recommendation of the Advisory Committee on Corporate Disclosure that companies be encouraged to publish readable, understandable quarterly reports to shareholders which include the information content of a Form 10-Q, and to file these documents with the Commission in satisfaction of Form 10-Q reporting obligations.[12] The Commission believes that companies can reduce their reporting burdens by taking advantage of the option to incorporate by reference to their informal quarterly report in partial or full satisfaction of the requirements of Parts I and II of Form 10-Q. More importantly, use of this option could effect a significant enhancement of the corporate communications system.

3. *Status of Information Disclosed in Form 10-Q.*

The revised Form 10-Q contains a new Instruction E (Filed Status of Information Presented) which makes explicit whether various information provided in response to the requirements of the form will be deemed filed for the purposes of liability under Section 18 of the Exchange Act. The instruction contains a statement (formerly contained in the instruction on incorporation by reference) that financial information provided in response to Item 1 and Item 2 of Part I will not be deemed filed, pursuant to Rule 13a-13(d) [17 CFR 240.13a-13(d)] and Rule 15d-13(d) [17 CFR 240.15d-13(d)]. The instruction goes on to state that this is the case regardless of whether the information is presented directly in the Form 10-Q, is incorporated by reference from an informal report containing the required information, or is in an exhibit to Part I. In addition, the instruction also provides that information provided to satisfy all other requirements of Form 10-Q will be deemed filed for the purpose of Section 18 of the Exchange Act. New Instruction E should eliminate a great deal of confusion in this area by codifying

[10] Only Form 10-Q requires income statements for the most recent fiscal quarter and for the corresponding quarter of the preceding fiscal year in addition to comparative statements for year-to-date periods.

[11] Rule 3-06 of Regulation S-X contains instructions to income statement requirements and applies to interim statements in certain registration statements. Paragraph (b) provides that:

(b) If the registrant is engaged primarily (1) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water, or the furnishing of telephone or telegraph service; or (2) in holding securities of companies engaged in such businesses, it may at its option include statements of income and changes in financial position (which may be unaudited) for the twelve-month period ending on the date of the most recent balance sheet being filed, in lieu of the statements of income and changes in financial position for the interim periods specified.

[12] Report of the Advisory Committee on Corporate Disclosure to the Securities and Exchange Commission, House Committee on Interstate and Foreign Commerce, 95th Cong., 1st Sess. (1977), Committee Print 95-29, at 470-5.

previous interpretations and stating them as an instruction to Form 10–Q.

4. *Signature Requirements.*

The revised Form 10–Q requires, as proposed, that the filing be signed both by a duly authorized officer of the registrant and by the registrant's principal financial officer or chief accounting officer.[13] In order to avoid possible confusion as to whether multiple capacity signatures are acceptable, a statement has been added to the provision (Instruction F) as adopted indicating that one signature is sufficient where the registrant's principal financial or accounting officer is also authorized to sign on behalf of the registrant. In such cases, the dual capacities of the person signing must be indicated.

5. *Disclosure by Wholly Owned Subsidiaries.*

In response to suggestions by a number of commentators, the Commission has determined to make the same relief from certain of the management's discussion and analysis disclosure requirements which is granted to qualifying wholly-owned subsidiaries for reporting on Form 10–K [14] also available for quarterly reporting on Form 10–Q.[15] The Commission believes that it is appropriate at this time to grant consistent treatment to these registrants with respect to discussions of capital resources and liquidity for annual and interim periods.[16]

6. *Part II Disclosure Requirements.*

With the exception of the changes discussed below, Part II of Form 10–Q is amended as proposed.[17] The commentators agreed that former Item 3, Changes in Security for Registered Securities; Item 5, Increase in Amount Outstanding of Securities or Indebtedness; and Item 6, Decrease in Amount Outstanding of Securities or Indebtedness, should be deleted because the information elicited would be contained in footnotes to the financial statements to the extent it is significant and otherwise is not necessary in a quarterly report.

Despite suggestions from a number of commentators that further deletions in the disclosure items required by Part II would be warranted, the Commission believes that the remaining items (Item 1, Legal Proceedings; Item 2, Changes in Securities; Item 3, Defaults upon Senior Securities; Item 4, Submission of Matters to a Vote of Security Holders; Item 5, Other Materially Important Events; and Item 6, Exhibits and Reports on Form 8–K) all elicit disclosure that is both necessary and appropriate in quarterly reporting with the Commission so that this information may be contained in the Exchange Act disclosure system. Accordingly, these items are all required in the amended Form 10–Q adopted today. In order to eliminate any possible duplication, however, a sentence has been added to the instruction to Part II which provides that, if the required information is already disclosed in footnotes to the interim financial statements presented, a separate response need not be made in Part II. In such case, Part II would need to include a statement specifically identifying and incorporating the pertinent information.

Two additional changes are reflected in Part II of the revised Form 10–Q. First, Item 4 (Submission of Matters to a Vote of Security Holders) has been changed in a technical respect by deleting the exhibit provision in Instruction 6. This provision is no longer necessary in view of the amended exhibits requirements in Item 7 of Regulation S–K (see discussion below).

Second, Item 5 (formerly captioned "Other Materially Important Events") has been recaptioned "Other Information" and a new sentence has been added to clarify the Commission's intention that this item may be used to fulfill any or all of the reporting requirements under Form 8–K. As revised, Item 5 permits registrants to reduce reporting burdens by including in a report on Form 10–Q information which would otherwise be required to be reported on Form 8–K. Of course, all Form 8–K timing and substantive disclosure requirements would have to be met by the filing on Form 10–Q in order to avoid the obligation to file a Form 8–K.[18]

The Commission received a number of helpful comments regarding Item 1 (Legal Proceedings), particularly as regards the disclosure of environmental proceedings. While no change is being adopted at this time, the staff is currently considering revisions to this disclosure item as recommended in the *Staff Report on Corporate Accountability.*[19]

C. Related Amendments

1. *Safe Harbor Rules for Projections.*

The Commission is adopting the proposed amendment to the safe harbor rule for forward-looking information, Rule 175 (17 CFR 230.175) under the Securities Act, which makes clear that a projection of the type enumerated by that rule is protected if included or properly reaffirmed in Part I of Form 10–Q.[20] This action codifies the staff position which deems Part I "filed" for purposes of the safe-harbor rule even though it is not filed for purposes of Section 18 of the Exchange Act. In addition, the Commission has made a technical amendment to the projections safe-harbor rules to conform the reference to management's discussion and analysis to the new Item 11 of Regulation S–K adopted in September, 1980.[21]

2. *Exhibits.*

The amendments to Form 10–Q adopted herein have necessitated two conforming amendments to Item 7 (Exhibits) of Regulation S–K [22] First, paragraph (b)(21) has been revised to reflect the fact that the informal report to shareholders now may be used to satisfy not only the financial statement but also the management's discussion requirements of Part I of Form 10–Q.

The other change to Item 7 is the result of the deletion, at the time Item 7 was adopted, of a number of exhibit requirements deemed to be of limited interest. One deleted provision was the requirement to file the text of any proposal or any published report regarding matters submitted to a vote of security holders as an exhibit to reports on Form 10–K and Form 10–Q. This deletion was entirely consistent with the deletion from Form 10–K of the disclosure requirement regarding submission of matters to a vote of security holders and is also appropriate for Form 10–Q insofar as the requirement to file proposals is concerned. Form 10–Q still requires disclosure regarding matters submitted

[13] This provision corrects an inadvertent deletion made in Securities Act Release No. 5951 (July 28, 1978) (43 FR 33904).

[14] *See* General Instruction I to Form 10–K.

[15] Instruction G(2)(a) reflects this conforming change.

[16] It should be noted that, in light of the changed focus of management's discussion and analysis from the former summary of operations onto the financial statements themselves, the Commission may reconsider this area, both for annual and interim periods, as it gains experience with the new management's discussion and analysis.

[17] The instruction requesting issuers to advise the staff of their intention to file a registration statement on Form S–16 or S–7 is also deleted as proposed.

[18] The Commission is now studying the provisions of Forms 8–K in order to determine the need for rulemaking in that area; corresponding clarifying language in Form 8–K will be considered as part of that study.

[19] Division of Corporation Finance, Securities and Exchange Commission, printed for use of the Senate Committee on Banking, Housing and Urban Affairs, 96th Cong., 2d. Sess. (September 4, 1980).

[20] Similar amendments to Rule 3b–6 (17 CFR 240.3b–6) under the Exchange Act, Rule 103A (17 CFR 250.103A) under the Public Utility Holding Company Act of 1935, and Rule 0–11 (17 CFR 260.0–11) under the Trust Indenture Act of 1939 are also adopted.

[21] Securities Act Release No. 6231 (September 2, 1980) (45 FR 63630).

[22] Securities Act Release No. 6230 (August 27, 1980) (45 FR 58822).

to security holder vote, however, and allows that disclosure obligation to be satisfied by reference to a published report containing the required information. The Commission believes that any such report which is relied on to take the place of Form 10–Q disclosure should be filed as an exhibit to the Form 10–Q report. Accordingly, the amendments to Item 7 are adopted to reflect this determination.

D. Technical Amendment to Regulation S–X

The amendments adopted include a technical amendment to previously adopted Rule 3–12 regarding the age of financial statements at the anticipated effective date of a registration statement or proposed mailing date of a proxy statement. To correct an oversight, paragraph (b) of Rule 3–12 has been amended to make the rules for updating at the effective date of a filing consistent with the rules applicable at the date of filing.

The text of the form and rules is set forth below.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. 17 CFR 249.308a is amended by revising Form 10–Q to read as follows:

§ 249.308a Form 10–Q, for quarterly reports under sections 13 or 15(d) of the Securities Exchange Act of 1934.

Form 10–Q—Securities and Exchange Commission, Washington, D.C.

Quarterly Report Under Section 13 or 15(d) or the Securities Exchange Act of 1934

For Quarter Ended _____
Commission file number _____

(Exact name of registrant as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices) (Zip Code)

(Registrant's telephone number, including area code)

(Former name, former address and former fiscal year, if changed since last report.)

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes . No .

Applicable Only to Issuers Involved in Bankruptcy Proceedings During the Preceding Five Years

Indicate by check mark whether the registrant has filed all documents and reports required to be filed by Sections 12, 13 or 15(d) of the Securities Exchange Act of 1934 subsequent to the distribution of securities under a plan confirmed by a court. Yes . No .

Applicable Only to Corporate Issuers

Indicate the number of shares outstanding of each of the issuer's classes of common stock, as of the latest practicable date.

General Instructions

A. Rule as to Use of Form 10–Q.

1. Form 10–Q shall be used for quarterly reports under Section 13 or 15(d) of the Securities Exchange Act of 1934, filed pursuant to Rule 13a–13 (17 CFR 240.13a–3) or Rule 15d–13 (17 CFR 240.15d–13).

2. A report on this form shall be filed within 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

B. Application of General Rules and Regulations.

1. The General Rules and Regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

2. Particular attention is directed to Regulation 12B which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted. See also Regulations 13A and 15D.

C. Preparation of Report.

1. This is not a blank form to be filled in. It is a guide copy to be used in preparing the report in accordance with Rules 12b–11 (17 CFR 240.12b–11) and 12b–12 (17 CFR 240.12b–12). The Commission does not furnish blank copies of this form to be filled in for filing.

2. These general instructions are not to be filed with the report. The instructions to the various captions of the form are also to be omitted from the report as filed.

D. Incorporation by Reference.

1. If the registrant makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a document or statement containing information meeting some or all of the requirements of Part I of this form, the information called for may be incorporated by reference from such published document or statement, in answer or partial answer to any item or items of Part I of this form, provided copies thereof are filed as an exhibit to Part I of the report on this form.

2. Other information may be incorporated by reference in answer or partial answer to any item or items of Part II of this form in accordance with the provisions of Rule 12b–23 (17 CFR 240.12b–23).

E. Filed Status of Information Presented.

1. Pursuant to Rule 13a–13(d) and Rule 15d–13(d), the information presented in satisfaction of the requirements of Items (1) and (2) of Part I of this form, whether included directly in a report on this form, incorporated therein by reference from a report, document or statement filed as an exhibit to Part I of this form pursuant to Instruction D(1) above, or contained in a statement regarding computation of per share earnings or a letter regarding a change in accounting principles filed as an exhibit to Part I pursuant to Item 7 of Regulation S–K, except as provided by Instruction E(2) below, shall not be deemed filed for the purpose of Section 18 of the Act or otherwise subject to the liabilities of that section of the Act but shall be subject to the other provisions of the Act.

2. Information presented in satisfaction of the requirements of this form other than those of Items (1) and (2) of Part I shall be deemed filed for the purpose of Section 18 of the Act; except that, where information presented in response to Item (1) or (2) of Part I (or as an exhibit thereto) is also used to satisfy Part II requirements through incorporation by reference, only that portion of Part I (or exhibit thereto) consisting of the information required by Part II shall be deemed so filed.

F. Signature and Filing of Report.

Three complete copies of the report, including any financial statements, exhibits or other papers or documents filed as a part thereof, and five additional copies which need not include exhibits, shall be filed with the Commission. At least one complete copy of the report, including any financial statements, exhibits or other papers or documents filed as a part thereof, shall be filed with each exchange on which any class of securities of the registrant is registered. At least one complete copy of the report filed with the Commission and one such copy filed with each exchange shall be manually signed on the registrant's behalf by a duly authorized officer of the registrant and

by the principal financial or chief accounting officer of the registrant. Copies not manually signed shall bear typed or printed signatures. In the case where the principal financial officer or chief accounting officer is also duly authorized to sign on behalf of the registrant, one signature is acceptable provided that the registrant clearly indicates the dual responsibilities of the signatory.

G. Omission of Information by Certain Wholly-Owned Subsidiaries.

If, on the date of the filing of its report on Form 10–Q, the registrant meets the conditions specified in paragraph (1) below, then such registrant may omit the information called for in the items specified in paragraph (2) below.

1. Conditions for availability of the relief specified in paragraph (2) below:

a. All of the registrant's equity securities are owned, either directly or indirecly, by a single person which is a reporting company under the Act and which has filed all the material required to be filed pursuant to section 13, 14 or 15(d) thereof, as applicable;

b. During the preceding thirty-six calendar months and any subsequent period of days, there has not been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within thirty days, with respect to any indebtedness of the registrant or its subsidiaries, and there has not been any material default in the payment of rentals under material long-term leases; and

c. There is prominently set forth, on the cover page of the Form 10–Q, a statement that the registrant meets the conditions set forth in General Instruction G(1) (a) and (b) of Form 10–Q and is therefore filing this Form with the reduced disclosure format.

2. Registrants meeting the conditions specified in paragraph (1) above are entitled to the following relief:

a. Such registrants may omit the information called for by Item 2 of Part I, Management's Discussion and Analysis of Financial Condition and Results of Operations, provided that the registrant includes in the Form 10–Q a management's narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent fiscal year-to-date period presented and the corresponding year-to-date period in the preceding fiscal year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels such as unit sales volume, prices charged and paid, production levels, production cost variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or method of application that have a material effect on net income as reported.

b. Such registrants may omit the information called for in the following Part II Items: Item 2, Changes in Securities; Item 3, Defaults Upon Senior Securities; and Item 4, Submission of Matters to a Vote of Security Holders.

PART I—FINANCIAL INFORMATION

Item 1. Financial Statements

Provide the information required by Rule 10–01 of Regulation S–X (17 CFR Part 210).

Item 2. Management's Discussion and Analysis of Financial Condition and Results of Operations

Furnish the information required by Item 11(b) of Regulation S–K (17 CFR 229.20).

PART II—OTHER INFORMATION

Instruction. The report shall contain the item numbers and captions of all applicable items of Part II, but the text of such items may be omitted provided the responses clearly indicate the coverage of the item. Any item which is inapplicable or to which the answer is negative may be omitted and no reference thereto need be made in the report. If substantially the same information has been previously reported by the registrant, an additional report of the information on this form need not be made. The term "previously reported" is defined in Rule 12b–2 (17 CFR 240.12b–2). A separate response need not be presented in Part II where information called for is already disclosed in the financial information provided in Part I and is incorporated by reference into Part II of the report by means of a statement to that effect in Part II which specifically identifies the incorporated information.

Item 1. Legal Proceedings

The description of legal proceedings shall include the information required by Item 5 of Regulation S–K (17 CFR 229.20). As to such proceedings which have been terminated during the period covered by the report, provide similar information, including the date of termination and a description of the disposition thereof with respect to the registrant and its subsidiaries.

Instruction. A legal proceeding need only be reported in the 10–Q filed for the quarter in which it first became a reportable event and in subsequent quarters in which there have been material developments. Subsequent Form 10–Q filings in the same fiscal year in which a legal proceeding or a material development is reported should reference any previous reports in that year.

Item 2. Changes in Securities

(a) If the constituent instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon the payment of dividends are to be reported hereunder.

Item 3. Defaults Upon Senior Securities

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the registrant or any of its significant subsidiaries exceeding 5 percent of the total assets of the registrant and its consolidated subsidiaries, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest, or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearages in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the registrant which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the registrant, give the title of the class and state the nature of the arrearage or

delinquency. In the case of an arrearage in the payment of dividends, state the amount and the total arrearage on the date of filing this report.

Instruction. Item 3 need not be answered as to any default or arrearage with respect to any class of securities all of which is held by, or for the account of, the registrant or its totally held subsidiaries.

Item 4. Submission of Matters to a Vote of Security Holders

If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) A brief description of each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

(d) A description of the terms of any settlement between the registrant and any other participant (as defined in Rule 14a–11 (17 CFR 240.14a–11) of Regulation 14A under the Act) terminating any solicitation subject to Rule 14a–11, including the cost or anticipated cost to the registrant.

Instructions: 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) proxies for the meeting were solicited pursuant to Regulation 14 under the Act, (ii) there was not solicitation in opposition to the management's nominees as listed in the proxy statement, and (iii) all of such nominees were elected. If the registrant did not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect in answer to paragraph (b) will suffice as an answer thereto.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the registrant has furnished to its security holders proxy soliciting material containing the information called for by paragraph (d), the paragraph may be answered by reference to the information contained in such material.

6. If the registrant has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report.

Item 5. Other Information.

The registrant may, at its option, report under this item any information, not previously reported in a report on Form 8–K, with respect to which information is not otherwise called for by this form. If disclosure of such information is made under this item, it need not be repeated in a report on Form 8–K which would otherwise be required to be filed with respect to such information or in a subsequent report on Form 10–Q.

Item 6. Exhibits and Reports on Form 8–K (17 CFR 249.308)

(a) The exhibits shall be furnished in accordance with the provisions of Item 7 of Regulation S–K (17 CFR 229.20).

(b) Reports on Form 8–K. State whether any reports on Form 8–K have been filed during the quarter for which this report is filed, listing the items reported, any financial statements filed, and the dates of any such reports.

Signatures*

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

(Registrant) _____
Date _____
(Signature)** _____
Date _____
(Signature)** _____

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

2. Item 7 of § 229.20 is amended as set forth below by adding Item (23) to Table II of paragraph (a), by revising paragraph (b)(21) to read as follows, and by adding new paragraph (b)(23) to read as follows:

*See General Instruction E.

**Print name and title of the signing officer under his signature.

§ 229.20 Information required in documents.

* * * * *

Item 7. Exhibits.

(a) * * *

* * * * *

Table II

Securities Exchange Act of 1934—Frequently Used Forms

	Form 10	8–K	10–Q	10–K
* * * * *				
(23) Published report regarding matters submitted to vote of security holders	.....	X	.....	

b. * * *

* * * * *

(21) *Report furnished to security holders*—If the registrant makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a document or statement containing information meeting some or all of the requirements of Part I of Form 10–Q, the information called for may be incorporated by reference to such published document or statement provided copies thereof are included as an exhibit to Part I of the report filed.

* * * * *

(23) *Published report regarding matters submitted to vote of security holders*—If the registrant has published a report containing all of the information called for by Item 4 of Part II of Form 10–Q and has referred to that report in lieu of providing disclosure in Form 10–Q, copies of such published report should be filed as an exhibit to the filing on Form 10–Q.

3. The previous entire text of Item 11 § 229.20 is amended by:

a. redesignating the previous entire text as paragraph (a);

b. revising the second sentence of the introductory paragraph to read as follows;

c. redesignating the previous paragraphs (a), (b)(1), (b)(2), (c)(1), (c)(2), (c)(3), and (c)(4) as paragraphs (1), (2)(i), (2)(ii), (3)(i), (3)(ii), (3)(iii), and (3)(iv); and

d. adding a new paragraph (b) to read as follows.

§ 229.20 Information required in documents.

* * * * *

Item 11. Management's Discussion and Analysis of Financial Condition and Results of Operations

(a) * * * The discussion shall provide information as specified in paragraphs (1), (2) and (3) of this section with respect of liquidity, capital resources and results of operations, and should also provide such other information which the registrant believes to be necessary to an understanding of its financial condition, changes in financial condition and results of operations. * * *

* * * * *

(b) If interim financial statements are presented, a management's discussion and analysis of the financial condition and results of operations shall be provided so as to enable the reader to assess material changes in financial condition and results of operations between the periods specified in (1) and (2) below. The discussion and analysis shall include a discussion of material changes in those items specifically listed in paragraph (a) of this Item 11 of Regulation S–K (17 CFR 229.20), except that the impact of inflation and changing prices on operations for interim periods need not be addressed.

(1) *Material changes in financial condition.*

Discuss any material changes in financial condition from the end of the preceding fiscal year to the date of the most recent interim balance sheet provided. If the interim financial statements include an interim balance sheet as of the corresponding interim date of the preceding fiscal year, any material changes in financial condition from that date to the date of the most recent interim balance sheet provided shall also be discussed. If discussions of changes from both the end and the corresponding interim date of the preceding fiscal year are required, the discussions may be combined at the discretion of the registrant.

(2) *Material changes in results of operations.*

Discuss any material changes in the registrant's results of operations with respect to the most recent fiscal year-to-date period for which an income statement is provided and the corresponding year-to-date period of the preceding fiscal year. If the registrant is required to or has elected to provide an income statement for the most recent fiscal quarter, such discussion also shall cover material changes with respect to that fiscal quarter and the corresponding fiscal quarter in the preceding fiscal year. In addition, if the registrant has elected to provide an income statement for the twelve month period ended as of the date of the most recent interim balance sheet provided, the discussion shall also cover material changes with respect to that twelve month period and the twelve month period ended as of the corresponding interim balance sheet date of the preceding fiscal year. Notwithstanding the above, if for purposes of a registration statement a registrant subject to paragraph (b) of § 210.3–06 (Regulation S–X) provides a statement of income for the twelve-month period ended as of the date of the most recent interim balance sheet provided in lieu of the interim income statements otherwise required, the discussion of material changes in that twelve-month period will be in respect to the preceding fiscal year rather than the corresponding preceding period.

Instructions

1. If interim financial statements are presented together with financial statements for full fiscal years, the discussion of the interim financial information shall be prepared pursuant to paragraph (b) and the discussion of the full fiscal year information shall be prepared pursuant to paragraph (a) of this Item 11. Such discussions may be combined.

2. In preparing the discussion and analysis required by this paragraph (b) of Item 11, the registrant may presume that users of the interim financial information have read or have access to the discussion and analysis required by paragraph (a) for the preceding fiscal year.

3. The discussion and analysis required by this paragraph (b) is required to focus only on material changes. Where the interim financial statements reveal material changes from period to period in one or more significant line items, the causes for the changes should be described if they have not already been disclosed; *provided, however,* if the causes for a change in one line item also relate to other line items, no repetition is required. Registrants need not recite the amounts of changes from period to period which are readily computable from the financial statements. The discussion should not merely repeat numerical data contained in the financial statements. The information provided should include that which is available to the registrant without undue effort or expense and which does not clearly appear in the registrant's interim financial statements.

4. The registrant's discussion of material changes in results of operations should identify any significant elements of the registrant's income or loss from continuing operations which do not arise from or are not necessarily representative of the registrant's ongoing business.

5. The registrant should discuss any seasonal aspects of its business which have had a material effect upon its financial condition or results of operation.

6. Registrants are encouraged but are not required to discuss forward looking information.

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

4. A new § 210.10–01 (Interim financial statements) is added as set forth below. The present § 210.10–01 (Financial statements of natural persons) is amended by redesignating it as § 210.3–17 and revising it to read as set forth below.

* * * * *

§ 210.10–01 Interim financial statements.

(a) *Condensed statements.* Interim financial statements shall follow the general form and content of presentation prescribed by the other sections of this Regulation with the following exceptions:

(1) Interim financial statements required by this rule need only be provided as to the registrant and its subsidiaries consolidated and may be unaudited. Separate statements of other entities which may otherwise be required by this regulation may be omitted.

(2) Interim balance sheets shall include only major captions (i.e., numbered captions) prescribed by the applicable sections of this Regulation with the exception of inventories. Data as to raw materials, work in process and finished goods inventories shall be included either on the face of the balance sheet or in the notes to the financial statements, if applicable. Where any major balance sheet caption is less than 10% of total assets, and the amount in the caption has not increased or decreased by more than 25% since the end of the preceding fiscal year, the caption may be combined with others.

(3) Interim statements of income shall also include major captions prescribed by the applicable sections of this Regulation. When any major income statement caption is less than 15% of average net income for the most recent three fiscal years and the amount in the

caption has not increased or decreased by more than 20% as compared to the corresponding interim period of the preceding fiscal year, the caption may be combined with others. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent three years, the average loss shall be used for purposes of this test. Notwithstanding these tests, Rule 4–02 of Regulation S–X applies and de minimis amounts therefore need not be shown separately.

(4) The statement of changes in financial position may be abbreviated, starting with a single figure of funds provided by operations and showing other changes individually only when they exceed 10% of the average of funds provided by operations for the most recent three years. Notwithstanding this test, Rule 4–02 of Regulation S–X applies and de minimis amounts therefore need not be shown separately.

(5) The interim financial information shall include disclosures either on the face of the financial statements or in accompanying footnotes sufficient so as to make the interim information presented not misleading. Registrants may presume that users of the interim financial information have read or have access to the audited financial statements for the preceding fiscal year and that the adequacy of additional disclosure needed for a fair presentation, except in regard to material contingencies, may be determined in that context. Accordingly, footnote disclosure which would substantially duplicate the disclosure contained in the most recent annual report to security holders or latest audited financial statements, such as a statement of significant accounting policies and practices, details of accounts which have not changed significantly in amount or composition since the end of the most recently completed fiscal year, and detailed disclosures prescribed by Rule 4–08 of this Regulation, may be omitted. However, disclosure shall be provided where events subsequent to the end of the most recent fiscal year have occurred which have a material impact on the registrant. Disclosures should encompass for example, significant changes since the end of the most recently completed fiscal year in such items as: accounting principles and practices; estimates inherent in the preparation of financial statements; status of long-term contracts; capitalization including significant new borrowings or modification of existing financing arrangements; and the reporting entity resulting from business combinations or dispositions. Notwithstanding the above, where material contingencies exist, disclosure of such matters shall be provided even though a significant change since year end may not have occurred.

(6) Detailed schedules otherwise required by this Regulation may be omitted for purposes of preparing interim financial statements.

(b) *Other instructions as to content.* The following additional instructions shall be applicable for purposes of preparing interim financial statements:

(1) Summarized income statement information shall be given separately as to each subsidiary not consolidated or 50 percent or less owned persons or as to each group of such subsidiaries or fifty percent or less owned persons for which separate individual or group statements would otherwise be required for annual periods. Such summarized information, however, need not be furnished for any such unconsolidated subsidiary or person which would not be required pursuant to Rule 13a–13 or 15d–13 to file quarterly financial information with the Commission if it were a registrant.

(2) If appropriate, the income statement shall show earnings per share and dividends per share applicable to common stock and the basis of the earnings per share computation shall be stated together with the number of shares used in the computation. The registrant shall file as an exhibit (in accordance with the provisions of Item 7 of Regulation S–K, 17 CFR 229.20), a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is otherwise clearly set forth in the report.

(3) If, during the most recent interim period presented, the registrant or any of its consolidated subsidiaries entered into a business combination treated for accounting purposes as a pooling of interests, the interim financial statements for both the current year and the preceding year shall reflect the combined results of the pooled businesses. Supplemental disclosure of the separate results of the combined entities for periods prior to the combination shall be given, with appropriate explanations.

(4) Where a material business combination accounted for as a purchase has occurred during the current fiscal year, pro forma disclosure shall be made of the results of operations for the current year up to the date of the most recent interim balance sheet provided (and for the corresponding period in the preceding year) as though the companies had combined at the beginning of the period being reported on. This pro forma information should as a minimum show revenue, income before extraordinary items and the cumulative effect of accounting changes, including such income on a per share basis, and net income and net income per share.

(5) Where the registrant has disposed of any significant segment of its business (as defined in paragraph 13 of Accounting Principles Board Opinion No. 30) during any of the periods covered by the interim financial statements, the effect thereof on revenues and net income—total and per share—for all periods shall be disclosed.

(6) In addition to meeting the reporting requirements specified by existing standards for accounting changes, the registrant shall state the date of any material accounting change and the reasons for making it. In addition, for filings on Form 10–Q, a letter from the registrant's independent accountant shall be filed as an exhibit (in accordance with the provisions of Item 7 of Regulation S–K, 17 CFR 229.20) in the first Form 10–Q subsequent to the date of an accounting change indicating whether or not the change is to an alternative principle which in his judgment is preferable under the circumstances; except that no letter from the accountant need be filed when the change is made in response to a standard adopted by the Financial Accounting Standards Board which requires such change.

(7) Any material retroactive prior period adjustment made during any period covered by the interim financial statements shall be disclosed, together with the effect thereof upon net income—total and per share—of any prior period included and upon the balance of retained earnings. If results of operations for any period presented have been adjusted retroactively by such an item subsequent to the initial reporting of such period, similar disclosure of the effect of the change shall be made.

(8) The interim financial statements furnished shall reflect all adjustments which are, in the opinion of management, necessary to a fair statement of the results for the interim periods presented. A statement to that effect shall be included. Such adjustments shall include, for example, appropriate estimated provisions for bonus and profit sharing arrangements normally determined or settled at year-end.

(c) *Periods to be covered.* The periods for which interim financial statements are to be provided in registration statements are prescribed elsewhere in this Regulation (see §§ 210.3–01 and 3–

02). For filings on Form 10–Q, financial statements shall be provided as set forth below:

(1) An interim balance sheet as of the end of the most recent fiscal quarter and a balance sheet as of the end of the preceding fiscal year shall be provided. The balance sheet as of the end of the preceding fiscal year may be condensed to the same degree as the interim balance sheet provided. An interim balance sheet as of the end of the corresponding fiscal quarter of the preceding fiscal year need not be provided unless necessary for an understanding of the impact of seasonal fluctuations on the registrant's financial condition.

(2) Interim statements of income shall be provided for the most recent fiscal quarter, for the period between the end of the preceding fiscal year and the end of the most recent fiscal quarter, and for the corresponding periods of the preceding fiscal year. Such statements may also be presented for the cumulative twelve month period ended during the most recent fiscal quarter and for the corresponding preceding period.

(3) Interim statements of changes in financial position shall be provided for the period between the end of the preceding fiscal year and the end of the most recent fiscal quarter, and for the corresponding period of the preceding fiscal year. Such statements may also be presented for the cumulative twelve month period ended during the most recent fiscal quarter and for the corresponding preceding period.

(4) Registrants engaged in seasonal production and sale of a single-crop agricultural commodity may provide interim statements of income and changes in financial position for the twelve month period ended during the most recent fiscal quarter and for the corresponding preceding period in lieu of the year-to-date statements specified in (2) and (3) above.

(d) *Review by independent public accountant.* The interim financial information included in filings with the Commission need not be reviewed by an independent public accountant prior to filing. If, however, a review of the data is made in accordance with established professional standards and procedures for such a review, the registrant may state that the independent accountant has performed such a review. If such a statement is made, the report of the independent accountant on such review shall accompany the interim financial information.

(e) *Filing of other interim financial information in certain cases.* The Commission may, upon the informal written request of the registrant, and where consistent with the protection of investors, permit the omission of any of the interim financial information herein required or the filing in substitution thereof of appropriate information of comparable character. The Commission may also by informal written notice require the filing of other information in addition to, or in substitution for, the interim information herein required in any case where such information is necessary or appropriate for an adequate presentation of the financial condition of any person for which interim financial information is required, or whose financial information is otherwise necessary for the protection of investors.

§ 210.3–17 Financial statements of natural persons.

(a) In lieu of the financial statements otherwise required, a natural person may file an unaudited balance sheet as of a date within 90 days of date of filing and unaudited statements of income for each of the three most recent fiscal years.

(b) Financial statements conforming with the instructions as to financial statements of subsidiaries not consolidated and 50 percent or less owned persons under § 210.3–09(a)(1) shall be separately presented for: (1) each business owned as a sole proprietor, (2) each partnership, business trust, unincorporated association, or similar business organization of which the person holds a controlling interest and (3) each corporation of which the person, directly or indirectly, owns securities representing more than 50 percent of the voting power.

(c) Separate financial statements may be omitted, however, for each corporation, business trust, unincorporated association, or similar business organization if the person's total investment in such entity does not exceed 5 percent of his total assets *and* the person's total income from such entity does not exceed 5 percent of his gross income; *Provided*, that the person's aggregate investment in and income from all such omitted entities shall not exceed 15 percent of his total assets and gross income, respectively.

5. Paragraph (f) of § 210.3–01, paragraph (b) of § 210.3–02 and paragraphs (a) and (b) of § 210.3–12 are revised to read as set forth below.

§ 210.3–01 Consolidated balance sheets.

* * * * *

(f) Any interim balance sheet provided in accordance with the requirements of this section may be unaudited and need not be presented in greater detail than is required by § 210.10–01. Notwithstanding the requirements of this section, the most recent interim balance sheet included in a filing shall be at least as current as the most recent balance sheet filed with the Commission on Form 10–Q.

§ 210.3–02 Consolidated statements of income and changes in financial position.

* * * * *

(b) In addition, for any interim period between the latest audited balance sheet and the date of the most recent interim balance sheet being filed, and for the corresponding period of the preceding fiscal year, statements of income and changes in financial position shall be provided. Such interim financial statements may be unaudited and need not be presented in greater detail than is required by § 210.10–01.

§ 210.3–12 Age of financial statements at effective date of registration statement or at mailing date of proxy statement.

(a) If the financial statements in a filing are as of a date 135 days or more prior to the date the filing is expected to become effective or proposed mailing date in the case of a proxy statement, the financial statements shall be updated, except as specified in the following paragraphs, with a balance sheet as of an interim date within 135 days and with statements of income and changes in financial position for the interim period between the end of the most recent fiscal year and the date of the interim balance sheet provided and for the corresponding period of the preceding fiscal year. Such interim financial statements may be unaudited and need not be presented in greater detail than is required by § 210.10–01. Notwithstanding the above requirements, the most recent interim financial statements shall be at least as current as the most recent financial statements filed with the Commission on Form 10–Q.

(b) Where the anticipated effective date of a filing, or in the case of a proxy statement the proposed mailing date, falls within 90 days subsequent to the end of the fiscal year, the filing need not include financial statements more current than as of the end of the third fiscal quarter of the most recently completed fiscal year unless the audited financial statements for such fiscal year are available or unless the anticipated effective date or proposed mailing date falls after 45 days subsequent to the end of the fiscal year and the registrant does not meet the conditions prescribed under paragraph (c) of § 210.3–01. If the anticipated effective date or proposed mailing date falls after 45 days

subsequent to the end of the fiscal year and the registrant does not meet the conditions prescribed under paragraph (c) of § 210.3-01, the filing must include audited financial statements for the most recently completed fiscal year.

* * * * *

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

6. In § 230.175 paragraphs (b) and (c)(3) are revised to read as follows:

§ 230.175 Liability for forward-looking statements by issuers.

* * * * *

(b) This rule applies to: (1) a forward-looking statement (as defined in paragraph (c) below) made in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a-3 (b) and (c) or 14c-3 (a) and (b) under the Securities Exchange Act of 1934, (2) a statement reaffirming the forward-looking statement referred to in (b)(1) subsequent to the date the document was filed or the annual report was made publicly available, or (3) a forward-looking statement made prior to the date the document was filed, or the date the annual report was made publicly available if such forward-looking statement is reaffirmed in a filed document, Part I of a Form 10-Q, or annual report made publicly available within a reasonable time after the making of such forward-looking statement.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations pursuant to Item 11 of Regulation S-K, 17 CFR 229.20; or

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

7. In Section 240.3b-6 paragraphs (b) and (c)(3) are revised to read as follows:

§ 240.3b-6 Projections of future economic performance by issuers.

* * * * *

(b) This rule applies to: (1) a forward-looking statement (as defined in paragraph (c) below) made in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a-3 (b) and (c) or 14c-3 (a) and (b) under the Securities Exchange Act of 1934, (2) a statement reaffirming the forward-looking statement referred to in (b)(1) subsequent to the date the document was filed or the annual report was made publicly available, or (3) a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such forward-looking statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward-looking statement.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations pursuant to Item 11 of Regulation S-K, 17 CFR 229.20; or

* * * * *

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

8. In § 250.103A paragraphs (b) and (c)(3) are revised to read as follows:

§ 250.103A Projections of future economic performance by issuers.

* * * * *

(b) This rule applies to: (1) forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a-3 (b) and (c) or 14c-3 (a) and (b) under the Securities Exchange Act of 1934, (2) a statement reaffirming the forward-looking statement referred to in (b)(1) of this section subsequent to the date the document was filed or the annual report was made publicly available, or (3) a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such forward-looking statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward-looking statement.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations pursuant to Item 11 of Regulation S-K, 17 CFR 229.20; or

* * * * *

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

9. In § 260.0-11 paragraphs (b) and (c)(3) are revised to read as follows:

§ 260.0-11 Projections of future economic performance by issuers.

* * * * *

(b) This rule applies to: (1) a forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10-Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a-3 (b) and (c) or 14c-3 (a) and (b) under the Securities Exchange Act of 1934, (2) a statement reaffirming the forward-looking statement referred to in (b)(1) subsequent to the date the document was filed or the annual report was made publicly available, or (3) a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such forward-looking statement is reafirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward-looking statement.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations pursuant to Item 11 of Regulation S-K, 17 CFR 229.20; or

* * * * *

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 658; sec. 1, 79 Stat. 1051. Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 3, 8, 49 Stat. 1377, 1379; secs. 4, 6, 78 Stat. 569, 570-574; sec. 2, 82 Stat. 454; secs. 1, 2, 84 Stat. 1497; secs. 10, 18, 89 Stat. 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1698, 1499, 1500; sec. 20(a), 49 Stat. 833; sec. 319(a), 53 Stat. 1149, 15 U.S.C. 77f, 77g, 77j, 77s(a), 78m, 78o(d), 78w(a), 79t, 77nnn(a))

Procedural Matters

With respect to the technical amendment to Rule 3-12(b) of Regulation S-X (17 CFR 210.3-12(b)), as required by Section 23(a) of the Exchange Act (15 U.S.C. 78w), the Commission has considered the impact that such technical amendment would have on competition and has concluded that such amendment would not impose any burden on competition. Further, the

Commission believes that it is appropriate to adopt the amendment effective immediately in order to achieve the purpose intended in the rule changes adopted September 2, 1980.[23] Accordingly, pursuant to Section 553(b) of the Administrative Procedure Act ("APA") (5 U.S.C. 553(b)), the Commission for good cause finds that notice and opportunity for public comment at this time is impracticable, unnecessary and contrary to the public interest.

Authority

The Commission hereby adopts the foregoing amendments pursuant to Sections 6, 7, 8, and 19(a) of the Securities Act of 1933 and Sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934. The amendment to the safe harbor rules for projections is also adopted pursuant to Section 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79t) and Section 319(a) under the Trust Indenture Act of 1934 (15 U.S.C. 77nnn(c)).

By the Commission.

George A. Fitzsimmons,

Secretary.

February 9, 1981.

[FR Doc. 81-5310 Filed 2-13-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Reference T.D. ATF-76]

Standards of Fill for Wine; Deferral of Effective Date

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Deferral of final rule effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that had already been issued but were scheduled to become effective in the next 60 days. This amendment which is consistent with the President's directive postpones the effective date concerning the Standards of Fill for Wine (46 FR 1725) final rule from February 6, 1981, to March 30, 1981.

EFFECTIVE DATE: February 6, 1981. New effective date is March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone 202-566-7626.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a memorandum to certain agency heads directing them to publish a notice in the **Federal Register** postponing for 60 days, after January 29, 1981, the effective date of regulations that had been promulgated in final form and that were scheduled to become effective during that 60-day period. The Standards of Fill for Wine regulations fall within the scope of the President's memorandum.

The President stated in his memorandum that among his priorities as President is the establishment of a new regulatory oversight program which will lead to less burdensome and more rational Federal regulations. The President further indicated that this program is especially important because of the Nation's economic climate. In order to give the Administration, through the Task Force on Regulatory Relief, sufficient time to implement this process, and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of regulation, the President directed the postponement of pending regulations.

Consistent with this review, the Department is by this notice postponing for 60 days the effective date of the Standards of Fill for Wine regulations. The Department realizes that the postponement of these pending regulations may not be viewed by certain persons to be in their best interest. However, for a new Department head to comply effectively with the President's directive, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review. For these reasons, and because this rule would have become effective on February 6, 1981, additional notice and public procedure on this delay of effective date is impracticable, unnecessary and contrary to the public interest, and good cause exists for making these changes effective immediately.

G. R. Dickerson,

Director.

Approved: February 11, 1981.

John R. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-5382 Filed 2-12-81; 11:30 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Reference T.D. ATF-79]

Napa Valley Viticultural Area; Deferral of Effective Date

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Deferral of final rule effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that had already been issued but were scheduled to become effective in the next 60 days. This amendment which is consistent with the President's directive postpones the effective date concerning the Napa Valley Viticultural Area final rule (46 FR 9061) from February 27, 1981, to March 30, 1981.

EFFECTIVE DATE: February 27, 1981. New effectice date is March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Telephone 202-566-7626.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a memorandum to certain agency heads directing them to publish a notice in the **Federal Register** postponing for 60 days, after January 29, 1981, the effective date of regulations that had been promulgated in final form and that were scheduled to become effective during that 60-day period. The Napa Valley Viticultural Area regulations fall within the scope of the President's memorandum.

The President stated in his memorandum that among his priorities as President is the establishment of a new regulatory oversight program which will lead to less burdensome and more rational Federal regulations. The President further indicated that this program is especially important because of the Nation's economic climate. In order to give the Administration, through the Task Force on Regulatory Relief, sufficient time to implement this process, and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of regulation, the President directed the postponement of pending regulations.

Consistent with this review, the Department is by this notice postponing for 60 days the effective date of the

[23] Securities Act Release No. 6234.

Napa Valley Viticultural Area regulations. The Department realizes that the postponement of these pending regulations may not be viewed by certain persons to be in their best interest. However, for a new Department head to comply effectively with the President's directive, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review. For these reasons, and because this rule is scheduled to become effective very shortly, additional notice and public procedure on this delay of effective date is impracticable, unnecessary and contrary to the public interest, and good cause exists for making these changes effective immediately.

G. R. Dickerson,

Director.

Approved: February 11, 1981.

John R. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-5397 Filed 2-13-81; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Parts 211 and 212

[Reference T.D. ATF-78]

Completely Denatured Alcohol Formula No. 20; Deferral of Effective Date

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Deferral of final rule effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that had already been issued but were scheduled to become effective in the next 60 days. This amendment which is consistent with the President's directive postpones the effective date concerning the Completely Denatured Alcohol Formula No. 20 (46 FR 8469) final rule from February 26, 1981, to March 30, 1981.

EFFECTIVE DATE: February 26, 1981. New effective date is March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Telephone 202-566-7626.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a memorandum to certain agency heads directing them to publish a notice in the **Federal Register** postponing for 60 days, after January 29, 1981, the effective date of regulations that had been promulgated in final form and that were scheduled to become effective during that 60-day period. The Completely Denatured Alcohol Formula No. 20 regulations fall within the scope of the President's memorandum.

The President stated in his memorandum that among his priorities as President is the establishment of a new regulatory oversight program which will lead to less burdensome and more rational Federal regulations. The President further indicated that this program is especially important because of the Nation's economic climate. In order to give the Administration, through the Task Force on Regulatory Relief, sufficient time to implement this process, and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of regulation, the President directed the postponement of pending regulations.

Consistent with this review, the Department is by this notice postponing for 60 days the effective date of the Completely Denatured Alcohol Formula No. 20 regulations. The Department realizes that the postponement of these pending regulations may not be viewed by certain persons to be in their best interest. However, for a new Department head to comply effectively with the President's directive, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review. For these reasons, and because this rule is scheduled to become effective very shortly, additional notice and public procedure on this delay of effective date is impracticable, unnecessary and contrary to the public interest, and good cause exists for making these changes effective immediately.

Signed: February 9, 1981.

G. R. Dickerson,

Director.

Approved: February 11, 1981.

John R. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-5396 Filed 2-13-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 201

[DoD Instruction 4160.23] [1]

Sale of Surplus Military Equipment to State and Local Law Enforcement and Firefighting Agencies

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule is reissued to provide current DoD policy and procedures covering the sale of DoD-owned surplus personal property to State and local law enforcement and firefighting agencies in accordance with Title 10, U.S.C. Section 2576 (Pub. L. 90-500). This rule permits the Department of Defense to sell surplus military equipment to State and local law enforcement and firefighting agencies located within the United States.

EFFECTIVE DATE: January 27, 1981.

FOR FURTHER INFORMATION CONTACT: J. Marcus, Supply Policy and Programs Division, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Washington, D.C. 20301; telephone 202-697-9196.

SUPPLEMENTARY INFORMATION: In FR Doc. 69-5401, appearing in the **Federal Register** (34 FR 7377) on May 7, 1969, the Office of the Secretary of Defense published Part 201, effective January 31, 1969, which permitted the Department of Defense to sell surplus military equipment. In FR Doc. 73-2997, appearing in the **Federal Register** (38 FR 4509) on February 15, 1973, the Office of the Secretary of Defense published an amendment to Part 201. This document revises the existing Part 201 of this title.

Accordingly, 32 CFR Chapter I, is amended by revising Part 201, reading as follows:

PART 201—SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL LAW ENFORCEMENT AND FIREFIGHTING AGENCIES

Sec.

201.1 Reissuance and purpose.
201.2 Applicability and scope.
201.3 Definitions.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention: Code 301.

Sec.
201.4 Policy and procedures.
201.5 Responsibilities.
201.6 Information requirements.

Authority: The provisions of this Part 201 issued under 5 U.S.C. 301; 10 U.S.C. 2202, 2476.

§ 201.1 Reissuance and purpose.

This Part is reissued to update established DoD policy and procedures governing the sale of certain DoD-owned surplus personal property to state and local law enforcement and firefighting agencies pursuant to Title 10, U.S.C., Section 2576 (Pub. L. 90-500).

§ 201.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, Military Departments, and Defense Agencies (hereafter referred to as "DoD Components").

(b) Its provisions encompass the sale of certain surplus military equipment to state and local law enforcement and firefighting agencies that are located within the United States.

§ 201.3 Definitions.

Terms used in this Part are defined in DoD 4160.21-M, "Defense Utilization and Disposal Manual."

§ 201.4 Policy and procedures.

(a) *General.* Under the provisions of 10 U.S.C. 2576, the Department of Defense may sell to state and local law enforcement and firefighting agencies surplus: pistols, revolvers, shotguns, rifles (of a caliber not exceeding .30) and ammunition for these weapons; gas masks; and protective body armor that have survived donation screening, as authorized by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and in accordance with the procedures provided in DoD 4160.21-M.

(b) *Demilitarization.* DoD demilitarization requirements are waived for the surplus military equipment authorized to be sold under this Part under the provisions of 10 U.S.C. 2576.

(c) *Sales.* Sales to authorized state and local law enforcement and firefighting agencies shall be made in accordance with the procedures in DoD 4160.21-M, under the following conditions:

(1) Items offered for sale shall be limited to those items operationally safe and suitable for use by the agencies specified in DoD 4160.21-M.

(2) The Governor or his authorized representative, of the State in which the requesting agency is located, must certify that the type and quantity of materiel requested are necessary and suitable for the agency's operation.

(3) The Law Enforcement Assistance Administration of the Department of Justice shall determine that the request is valid and appropriate.

(4) Sale prices shall be based on the fair value rates published in DoD Instruction 2140.1,[1] "Pricing of Sales of Defense Articles and Defense Services to Foreign Countries and International Organizations," March 9, 1977.

(5) The expenses of packing, handling, crating, and transporting (accessorial costs) shall be included in the billing prices to the purchaser, in accordance with DoD Instruction 7510.4,[1] "Uniform Policy for Charging Accessorial and/or Administrative Costs Incident to Issues, Sales, or Transfers of Materials, Supplies and Equipment," April 7, 1967. Transportation costs shall be collect, except for parcel post shipments, the cost of which shall be included in the customer's bill.

(6) DoD Components will not stock spare parts for items which may be sold under the authority of this Part.

(7) Proceeds from sales will be deposited in accordance with DoD Instruction 7310.1,[1] "Accounting and Reporting for Property Disposal and Proceeds from Sale of Disposable Personal Property and Lumber or Timber Products," July 10, 1970.

§ 201.5 Responsibilities.

(a) *Heads of DoD Components* shall:

(1) Follow the policy and procedures in this Part when selling surplus military equipment to state and local law enforcement and firefighting agencies.

(2) Include sales data in the Program Administrator's Progress Report, submitted in accordance with DoD Directive 4160.21,[1] "DoD Personal Property Utilization and Disposal Program," December 5, 1980.

(b) The *Director, Defense Logistics Agency,* shall ensure that DoD 4160.21-M is revised to reflect the policies and procedures in this Part.

§ 201.6 Information requirements.

The reporting requirements in § 201.5(a)(2) have been assigned Report Control Symbol DD-M(A)891.

M. S. Healy,

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

February 11, 1981.

[FR Doc. 81-5266 Filed 2-13-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Parts 75, 78, 104, 200, 201, 211, 215, 223, 230, 231, 300, 305, 307, 309, 315, 318, 322, 324, 332, 338, 361, 362, 365, 366, 369, 370, 371, 372, 373, 374, 375, 378, 379, 385, 386, 387, 388, 389, 390, 395, 408, 525, 526, 527, 624, 643, 644, 645, 646, 649, 655, 656, 658, 660, 667, 668, 674, 675, 676, 682, 683, 690, 726, 735, 740, 753, 757

Postponement of Effective Dates for Certain Regulations and Interpretations

AGENCY: Department of Education.

ACTION: Notice of postponement of effective dates of certain regulations and interpretations.

SUMMARY: Pursuant to a Presidential memorandum, the effective dates of certain regulations and interpretations of the Department of Education are postponed until March 30, 1981, unless a later effective date is required. If a later effective date is required for any of these regulations and interpretations, the Secretary will publish a notice in the **Federal Register** to inform the public of that later date.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: By memorandum dated January 29, 1981, the President directed the Department of Education and other specified Federal agencies to publish notice in the **Federal Register** postponing for 60 days from the date of the President's memorandum the effective date of all regulations promulgated in final form that are scheduled to become effective during that 60-day period.

As an initial matter, the Department published a notice in the **Federal Register** on February 4, 1981 (46 FR 10721), postponing the regulations for programs without specific regulations and the regulations for two programs, the Library Career Training Program and the Strengthening Research Library Resources Program.

The Department has determined that the effective dates of the following additional regulations shall be postponed until March 30, 1981:

Title of Regulations or Interpretation: Published in the "Federal Register"

34 CFR Parts 385, 386, 387, 388, 389, 390: Rehabilitation Training; Dec. 30, 1980, at 45 FR 86378

34 CFR Parts 104, 300: Nondiscrimination on the Basis of Handicap in Programs and

Activities Receiving or Benefitting from Federal Financial Assistance; and Assistance to States for Education of Handicapped Children; Dec. 30, 1980, at 45 FR 86390
34 CFR Part 690: Pell Grant Program; Dec. 30, 1980, at 45 FR 86394
34 CFR Part 668: Student Assistance General Provisions; Dec. 31, 1980, at 45 FR 86854
34 CFR Parts 655, 656, 658, 660, 667: International Education Programs; Dec. 31, 1980, at 45 FR 86872
34 CFR Part 78: Education Appeal Board; Jan. 5, 1981, at 46 FR 881
34 CFR Part 75: Education Department General Administrative Regulations (EDGAR); Annual Funding Priorities; Jan. 14, 1981, at 46 FR 3205
34 CFR Part 332: Instructional Media for the Handicapped; Jan. 14, 1981, at 46 FR 3206
34 CFR Part 649: Graduate and Professional Study Fellowships; Jan. 14, 1981, at 46 FR 3400
34 CFR Part 300: Assistance to States for Education of Handicapped Children; Jan. 16, 1981, at 46 FR 3865
34 CFR Part 682: Guaranteed Student Loan Program; Jan. 16, 1981, at 46 FR 3866
34 CFR Part 682: Guaranteed Student Loan Program; Refund of Tuition Charges and Other Fees; Jan. 16, 1981, at 46 FR 3871
34 CFR Part 735: Minority Institutions Science Improvement Program (MISIP); Jan. 16, 1981, at 46 FR 3873
34 CFR Part 757: Law-Related Education Program; Jan. 16, 1981, at 46 FR 3877
34 CFR Parts 230, 231: Asbestos Detection and Control: Local Educational Agencies; Asbestos Detection and State Plan: State Educational Agencies; Jan. 16, 1981, at 46 FR 4536
34 CFR Part 753: Arts in Education Program; Jan. 16, 1981, at 46 FR 4606
34 CFR Parts 104, 300: Assistance to States for Education of Handicapped Children, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance; Notice of Interpretations; Jan. 19, 1981, at 46 FR 4912
34 CFR Part 322: Training Programs for Teachers of Handicapped Children in Areas with a Shortage; Jan. 19, 1981, at 46 FR 4913
34 CFR Parts 200, 201: Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with Special Educational Needs; Jan. 19, 1981, at 46 FR 5136
34 CFR Parts 674, 675, 676: National Direct Student Loan Program, College Work-Study Program, and Supplementary Educational Opportunity Grant Program; Jan. 19, 1981, at 46 FR 5238
34 CFR Part 690: Pell Grant Program, Family Contribution Schedules; Jan. 19, 1981, at 46 FR 5320
34 CFR Parts 211, 215, 305, 307, 309, 315, 318, 324, 338, 408, 525, 526, 527, 624, 643, 644, 645, 646, 726, 740: Selection Criteria for Fiscal Year 1981; Jan. 19, 1981, at 46 FR 5372
34 CFR Part 366: Centers for Independent Living; Jan. 19, 1981, at 46 FR 5410
34 CFR Parts 362, 369, 370, 371, 372, 373, 374, 375, 378, 379, 395: Vocational Rehabilitation Service Projects; Jan. 19, 1981, at 46 FR 5416
34 CFR Part 300: Assistance to States for Education of Handicapped Children; Interpretation; Jan. 19, 1981, at 46 FR 5460
34 CFR Parts 361, 365: State Vocational Rehabilitation and Independent Living Rehabilitation Programs; Jan. 19, 1981, at 46 FR 5522
34 CFR Parts 674, 675, 676, 682, 683, 690: National Direct Student Loan Program, College Work-Study Program, Supplemental Educational Opportunity Grant Program, Guaranteed Student Loan Program, Parent Loans for Undergraduate Students Program, and Pell Grant Program; Jan. 21, 1981, at 46 FR 6322
34 CFR Part 223: Special Impact Aid Provisions for Local Educational Agencies that Claim Entitlements Based on the Number of Children Residing on Indian Lands; Jan. 22, 1981, at 46 FR 7196

(Catalog of Federal Domestic Assistance Numbers 84.002; 84.007; 84.008; 84.012; 84.014; 84.015; 84.016; 84.017; 84.113; 84.118; 84.023; 84.024; 84.025; 84.026; 84.027; 84.028; 84.029; 84.032; 84.033; 84.038; 84.041; 84.051; 84.063; 84.069; 84.077; 84.078; 84.080; 84.081; 84.084; 84.092; 84.093; 84.094; 84.095; 84.097; 84.099; 84.100; 84.101; 84.114; 84.120; 84.123; 84.126; 84.128; 84.129)

Dated: February 11, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-5302 Filed 2-12-81; 11:27]

BILLING CODE 4000-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Special Regulations, Areas of the National Park System; Glacier Bay National Monument

AGENCY: National Park Service.

ACTION: Postponement of Effective Date of Final Rule.

SUMMARY: The purpose of this notice is to postpone the effective date of the final rule regarding protection of humpback whales within Glacier Bay National Monument. This rule was published in the **Federal Register** on December 30, 1980 (45 FR 85741), and was scheduled to become effective January 29, 1981. However, on that date President Reagan issued a memorandum to all Department heads postponing the effective date of all final regulations for 60-days.

EFFECTIVE DATE: The new effective date for this rule is March 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Maureen Finnerty, Division of Ranger Activities and Protection, National Park Service, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-4874.

Stanley T. Albright,

Associate Director, Management and Operations.

[FR Doc. 81-5347 Filed 2-13-81; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-2-FRL 1627-1]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designations for New York State

Correction

In FR Doc. 81-2855, at page 8495, in the issue of Tuesday, January 27, 1981, on page 8496, correct the following entries in the table: (1) Under the "Designated Area" heading of "The City of North Tanawanda" is corrected by placing an "X" under the "Better Than National Standards" heading and (2) the "Southern Tier West AQCR: The City of Jamestown" is corrected by leaving "Southern Tier West AQCR" on the line by itself with no "X's" and placing "The City of Jamestown" on the next line and placing an "X" under the "Does Not Meet Secondary Standards" heading.

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4100

[Circular No. 2485]

Grazing Administration and Trespass on Public Lands; Amendments to Grazing Regulations

Correction

In FR Doc. 81-1938, at page 5784, in the issue of Monday, January 19, 1981, make the following corrections:

(1) On page 5788, in the last column, the second paragraph designated as "v", the second to the last line in that paragraph, correct "progres" to read "progress".

(2) On page 5790, in the middle column, under "**§ 4130.2 Grazing permits and leases.**", paragraph (d)(2), the last line, after the word "consider" replace the period with a colon and in the third column under "**§ 4130.5-1**

Payment of fees.", paragraph (e), second line, correct "aid" to read "paid".

BILLING CODE 1505-01-M

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43 CFR Public Land Order 5825

[Nev-044897; Nev-044898]

Nevada; Modification of Public Land Order No. 2013

Corrections

In FR Doc. 81-2493 appearing on page 7338 in the issue for Friday, January 23, 1981, make the following corrections:

Due to numerous errors in the land descriptions, they are hereby reprinted:

Mount Diablo Meridian

T. 5 S., R. 69 E.,
Sec. 24, E½SE¼SW¼;
Sec. 25, SE¼NE¼;
Sec. 29, W½SW¼SW¼;
Sec. 30, E½SW¼SE¼ and SE¼SE¼;
Sec. 31, NE¼NE¼, NE¼NW¼NE¼ and N½SE¼NE¼;
Sec. 32, NW¼NW¼NW¼, S½NW¼NW¼ and SW¼NW¼.

T. 5 S., R. 70 E.,
Sec. 19, SW¼SE¼SE¼;
Sec. 30, lot 2, W½E½NE¼, SE¼NW¼, N½NE¼SW¼ and N½N½SE¼.

* * * * *

Mount Diablo Meridian

T. 5 S., R. 69 E.,
Sec. 32,SW¼SW¼NE¼, NW¼NW¼SE¼, NW¼NE¼SE¼, S½N½SE¼, S½SE¼, E½SE¼SW¼, NE¼SW¼, NE¼NW¼SW¼, SE¼NW¼, and SW¼NE¼NW¼;
Sec. 33, SW¼NW¼SW¼, NW¼SW¼SW¼, S½SW¼SW¼, and SW¼SE¼SW¼.

T. 6 S., R. 69 E., (Unsurveyed)
Sec. 4, W½NE¼NW¼, NW¼NW¼, NE¼SW¼NW¼, and W½SE¼NW¼;
Sec. 5, E½NE¼NE¼, NW¼NE¼, NW¼SW¼NE¼, E½NE¼NW¼, and NE¼SE¼NW¼.

BILLING CODE 1505-01-M

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43 CFR Public Land Order 5828

[CA-3367]

California; Power Site Restoration No. 753, Partial Revocation of Power Site Reserve No. 329; Power Site Cancellation No. 339, Partial Cancellation of Power Site Classification No. 178

Correction

In FR Doc. 81-2486, appearing on page 7340, in the issue for Friday, January 23, 1981, in the middle column, after "For Further Information Contact", in the paragraph beginning "By virtue of the authority contained in * * *", in the tenth line "DA-1123" should have read "DA-1123 and DA-1125".

BILLING CODE 1505-01-M

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43 CFR Public Land Order 5829

[ORE-06587]

Oregon; Revocation of Public Land Order No. 2964

Correction

In FR Doc. 81-2505, appearing at page 7340 in the issue for Friday, January 23, 1981, on page 7341, in the first column, the land description under "Willamette Meridian" contains several typographical errors. The description should have read as follows:

Willamette Meridian

T. 2 N., R. 41 E.,
Sec. 19, NE¼SE¼, E½NW¼SE¼, NE¼SW¼SE¼, and S½SW¼SE¼;
Sec. 20, W½NW¼SW¼;
Sec. 30, N½NW¼NE¼ and SE¼NW¼NE¼.

BILLING CODE 1505-01-M

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43 CFR Public Land Order 5833

[OR-598]

Oregon; Partial Revocation of Public Land Order No. 4319

Corrections

In FR Doc. 81-2499 appearing on page 7342 in the issue for Friday, January 23, 1981, make the following corrections:

On page 7342, in the second column, in the land description for **Willamette Meridian**—

(1) in the fourth line, "NW$^{1/4}$" should have read "NW¼";

(2) in the fifth line, "SE$^{1/4}$" should have read "SE¼".

BILLING CODE 1505-01-M

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43 CFR Public Land Order 5835

[A-9275]

Arizona; Withdrawal of Forest Lands for Research Area

Corrections

In FR Doc. 81-2485 appearing at page 7342 in the issue for Friday, January 23, 1981, make the following corrections:

On page 7343, in the first column, in the land description for **Gila and Salt River Meridian**—

(1) in the fourth line, "E$^{1/2}$" should have read "E½";

(2) in the fifth line, "SW$^{1/4}$" should have read "SW¼";

(3) in the sixth line, "NE$^{1/4}$" should have read "NE¼".

BILLING CODE 1505-01-M

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43 CFR Public Land Order 5839

[ORE 03588-B]

Oregon; Partial Revocation of Public Land Order No. 1867

Corrections

In FR Doc. 81-2498 appearing on page 7344 in the issue for Friday, January 23, 1981, make the following corrections:

Due to numerous errors in the land descriptions, they are hereby reprinted:

Willamette Meridian

Umpqua National Forest

Steamboat Creek Road and Streamside Zone

T. 25 S., R. 1 E.,
Sec. 24, E½SE¼NE¼, S½S½, and NE¼SE¼;
Sec. 25, Lots 1 and 2, and NE¼NW¼; (formerly N½NW¼, and SW¼NW¼);
Sec. 26, S½N½N½ and N½S½N½;
Sec. 27, S½SW¼NE¼, SE¼NE¼, N½S½, and N½S½SW¼;
Sec. 28, SE¼SE¼SW¼ and S½SE¼;
Sec. 31, NE¼SE¼ and S½SE¼;
Sec. 32, S½S½N½ and N½S½;
Sec. 33, NW¼NE¼, NE¼NW¼, S½NW¼, and N½N½SW¼.

* * * * *

T. 24 S., R. 2 E.,
Sec. 8, S½SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 17, SW¼NE¼, NE¼NW¼, W½E½SW¼, W½SW¼, and S½NW¼;
Sec. 20, W½E½NW¼, E½W½NW¼, E½SW¼, and W½SW¼SE¼;
Sec. 29, W½W½E½ and E½E½W½;
Sec. 32, NW¼NE¼, S½NE¼, and E½SE¼.

* * * * *

T. 25 S., R. 2 E.,
Sec. 5, E½ of Lot 8, S½SW¼NE¼, SE¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 7, SE¼;
Sec. 8, W½NE¼NW¼, W½NW¼, and NW¼SW¼;
Sec. 18, E½;
Sec. 19, S½ of Lot 1, N½ of Lot 2, and NW¼NE¼.

BILLING CODE 1505-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1012

Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, as Amended, and Executive Order 12250

AGENCY: Community Services Administration.

ACTION: Deferral of effective date.

SUMMARY: The Community Services Administration is publishing a deferral of the effective date of the final rule entitled "Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, as Amended, and Executive Order 12250." This rule was published on January 19, 1981 (46 FR 12, pp. 5620–5631), effective February 18, 1981. This action defers the effective date of this rule until March 29, 1981. It also defers certain deadlines within the rule to correspond with the deferred effective date of the rule. This action is being taken in response to the President's memorandum of January 29, 1981, relating to a 60-day (from January 29, 1981) deferral of effective dates of pending final regulations.

DATES: This deferral becomes effective February 17, 1981. The new effective date of the rule is March 29, 1981. Notification of nondiscriminatory policies must begin by June 29, 1981. Program access must be provided by May 29, 1981.

The Self-Evaluation Plan must be submitted by September 29, 1981. Structural changes to achieve program access must be completed by March 29, 1983.

FOR FURTHER INFORMATION CONTACT:

Jill Robinson, Acting Director, Disability Unit, Office of Human Rights, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, (202) 653–5675 (voice) or 254–5463 (TDD).

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a memorandum to a number of Federal agencies directing that such agencies postpone for 60 days (from January 29) the effective date of all regulations that had been promulgated in final form and were scheduled to become effective during such 60-day period (46 FR 11227, February 6, 1981). The memorandum provided certain exemptions to the general postponement rule. The purpose of the postponement, according to the memorandum, was to provide the new Administration sufficient time to review many of the prior Administration's last-minute decisions that would increase rather than relieve the current burden of restrictive regulation. CSA is not one of the agencies to whom the President's memorandum was addressed. Nonetheless, in keeping with the spirit and tone of the memorandum, CSA has decided to postpone the effective date of pending final regulations which have not yet taken effect, where such regulations appear to be the kind of regulations referred to in the Presidential directive and do not fit into exceptions listed in the directive.

The agency has determined that the only pending regulation fitting the above description is CSA's final rule published on January 19, 1981 (46 FR 5620–5631) entitled "Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, as Amended, and Executive Order 12250." (45 CFR 1012.) This regulation is scheduled to become effective on February 18, 1981. CSA is amending this rule, deferring its effective date to March 29, 1981. The amendment also contains changes in deadlines within the rule to correspond with the rule's new effective date.

(Sec. 602, 78 Stat. 530 (42 U.S.C. 2942))

William W. Allison,

Acting Director.

Part 1012, Subpart C—Administrative Requirements is amended as follows:

1. On page 5626, columns one and two, paragraphs (a), (a)(1), and (b) of § 1012.40 are revised to read as follows:

§ 1012.40 Self-evaluation.

(a) Each grantee and each applicant for assistance whose application is submitted on or before September 29, 1981, shall—

(1) By September 29, 1981; and

* * * * *

(b) Each applicant for assistance whose application is submitted after September 29, 1981, shall conduct the self-evaluation described in paragraph (a) of this section prior to submitting its application and shall submit with its application the written self-evaluation described in paragraph (c) of this section.

* * * * *

2. On page 5627, column one, the introductory text in paragraph (c) of § 1012.45 is revised to read as follows:

§ 1012.45 Notification of policy.

* * * * *

(c) Each grantee shall make the initial notification required by paragraph (a) of this section by June 29, 1981. Notification should include publication in—

* * * * *

Part 1012, Subpart F—Access to and Use of Newly Constructed Facilities is amended as follows:

On page 5630, column one, § 1012.107 is revised to read as follows:

§ 1012.107 Defined.

A "newly constructed facility" means a facility or part thereof, which is constructed or renovated by a grantee after March 29, 1981. If an existing facility is renovated, the renovated portion is a "newly constructed facility."

Part 1012, Subpart H—Access to and Use of Existing Facilities is amended as follows:

On page 5630, in columns two and three §§ 1012.132 and 1012.135 are revised to read as follows:

§ 1012.132 Defined.

An "existing facility" means a facility or part thereof constructed on or before March 29, 1981, which a grantee uses, leases, owns, or otherwise acquires on or before March 29, 1981, or at the time the grantee becomes a grantee, whichever is later.

§ 1012.135 Time for compliance.

Each grantee and each applicant which becomes a grantee on or before May 29, 1981, shall provide program access by May 29, 1981, except that where structured changes in existing facilities are necessary, those changes shall be made as expeditiously as possible, but in no event later than March 29, 1983. Each grantee which becomes a grantee after may 29, 1981, shall provide program access on becoming a grantee, except that where structural changes in existing facilities

are necessary, those changes shall be made as expeditiously as possible, but in no event later than two years from the date it becomes a grantee.

[FR Doc. 81-5294 Filed 2-13-81; 8:45 am]

BILLING CODE 6315-01-M

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45 CFR Part 1067

Rules Superseded by the Grantee Program Management System

AGENCY: Community Services Administration.

ACTION: Notice of rules superseded.

SUMMARY: On January 5, 1981 the Community Services Administration published a final rule at 46 FR 1234 implementing the Grantee Program Management System (45 CFR 1067.70) which applies to Community Action Agencies only. CSA now is in the process of identifying existing CSA rules or portions of rules which are affected by this new rule. Once these have been identified the Agency will publish a rule amending or revoking them, as appropriate. Until such time as this activity is completed, this Notice will serve to inform Community Action Agencies and CSA Headquarters and Regional Offices that any contradictory policies or procedures found in rules previously published by CSA are to be considered superseded by the policies and procedures in the Grantee Program Management System if the grantee is a Community Action Agency.

EFFECTIVE DATE: February 17, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline G. Lemire, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506. Telephone: (202) 254-5047; Teletypewriter: (202) 254-6418.

(Sec. 602, 78 Stat. 530, 42 U.S.C. 2942)

William W. Allison,

Acting Director.

[FR Doc. 81-5295 Filed 2-13-81; 8:45 am]

BILLING CODE 6315-01-M

Proposed Rules

Federal Register
Vol. 46, No. 31
Tuesday, February 17, 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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Ineligibility for SBA Loan Assistance

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would make a small business that produces, services or distributes any product or service used in an illegal activity, regardless of the percentage of such business compared to the total of all business income, ineligible for SBA loan assistance. The existing regulation makes such a concern ineligible only when 30 percent or more of gross income is derived from such activities.

DATE: Comments must be received on or before April 20, 1981.

ADDRESS: Written comments, in duplicate, are to be addressed to the Director, Office of Business Loans, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposed rule may be directed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, (202) 653-6470.

SUPPLEMENTARY INFORMATION: The general use of controlled substances by the public is an illegal activity. The present regulation, however, allows a borrower to produce, service or distribute paraphernalia that has no purpose, except for a controlled substance use, provided such activities account for less than 30 percent of its annual gross income. SBA believes that it should not even appear to condone or support such activities whether or not local jurisdictions permit them. Also, with more local jurisdictions passing laws or ordinances prohibiting any commerce in such paraphernalia, SBA no longer has reasonable assurance that a concern dealing in such items can repay a long-term loan.

Accordingly, notice is hereby given that, pursuant to the authority contained in Section 5(b)(6) of the Small Business Act (15 U.S.C. Sec. 634), it is proposed to revise 120.2(d)(9) of Part 120, Chapter 1, Title 13 of the Code of Federal Regulations, to read as follows:

§ 120.2 Financial assistance will not be granted by SBA:

(d) * * *

* * * * * *

(9) If an applicant is engaged in an illegal activity, or engaged in the production, servicing, distribution or selling of drug paraphernalia, products, or services, used exclusively or primarily in connection with unlawful controlled substances.

(Catalog of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: January 26, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-5278 Filed 2-13-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-ANW-24]

Proposed Alteration of Transition Area, Eugene, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed commissioning of radar approach control services at Mahlon Sweet Field Airport necessitates expanding the 700-foot transition area at Eugene, Oregon. This action will align the airspace to allow aircraft to operate on direct routes or on radar vectors at altitudes lower than the existing floor of controlled airspace.

DATES: Comments must be received on or before March 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to:
Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist, Operations, Procedures and Airspace Branch, (ANW-534), Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108, telephone (206) 767-2610.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 80-ANW-24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to

Oregon. This action, if approved, combined wih the establishment of radar control services at Eugene, will amend the transition area at Eugene, allow extensive route shortening and associated saving in flight time and fuel consumption for aircraft operating throughout the Willamette Valley and environs.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the Eugene, Salem, and Corvallis, Oregon, transition areas under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished and amended (46FR540), as follows:

Eugene, Oregon

1. Delete entire description and substitute "That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 45°10'00" N, longitude 122°30'00" W, thence south to latitude 44°30'00" N, longitude 122°30'00" W, south to latitude 44°06'00" N, longitude 122°31'30" W, thence clockwise via the Eugene, Oregon, VOR 34.5 mile arc to latitude 44°16'00" N, longitude 123°53'30" W, thence north to latitude 45°10'00" N, longitude 123°30'00" W, direct to point of beginning."

Salem, Oregon

2. Delete entire description.

Corvallis, Oregon

3. Delete entire description.

(Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348(a), 1354(c), and 1510); Sec. 6(c) Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

It has further been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster

Director, Northwest Region.

[FR Doc. 81-5272 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ANW-20]

Proposed Alteration of Transition Area; Medford, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: The recent commissioning of the Crescent City, California, Air Route Surveillance Radar (ARSR) enhances Seattle Center's capability to provide radar service to aircraft operating over northwest California and southwest Oregon. Maximum utilization of this capability will necessitate expansion of designated controlled airspace. The adoption of this proposal will provide controlled airspace for aircraft to operate on direct routes or on radar vectors throughout the area at altitudes considerably lower than the existing floor of controlled airspace.

DATES: Comments must be received on or before March 25, 1981.

ADDRESSES: Send comments on the proposal in triplicate to:

Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 80-ANW-20." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the transition area at Medford, Oregon. This action, if approved, combined with the improved radar coverage which now exists over Medford, Oregon and Crescent City, California, will allow extensive route shortening and associated saving in flight time and fuel consumption.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the Medford transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished and amended (46 FR 540), as follows:

Medford, Oregon

Delete line 9 and remainder of description and substitute "west by the east edge of V23E; and that airspace west of the Medford VORTAC bounded on the north by the south edge of V287; on the west by the east edge of V27; on the south by the north edge of V122.

(Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348(a), 1354(c), and 1510); Sec. 6(c) Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.65).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is no minimal that it does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

It has further been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have significant impact on a substantial number of small entities.

Issued in Seattle, Washington, on February 5, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-5270 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 814

[Docket No. 79N-0009]

Premarket Approval of Medical Devices; Proposed Establishment of Regulations; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) extends the time for submission of comments on the proposed procedures for the premarket approval of medical devices. FDA is taking this action in response to requests for an extension of the comment period.

DATE: The deadline for written comments is extended until April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Frank J. Morlock, Bureau of Medical Devices (HFK-70), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7114.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 12, 1980 (45 FR 81769), FDA published for public comment proposed procedures for the premarket approval of medical devices. The proposed rule provided for a 60-day comment period to close February 10, 1981. FDA received several requests for an extension of the comment period because of the complexity of the proposed rule and its potential impact on the device industry.

FDA agrees that the proposal is complex and potentially far reaching and believes that additional time for the preparation and submission of meaningful and carefully proposed comments is in the public interest. The agency, therefore, finds in accordance with section 520(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(d)(2)) that good cause exists to grant, and is granting, a 60-day extension of the comment period to April 13, 1981.

Dated: February 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5277 Filed 2-11-81; 11:54 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 26a

Proposed Forms 706-B, Generation-Skipping Transfer Tax Return; Instructions for Form 706-B; Form 706-B(1), Information Return by Trustee for Taxable Distribution or Termination From a Generation-Skipping Trust; Form 706-B(2), Beneficiary's Share of a Taxable Distribution From a Generation-Skipping Trust

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Notice of proposed forms.

SUMMARY: The Internal Revenue Service is proposing for public comments three new forms for reporting the generation-skipping transfer tax (Forms 706-B, 706-B(1), and 706-B(2)). The Service, after considering all comments and suggestions, will adopt the proposed forms in 1981, with any appropriate changes resulting from the comments.

DATE: Written comments and suggestions should be mailed or delivered by April 3, 1981.

ADDRESS: Written comments and suggestions should be mailed or delivered to the Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Siegerist, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone (202) 566-4349 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: Form 706-B is to be used by the public to report generation-skipping transfers and to compute the tax imposed on these transfers by Chapter 13 of the Internal Revenue Code. Form 706-B(1) is completed by trustees to provide information to the Service about distributions and terminations. Form 706-B(2) is completed by the trustee and given to the distributee. It provides the information the distributee needs to complete Form 706-B for a distribution and is attached to the Form 706-B.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Gerald G. Portney,

Assistant Commissioner (Technical).

BILLING CODE 4830-01-M

Department of the Treasury
Internal Revenue Service

Instructions for Form 706-B

(December 1980)

Generation-Skipping Transfer Tax Return

(References are to the Internal Revenue Code unless otherwise noted)

For "Privacy Act" notice, see the Instructions for Form 1040.

General Instructions

Purpose of Form

Form 706–B is used by trustees or distributees of generation-skipping trusts or trust equivalents to figure the tax on generation-skipping transfers.

Definitions

A generation-skipping trust is any trust that has younger generation beneficiaries who are assigned to more than one generation.

A generation-skipping trust equivalent is any arrangement which, although not a trust, has substantially the same effect as a generation-skipping trust. For example, life estates and remainders, estates for years, insurance and annuities, and split-interests are generation-skipping trust equivalents.

A generation-skipping transfer is a taxable distribution or taxable termination that relates to a generation-skipping trust.

A distribution is taxable when distributions made during the tax year of the trust exceed the amount of trust income (within the meaning of section 643(b)) and all or a part of the distributions are to a beneficiary who is assigned to a generation younger than that of one or more other younger generation beneficiaries. For this purpose, an individual who at no time has had anything other than a future interest or future power in the trust is not a younger generation beneficiary. If the transfer is subject to estate or gift tax it is not a taxable distribution.

A termination is taxable when the interest or power of any younger generation beneficiary who is assigned to a generation older than the generation assignment of any other younger generation beneficiary terminates. This usually happens because of death, passage of time, or exercise or non-exercise of a power in a generation skipping trust. Generally, a taxable termination doesn't occur until the present interest or power of the last member of the older generation of beneficiaries has terminated. The termination of the interest or power of a beneficiary who had only a future power or future interest in a generation-skipping trust is not taxable. If the termination is subject to estate or gift tax, it is not a taxable termination.

Distributee

In the case of a taxable distribution, the distributee is the person who receives the distribution or has it applied for his or her benefit. In the case of a taxable termination which terminates the trust, the transferee is the person who receives the property. If the property remains in the trust after a taxable termination and it is unclear from the will or trust instrument who the transferee is, then, except as provided in the regulations, the property will be considered received pro rata by all beneficiaries of the trust according to how much each of them would receive under a maximum exercise of discretion on their behalf. For purposes of the preceding sentence, it is presumed that the discretion will be exercised per stirpes, unless otherwise stated. Per stirpes means that a class or group of distributees take the share that their deceased ancestor would have been entitled to, taking it by their right of representing the ancestor.

Which Transfers Are Subject to Tax

The generation-skipping transfer tax applies to any generation-skipping transfer that occurs after June 11, 1976, except to:

(1) A transfer, if the deemed transferor is a nonresident alien, unless the property transferred would be subject to estate or gift tax if the alien had made an outright bequest or gift of it.

(2) A transfer made under a trust that was irrevocable on June 11, 1976, but only to the extent that the transfer was not made out of corpus added to the trust after that date.

Or

(3) A transfer made under any other trust created before June 12, 1976 (or established under a will made before June 12, 1976), which becomes irrevocable because a decedent dies before January 1, 1982, provided that the document in existence on June 11, 1976, was not amended in any way that would create or increase the amount of a generation-skipping transfer.

If an individual was mentally disabled on June 11, 1976, and not able to change the disposition of his or her property, then the document must become irrevocable by the later of (1) January 1, 1982, or (2) the date that is 2 years after the date on which the individual regains his or her competence to dispose of the property.

Determining the Generation of a Beneficiary

A beneficiary is any person who has a present or future interest or power in the trust. A younger generation beneficiary is any beneficiary who is assigned to a generation younger than the grantor's generation. A person is a younger generation beneficiary for a generation-skipping transfer only if he or she was a younger generation beneficiary immediately before the generation-skipping transfer, or in the case of a series of related transfers, only if such person was a younger generation beneficiary of the trust immediately before the first of such transfers.

A person is considered to have an interest in the trust if he or she has the right to receive income or corpus from the trust or is a permissible recipient of the income or corpus.

A person has a power in the trust if he or she has the power to establish or alter beneficial enjoyment of the trust assets. A person is not considered to have a power in the trust if (1) or (2) below applies.

(1) He or she has only the power to dispose of the corpus of the trust or income from it to a beneficiary or a class of beneficiaries who are lineal descendents of the grantor and who are assigned to a generation younger than the generation of that person.

(2) He or she meets all of the following conditions:

(a) Is a trustee who has no interest in the trust (other than as a potential appointee under a power of appointment held by another).

(b) Does not have any present or future power in the trust other than a power to dispose of the corpus of the trust or the income from it to a beneficiary or a class of beneficiaries designated in the trust instrument.

(c) Is not a related or subordinate trustee.

A related or subordinate trustee is a trustee who is assigned to a younger generation than the grantor and who is also one or more of the following:

(1) The spouse of the grantor or of any beneficiary.

(2) The father, mother, lineal descendant, brother, or sister of the grantor or of any beneficiary.

(3) An employee of a corporation in which the grantor, the trust, and the trust beneficiaries have significant voting control in terms of stockholdings.

(4) An employee of a corporation in which the grantor or any beneficiary of the trust is an executive.

(5) A partnership in which the grantor, the trust, and the trust beneficiaries have significant (from the viewpoint of operating control, or distributive share of partnership income) interest.

(6) An employee of a partnership in which the grantor or any beneficiary of the trust is a partner.

(7) An employee of the grantor or of any beneficiary.

Generally, a generation is determined along family lines as follows:

(1) A lineal descendant of a grandparent of a grantor is assigned to the generation that results from subtracting the number of generations between the grandparent and the descendant from the number of generations between the grandparent and the grantor.

(2) A person who at any time was married to a person described in (1) above is assigned to the generation of that person. A person who was at any time married to the grantor is assigned to the grantor's generation.

(3) A relationship by adoption or half-blood is treated as a relationship by blood.

(4) A person who is not assigned to a generation according to (1), (2), or (3) above is assigned to a generation based on his or her birth date as follows:

(a) A person who was born not more than 12½ years after the grantor is in the grantor's generation.

(b) A person born more than 12½ years, but not more than 37½ years, after the grantor is in the first generation younger than the grantor.

(c) Similar rules apply for a new generation every 25 years.

If more than one of the rules for assigning generations applies to a beneficiary, that beneficiary is generally assigned to the youngest of the generations that would apply.

If an estate or trust, partnership, corporation, or other entity (other than certain organizations and trusts described in section 511(a)(2) and 511(b)(2)) is a beneficiary, then each person who has an indirect interest or power in the generation-skipping trust through the entity is treated as a beneficiary of the trust and is assigned to a generation as explained in the above rules.

Who Must File

A generation-skipping transfer tax return must be filed for every generation-skipping transfer for each deemed transferor. A return is required even though no tax is due for any reason, including the exclusion for property transferred to the grantor's grandchildren or the allowance of credits.

The return must be filed by:

(1) The distributee (as defined in the definitions above) in the case of a taxable distribution. The distributee is a younger generation beneficiary who actually received money or property (or has money or property applied for his or her benefit) from a generation-skipping trust or trust equivalent.

(2) The trustee in the case of a taxable termination. If there is more than one trustee, any one of them may file. Show on the return the name of any trustee who does not join in filing the return. Pay the entire amount of the tax due when you send in the return.

(3) The guardian of the distributee's property if the distributee is legally incompetent or otherwise incapable of making the return. If no guardian has been appointed, the person who has control of the distributee's property must file the return.

(4) The personal representatives of the distributee if the distributee dies after the transfer occurs but before filing the required return.

(5) All distributees with the same deemed transferor if the distributees receive an interest or power jointly, or simultaneously receive other undivided interests in property. If any distributee does not join in filing the return, the remaining distributees must file a return for the entire transfer. The return should identify the distributees not joining in the return and the interests passing to those distributees. The tax must be figured on the entire transfer and the distributees making the return must pay the tax in full, unless their liability (as determined under Liability for the Tax) is less than that amount. In that case, they must pay an amount equal to their full liability.

(6) The distributee in the case of a trust equivalent.

(7) Except as provided in the regulations, those persons having an interest or power in an entity which receives a distribution from a trust.

(8) A minor or the guardian of a minor, or other person charged with the care of the minor, or his or her property, if the distributee required to make the return is a minor.

(9) An agent, if the person liable for filing the return is unable to do so because of disease, injury, illness, or absence from the country. The agent should attach a statement fully explaining why the principal is unable to make the return. Mere convenience is not sufficient reason for authorizing an agent to make the return. If an agent makes the return, the principal must ratify it, within a reasonable time after becoming able to do so, by filing a statement, signed under penalties of perjury, with the Internal Revenue Service office where the agent filed the return. The statement must state specifically that the principal has carefully examined the return and ratified it. Failure to ratify invalidates the agent's return.

When to File

Except as provided below, if the taxable distribution or termination occurs before the death of the deemed transferor, you must file the return within 6 months after the end of the trust's tax year (in the case of a trust equivalent, within 6 months after the end of the deemed transferor's tax year in which the transfer occurred).

If the taxable distribution or termination occurs in the same tax year as the deemed transferor's death, you must file the return on or before the later of the dates prescribed in 1 or 2 below.

(1) on or before the date which is 6 months after the end of the tax year of the trust (or in the case of a trust equivalent, on or before the date which is 6 months after the end of the distributee's tax year;

(2) 6 months after the last day allowed for filing an estate tax return (including extensions) for the deemed transferor.

If the termination is considered, under section 2613(b), to occur later than it actually does, figure the time for filing the return from the date on which the transfer is considered to occur.

If you need an additional extension of time to file, you must apply for it on Form 4768, Application for Extension of Time to File U.S. Estate Tax Return and/or Pay Estate Tax.

Where to File

Please mail the return to the Internal Revenue Service Center where you would file an estate or gift tax return for the deemed transferor. If the return is for a nonresident citizen, mail it to the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19255.

If your legal residence, principal place of business, office or agency is located in	Use this address	
New Jersey, New York City and counties of Nassau, Rockland, Suffolk, and Westchester	Holtsville, NY	00501
New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Andover, MA	05501
District of Columbia, Delaware, Maryland, Pennsylvania	Philadelphia, PA	19255
Alabama, Florida, Georgia, Mississippi, South Carolina	Atlanta, GA	31101
Michigan, Ohio	Cincinnati, OH	45999
Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, Texas	Austin, TX	73301
Alaska, Arizona, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming	Ogden, UT	84201
Illinois, Iowa, Missouri, Wisconsin	Kansas City, MO	64999
California, Hawaii	Fresno, CA	93888
Indiana, Kentucky, North Carolina, Tennessee, Virginia, West Virginia	Memphis, TN	37501

Liability for Tax

Generally, if the generation-skipping transfer tax is not paid when due, and a trustee is required to file the return, then every trustee is liable for any part of the tax on a taxable termination and the distributee of the property is liable for the tax whether or not the distributee is required to file the return.

However, if the trustee receives information about tax rates from the Internal Revenue Service, the trustee is not liable for any increase in the tax that results from applying to the transfer any information relating to the tax rates that are more than those given by the Internal Revenue Service. The trustee is also not liable for any increase in the tax that results from the fact that the amount given by the Internal Revenue Service as the amount of the exclusion for a transfer to the grantor's grandchild, which may reasonably be expected to remain for the deemed transferor, is less than the amount of the exclusion actually remaining for the deemed transferor.

These limits on liability apply only if all the required information the trustee furnished to the Service was accurate and correct. An increase in tax based on a higher property valuation than that claimed by the trustee is, for example, the result of inaccurate information and therefore the trustee is liable for any increase of tax.

The distributee of the property is liable for the tax to the extent of the fair market value (at the time of the distribution) of the property he or she receives in the distribution.

Lien on Property

The tax imposed by section 2601 is a lien on all property transferred in a generation-skipping transfer until the tax is fully paid or the statute of limitations expires. The lien attaches at the time of the generation-skipping transfer and is in addition to the lien for taxes under Code section 6321. When property passes to more than one transferee in a simultaneous transfer which has the same deemed transferor, the property passing to each transferee is liable for the full amount of tax on the entire transfer.

Request for Information

Before filing a generation-skipping transfer tax return, a trustee or distributee may ask the Internal Revenue Service to supply a statement showing the following items, if they apply:

(1) The amount of the deemed transferor's adjusted taxable gifts within the meaning of section 2001(b) as modified by section 2001(e).

(2) The amount of the deemed transferor's taxable estate and estate tax on it before allowance of any credits.

(3) The amount of earlier generation-skipping transfers for the deemed transferor.

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(4) The amount of earlier generation-skipping transfers that occurred within 3 years before the deemed transferor's death and the amount of the generation-skipping transfer tax paid on these transfers.

(5) The amount of generation-skipping transfer tax, before the allowance of any credits for earlier generation-skipping transfers.

(6) The amount of State death tax credit allowed on the deemed transferor's estate tax return and the amount of State death tax credit allowed on earlier generation-skipping transfer tax returns.

(7) The amounts necessary to complete Schedule F, Credit for Tax on Prior Transfers. Please specify exactly the information needed.

(8) The amount of exclusion for a transfer to a grandchild of the grantor which is expected to remain available for the deemed transferor.

(9) The amount of taxable distributions that occurred during the same tax year and that were made from other trusts with the same deemed transferor.

(10) For distributions that occurred within 3 years before the deemed transferor's death, the amounts from Form 706–B(1), line 22, column (e), for each distribution.

(11) Any other information that may be needed to complete Form 706–B. The request for information must:

- Be in the form of a letter addressed to the IRS office with which an estate or gift tax return for the deemed transferor would be filed. It should be filed at least 90 days before the due date of the generation-skipping transfer tax return. If you file the request less than 90 days before the due date of the return, the failure of the Service to supply the requested information before the due date of the return will not be considered to be reasonable cause for not filing the return or not paying the tax on time.
- Include the names and taxpayer identification numbers of the deemed transferor and the grantor.
- State whether or not the deemed transferor was alive at the time of the transfer. If the deemed transferor was not living, give the date of death.
- List the specific information requested from IRS.
- Include a copy of the appointment in the case of a trustee or other agent, or a description of the interest received in the case of a distributee.
- Give the date Form 706–B is due.

When you file the generation-skipping transfer tax return, attach a copy of all information furnished by the Internal Revenue Service.

Amended Return

If a deemed transferor dies within 3 years after a generation-skipping transfer has occurred, an amended return must be filed of the transfer. The due date for the amended return is determined under the section entitled "When to File". For this purpose, the transfer is treated as having occurred at death.

If you are filing an amended return, enter on line 15 of the Tax Computation the total tax, previously paid by the person filing this return, on transfers within that 3-year period.

Information Return

The trustee must file Form 706–B(1) for a taxable distribution or taxable termination. In the case of a taxable distribution, the trustee must give a completed Form 706–B(2) to each distributee. File Form 706–B(1) with the Internal Revenue Service office where the distributee will file Form 706–B. The distributee must attach Copy A of Form 706–B(2) to the Form 706–B he or she files.

General Information

Line 7(a).—Form 706–B may be filed for either a termination or a distribution. The same Form 706–B may not be filed for both. Usually the trustee is required to file the return for a termination and the distributee is required to file the return for a distribution. However, in the case of a trust equivalent the distributee may be required to file returns for both a termination and a distribution. In this case separate returns must be filed. If you check "a termination," complete the return as outlined in "Terminations" below. If you check "a distribution," complete the return as outlined in "Distributions" below.

Line 7(c).—See the instructions for "Terminations" below.

Line 8.—Explain how the deemed transferor was determined. The deemed transferor is the parent of the transferee who is more closely related to the grantor of the trust than the other parent. However, if the parent is not a younger generation beneficiary of the trust and there is another ancestor (grandparent, etc.) of the transferee who is related by blood or adoption, but not by marriage, to the grantor of the trust and who is a younger generation beneficiary of the trust, then the youngest such ancestor is considered the deemed transferor.

If the trust is created for the benefit of an employee, friend or other person not in the grantor's family, the deemed transferor is the parent of the transferee who has the closest relationship to the grantor.

Distributions

If you are filing Form 706–B for a distribution, the trustee must provide you with Form 706–B(2) which contains some of the information needed to complete your Form 706–B. If you need additional information, you should request it from the Service as outlined above. **If you received more than one Form 706–B(2),** except as provided in the following paragraph, you must file a separate Form 706–B for each Form 706–B(2) you receive. The filing dates for these Forms 706–B are outlined above under "When to File."

You may combine the distributions reported on more than one Form 706–B(2) if all of the following requirements are met:

1. The trusts filing the Forms 706–B(2) have the same tax year.
2. The distributions have the same deemed transferor.
3. The distributions were made in the same tax year.

The instructions for Schedule A, Part II, below, describe how to combine these distributions into a single Form 706–B.

Complete the following parts of Form 706–B in the order listed:

1. Schedule A, Parts II and III;
2. Schedules B and D (if applicable);
3. Line 6 of Additional Information;
4. The Recapitulation;
5. Schedules E and F (if applicable);
6. The Tax Computation.

Terminations

You must complete Form 706-B(1) before completing Form 706–B. If the deemed transferor died during the trust's tax year, you may have to file two Forms 706–B for that year as outlined below. If the deemed transferor did not die during the trust's tax year, you may file a single Form 706–B combining all the terminations that have the same deemed transferor during that tax year.

You must file two Forms 706–B for the tax year if the deemed transferor died during the tax year and if your Form 706–B (1) reports terminations in both (1) lines 11(b) and (2) either line 11(a) or line 11 (c). Both Forms 706–B are due at the same time. On the first Form 706–B, check the "first" box of line 7(c), General Information. On Schedule A of the first Form 706–B, enter the terminations from line 11(b) of Form 706–B(1). Complete the first Form 706–B as outlined below. On the second Form 706–B, check the "second" box of line 7(c), General Information. On Schedule A of this second Form 706–B, enter the terminations from lines 11(a) and 11(c) of Form 706–B(1). Complete the second Form 706–B as outlined below. Note the special instructions for line 7 of the Recapitulation.

Complete the following parts of Form 706-B in the order listed:

(1) Schedule A, Parts I and III,

(2) Schedules B, C, and D (if applicable);

(3) Additional Information items 1–6;

(4) Recapitulation;

(5) Schedules E and F (if applicable);

(6) Tax Computation.

Rounding Off to Whole-dollar Amounts

You may round off cents to the nearest whole-dollar on your return and schedules. But, if you do round off, do so for all amounts. You can drop amounts under 50 cents. Increase amounts from 50 cents to 99 cents to the next dollar.

Schedule A

Generally, the value of the generation-skipping transfer is the fair market value of the transferred property on the date of the transfer. However, if the transfer occured within three years before the date of the deemed transferor's death, the value is the fair market value of the transferred property on the date of the deemed transferor's death. The instructions for Form 706, United States Estate Tax Return, include rules for determining the fair market values of different types of property.

If the value of the transferred property is adjusted for an unusual order of termination or reduced for an earlier generation-skipping transfer tax (see section 2613(b)), include the computation of the value in the space for the description of the special circumstances at the top of Schedule A. If you need more space, attach additional sheets the same size as Schedule A.

In the following cases the trustee may choose to value all the property transferred using the alternate valuation rules for estate tax purposes:

(1) One or more taxable terminations with the same deemed transferor that occur at the same time as the death of the deemed transferor (or at the same time as the death of a beneficiary of the trust assigned to a higher generation than the deemed transferor).

(2) One or more taxable terminations from the same trust with different deemed

transferors that occur on the same day and would, except for section 2613(b)(2), have occurred at the same time as the death of the deemed transferors.

Part I

Complete this part only for terminations. Enter each termination as reported on Form 706–B(1).

Line (b). If you checked the "first" box on line 7(c) of General Information, enter "–0–" on line (b).

Part II

Complete this part only for distributions. See the instructions for "Distributions" above for a description of when you may combine the information from more than one Form 706–B(2) on Part II.

Line (a). If you are reporting information from more than one Form 706–B(2), add the amounts on all the lines 13 of Form 706–B(2) and enter the total onto line (a).

Line (b). If you are reporting information from more than one Form 706–B(2), you must compute the percentage to enter on line (b). First add the amounts on all the lines 9b of Form 706–B(2). Then divide this total by the total of all the lines 13 of Form 706–B(2) (which you entered in line (a) of this Schedule A as described above). Enter the resulting percentage onto line (b) of Schedule A, and attach a sheet showing these computations.

Part III

Complete Part III for either terminations or distributions. Figure the amount of tax to enter on line (b) of Part III of Schedule A using an interrelated computation. Publication 904, Computing the Interrelated Charitable, Marital, and Orphan's Deductions and Net Gifts, contains examples that illustrate the trial and substitution method and the algebraic method. Publication 904 also has instructions about requests for computation assistance from IRS.

Schedule B—Expenses and Losses

If a generation-skipping transfer occurs at the same time as the deemed transferor's death or after it, the following deductions are allowed:

(1) For a taxable termination, the expense and loss items (sections 2053 and 2054). These are allowed to the extent these items would have been deductible if the amount of the generation-skipping trust were includible in the deemed transferor's estate and if the deemed transferor had died immediately before the transfer.

(2) For a taxable distribution, expenses incurred in connection with the determination, collection, or refund of a generation-skipping transfer tax.

Schedule C—Charitable Deductions

Either the estate or gift tax charitable deduction is allowed in figuring the generation-skipping tax, if part of the property passes to charity. For provisions relating to the effect of a disclaimer, see section 2518.

Schedule D—Unified Credit

If the generation-skipping transfer occurs at the same time as the death of the deemed transferor or after it, then you may take any unused portion of the deemed transferor's unified credit against tax as a credit against the generation-skipping tax, but not more than the amount of the tax.

Additional Information

Line 4.—You may elect alternate valuation only for terminations reported on Form 706–B(1), Part I, line 11(b). If you are making the election, check the "Yes" box on line 4. For all other terminations and for all distributions, check the "No" box.

Line 6.—If you are excluding any transfers to grandchildren of the grantor as explained below, enter on line 6, each grandchild's name, social security number, and the amount of exclusion deducted for the grandchild.

Recapitulation

Line 4.—Except as provided below, transfers to a grandchild of the grantor of the trust are not considered taxable distributions or terminations. Enter the total amount deducted for the grandchild exclusion for this deemed transferor. The total deduction for all grandchildren cannot be more than $250,000 for each deemed transferor. The deduction is applied to transfers from one or more trusts in the order in which the transfers are made.

Line 7.—Enter the net value of all earlier generation-skipping transfers for this deemed transferor. To figure the net value, add the amounts from the Recapitulation schedule, line 6, of the Forms 706–B filed for the deemed transferor for the earlier years. If you checked the "second" block on line 7(c), as described in the instructions above, include on Recapitulation line 7 of this second Form 706–B the amount from the Recapitulation, line 6 of the first Form 706–B you filed for this year.

Schedule E

Generally, if the generation-skipping transfer occurs at the same time as the deemed transferor's death, or after it, you may take a credit for any State or D.C. death taxes actually paid to the extent these taxes are levied on the generation-skipping transfer.

If you claim the credit, send the following evidence to the Internal Revenue Service:

(1) Certificates of the proper officer of the taxing State, or the District of Columbia, showing: a) the total amount of tax imposed (before adding interest and penalties and before allowing discount); b) the amount of discount allowed, c) the amount of penalties and interest imposed or charged; d) the total amount actually paid in cash; and e) the date of payment.

(2) Any additional proof that the Internal Revenue Service may specifically request.

Please send the evidence listed in (1) above when you file the return. If that is not convenient, send it as soon after that as possible.

Schedule F—Credit for Tax on Prior Transfers

You may take a credit against generation-skipping transfer tax for tax on prior transfers if estate tax was imposed on the creation of the trust and, within 10 years after the trust was created, the generation-skipping transfer tax is imposed on the death of the deemed transferor.

Figure the credit as if the property that is subject to the generation-skipping transfer tax and that was not considered in figuring the credit for tax on prior transfers on the deemed transferor's estate tax return had been transferred from the grantor to the deemed transferor.

Example. Assume the grantor establishes a testamentary trust for his nephew for life with the remainder to the nephew's son. The value of the nephew's life estate (as determined using Table A(1) in section 20.2031–10 of the Regulations) is considered in figuring the credit for tax on prior transfers on the nephew's Form 706, United States Estate Tax Return. The value of the remainder interest for the nephew's son (the value of the trust at the grantor's death minus the value of the nephew's life estate) is not considered in figuring the credit for tax on prior transfers on the nephew's Form 706. This value of the remainder interest for the nephew's son is entered on line 1 of Schedule F on the nephew's Form 706–B, Generation-Skipping Transfer Tax Return.

The percent of the maximum amount that is allowed as a credit depends on the number of years between the date of the grantor's death and the date of the transfer according to the following table:

Period of time exceeding	Not exceeding	Percent allowable
——	2 years	100
2 years	4 years	80
4 years	6 years	60
6 years	8 years	40
8 years	10 years	20
10 years	——	none

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Table A

Unified Rate Schedule			
Column A Taxable amount over	Column B Taxable amount not over	Column C Tax on amount in column A	Column D Rate of tax on excess over amount in column A
			(Percent)
0	$10,000	0	18
$10,000	20,000	$1,800	20
20,000	40,000	3,800	22
40,000	60,000	8,200	24
60,000	80,000	13,000	26
80,000	100,000	18,200	28
100,000	150,000	23,800	30
150,000	250,000	38,800	32
250,000	500,000	70,800	34
500,000	750,000	155,800	37
750,000	1,000,000	248,300	39
1,000,000	1,250,000	345,800	41
1,250,000	1,500,000	448,300	43
1,500,000	2,000,000	555,800	45
2,000,000	2,500,000	780,800	49
2,500,000	3,000,000	1,025,800	53
3,000,000	3,500,000	1,290,800	57
3,500,000	4,000,000	1,575,800	61
4,000,000	4,500,000	1,880,800	65
4,500,000	5,000,000	2,205,800	69
5,000,000	.....	2,550,800	70

Table B

Maximum Unified Credit Against Tax	
For deemed transferors dying—	The credit is—
in 1977	$30,000
in 1978	34,000
in 1979	38,000
in 1980	42,500
after 1980	47,000

Table C

Computation of Maximum Credit for State Death Taxes			
Amount equal to or more than— (1)	Amount less than— (2)	Credit on amount in column (1) (3)	Rate of credit on excess over amount in column (1) (4)
			(Percent)
0	$40,000	0	None
$40,000	90,000	0	0.8
90,000	140,000	$400	1.6
140,000	240,000	1,200	2.4
240,000	440,000	3,600	3.2
440,000	640,000	10,000	4.0
640,000	840,000	18,000	4.8
840,000	1,040,000	27,600	5.6
1,040,000	1,540,000	38,800	6.4
1,540,000	2,040,000	70,800	7.2
2,040,000	2,540,000	106,800	8.0
2,540,000	3,040,000	146,800	8.8
3,040,000	3,540,000	190,800	9.6
3,540,000	4,040,000	238,800	10.4
4,040,000	5,040,000	290,800	11.2
5,040,000	6,040,000	402,800	12.0
6,040,000	7,040,000	522,800	12.8
7,040,000	8,040,000	650,800	13.6
8,040,000	9,040,000	786,800	14.4
9,040,000	10,040,000	930,800	15.2
10,040,000	.....	1,082,800	16.0

☆ U.S. GOVERNMENT PRINTING OFFICE : 1981—O-343-321

Form **706-B**
(December 1980)
Department of the Treasury
Internal Revenue Service

Generation-Skipping Transfer Tax Return

(I.R.C. Chapter 13) (See separate instructions)

Tax year beginning ....., 19....., ending ....., 19.....

General Information

1a Name of deemed transferor	1b Date of death, if applicable	1c Social security number
2a Name of trustee	2b Employer identification number of trust	
3a Name of person filing return if different from line 2a		3b Social security number
3c Address of person filing return (Number and street including apartment number or rural route)		
3d City, town or post office, State and ZIP code		
4a Name of grantor	4b Date trust created (attach copy of trust instrument if not previously filed)	
5 Relationship of transferee to the deemed transferor	6 Relationship of transferee to grantor	
7a Is the return filed for (check the applicable box) ☐ a termination or ☐ a distribution	7b Date of termination, if applicable	7c This is the ☐ first ☐ second ☐ only termination return for this year (see instructions)

8 If the deemed transferor is not a parent of the transferee, explain how the deemed transferor was determined

9 If transferee is not a lineal descendant of grantor, explain how generations were determined

10 If this is a trust equivalent, use this space to describe the split-interest arrangement that causes treatment as a generation-skipping transfer trust and the event that caused the generation-skipping transfer

Tax Computation

Check this box ▶ ☐ if Internal Revenue Service supplied any information listed in General Instruction I and attach a copy of the information supplied.

1 Amount from line 6 of Recapitulation Schedule	1	
2 Amount from line 13 of Recapitulation Schedule	2	
3 Add amounts on lines 1 and 2	3	
4 Tentative tax on amount on line 3 from Table A in the instructions	4	
5 Tentative tax on amount on line 2 from Table A in the instructions	5	
6 Subtract line 5 from line 4	6	
7 Unified credit from line 6 of Schedule D	7	
8 Subtract line 7 from line 6	8	
9 Credit for tax on earlier transfers (from line 20 of Schedule F)	9	
10 Subtract line 9 from line 8	10	
11 Enter the percentage from Schedule A, Part I, line (d), (terminations) or Schedule A, Part II, line (b), (distributions), whichever applies	11	%
12 Multiply the amount on line 10 by the percentage on line 11	12	
13 Credit for State generation-skipping death taxes (from line 15 of Schedule E)	13	
14 Subtract line 13 from line 12	14	
15 Amount of generation-skipping transfer tax previously paid by the person filing this return for transfers listed on line 8 of the Recapitulation Schedule if this is the amended return filed for those transfers	15	
16 Tax due (subtract line 15 from line 14. If less than zero, enter zero.) ▶	16	

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer other than taxpayer is based on all information of which preparer has any knowledge.

Signature of taxpayer ▶ ..... Date ▶ .....

Signature of preparer other than taxpayer ▶ ..... Date ▶ .....

Address ▶

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Form **706-B** (12-80)

Name of deemed transferor: Name of person filing the return:

Additional Information

(Complete items 1 through 5 only for terminations; do not complete items 1 through 5 for distributions.)

1 If the return is filed for a termination, describe in this space the terminating power or interest.

2 Have any trust assets been loaned to any person without disclosing the loan to the Internal Revenue Service? . . ☐ Yes ☐ No
If "Yes," enter the amount of the loan, rate of interest, the security for the loan, and the name of person to whom the loan was made in this space.

3 Has there ever been a qualified disclaimer that relates to this trust that was not previously disclosed to the Internal Revenue Service? . . . . . ☐ Yes ☐ No
If "Yes," attach a copy of the written disclaimer required by section 2518(b) of IRC.

4 Do you elect the alternate valuation authorized by section 2602(d) of IRC? . . . . . ☐ Yes ☐ No

5 Enter the fair market value of the trust at the date of termination . . . . . |

6 If you deduct any of the $250,000 grandchild exclusion on line 4 of the Recapitulation Schedule, include the grandchild's name, social security number, and amount below:

Grandchild's name	Social security number	Amount of exclusion
Total . . . . . ▶		

Recapitulation Schedule

Generation-skipping transfer:			
1 Enter the amount from Schedule A, Part III, line (c)		1	
2 Expenses and losses (from Schedule B)	2		
3 Charitable deduction (from Schedule C)	3		
4 Amount of grandchild exclusion (not more than $250,000) if applicable	4		
5 Add lines 2, 3, and 4		5	
6 Net value of generation-skipping transfer (subtract line 5 from line 1). Enter here and on line 1 of the Tax Computation on page 1		6	
Other transfers by deemed transferor:			
7 Net value of all earlier generation-skipping transfers		7	
8 If the transfers listed on Schedule A include any transfers that occurred within 3 years before the deemed transferor's death, enter the net value of earlier generation-skipping transfers (valued at the date of the transfer) that occurred within 3 years before the deemed transferor's death		8	
9 Subtract line 8 from line 7		9	
10 Adjusted taxable gifts within the meaning of section 2001(b) as modified by section 2001(e) (total amount of taxable gifts within the meaning of section 2503 made by deemed transferor after December 31, 1976, other than gifts which are includible in deemed transferor's gross estate)		10	
11 Deemed transferor's taxable estate		11	
12 If this return is for a taxable distribution, enter the amount of taxable terminations caused by reason of the deemed transferor's death. (This information is to be provided by the Service—see instructions)		12	
13 Total (add amounts on lines 9, 10, 11, and 12). Enter here and on line 2 of the Tax Computation on page 1 . . . . . ▶		13	

(If you need more space, attach additional sheets of same size.)

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Name of deemed transferor: Name of person filing the return:

SCHEDULE A—Generation-Skipping Transfers

Part I Terminations

Date of transfer (and date it is considered to occur if different from date of actual transfer) ▶
Describe any special circumstances that cause the transfer to be treated as occurring at other than the time it actually occurs, where applicable:

Item number	Description of transferred property	Alternate valuation date, if applicable	Alternate value	Value at the date of termination
1				
	Total ▶			

(a) Enter the total taxable terminations from whichever column is applicable	(a)	
(b) If this part is for terminations listed on Form 706-B(1), Part I, line 11(b), or line 12, enter zero. If this return is for terminations listed on Form 706-B(1), Part I, line 11(a) or 11(c), enter here the amount on Form 706-B(1), Part II, line 31	(b)	
(c) Add line (a) and line (b)	(c)	
(d) Divide line (a) by line (c) and enter here as a percentage	(d)	%

Part II Distributions (Do NOT Use Part II if You Filled in Part I)

(a) Enter the total amount from Form 706-B(2), line 13	(a)	
(b) Enter the percentage from Form 706-B(2), line 14	(b)	%

Attach Form 706-B(2), copy A.

Part III Section 2613(a)(3) Adjustment

(a) Enter the amount from Part I, line (c), or Part II, line (a), whichever applies	(a)	
(b) Amount of generation-skipping transfer tax to be paid by trust or trust equivalent out of income or corpus as described in section 2613(a)(3)	(b)	
(c) Add lines (a) and (b). Enter here and on line 1 of the Recapitulation Schedule ▶	(c)	

(If you need more space, attach additional sheets of same size.)

Schedule A

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Form 706-B (12-80) Page 4

Name of deemed transferor: Name of person filing the return:

SCHEDULE B—Expenses and Losses

Item number	Description	Amount
1		

Form 706-B (12-80)

Name of deemed transferor: Name of person filing the return:

SCHEDULE C—Charitable Deduction (Applicable Only to Terminations)

Did any property pass to charity as the result of a qualified disclaimer? . . . . . ☐ Yes ☐ No

Item number	Name and address of beneficiary	Type of institution	Amount
1			

Total . . . . . .

Less: (a) Generation-skipping transfer tax payable out of above-listed property interests .

(b) Other taxes payable out of above-listed property interests . . . . . .

Total. Add lines (a) and (b) . . . . . .

Net value. (Enter here and on line 3 of Recapitulation) . . . . . ▶

(If you need more space, attach additional sheets of same size.)

Schedule C

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Name of deemed transferor: Name of person filing the return:

SCHEDULE D—Unified Credit

1 Amount of unified credit from Table B in instructions			1	
2 Adjustment to unified credit (20% of total amount allowed as a specific exemption under section 2521 (as in effect before its repeal by the Tax Reform Act of 1976) for gifts made by the deemed transferor after September 8, 1976)		2		
3 Amount of deemed transferor's estate tax computed before the allowance of any credits		3		
4 Total amount of earlier generation-skipping transfer taxes computed before the allowance of any credits (for the transfers included on line 9 of the Recapitulation Schedule)		4		
5 Add lines 2, 3, and 4			5	
6 Subtract line 5 from line 1 (but not less than zero). Enter here and on line 7 of the Tax Computation on on page 1- ▶			6	

Schedule D

SCHEDULE E—Credit for State Generation-Skipping Death Taxes

1 State generation-skipping death taxes levied on generation-skipping transfers. NOTE: If this is a distribution, enter only the amount paid by the distributee filing this return			1	
2 Amount from line 3 of Tax Computation on page 1 of this return		2		
3 Adjusted taxable gifts from line 10 of Recapitulation Schedule	3			
4 Net value of earlier generation-skipping transfers that occurred more than 3 years before the death of the deemed transferor	4			
5 Add $60,000	5	60,000.00		
6 Add lines 3, 4, and 5		6		
7 Subtract line 6 from line 2		7		
8 Compute State death tax credit on amount on line 7 using Table C in instructions		8		
9 Amount of State death tax credit allowed on deemed transferor's Federal estate tax return	9			
10 Total amount of State generation-skipping death tax credits allowed on earlier generation-skipping transfer tax returns	10			
11 Add lines 9 and 10		11		
12 Subtract line 11 from line 8			12	
13 Enter the percentage from Schedule A, Part I, line (d), (terminations), or Schedule A, Part II, line (b), (distributions), whichever applies			13	%
14 Multiply line 12 by the percentage on line 13			14	
15 Enter smaller of line 1 or line 14 here and on line 13 of the Tax Computation on page 1 ▶			15	

Schedule E

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Form 706-B (12-80) Page 7

Name of deemed transferor: **Name of person filing the return:**

SCHEDULE F—Credit for Tax on Prior Transfers

Name of grantor	Date of grantor's death
Internal Revenue Service office where grantor's estate tax return was filed	Grantor's social security number

Part I Grantor's Tax on Prior Transfers

1 Net value of transfers (not previously considered in determining tax on earlier transfer credit in deemed transferor's estate tax return or on earlier generation-skipping transfer tax returns)	1	
2 Value of grantor's estate (adjusted according to the instructions for Form 706, Schedule Q, line 2)	2	
3 Tax on grantor's estate (adjusted according to the instructions for Form 706, Schedule Q, line 3)	3	
4 Grantor's tax on earlier transfers (proportion of line 3 which line 1 bears to line 2)	4	

Part II Deemed Transferor's Tax on Prior Transfers (Determined as if the Generation-Skipping Transfers Had Been Part of the Deemed Transferor's Gross Estate)

5 Deemed transferor's hypothetical estate tax (determined as if all generation-skipping transfers had been part of the deemed transferor's gross estate) after the allowance of all credits other than the credit for prior transfer tax	5	
6 Deemed transferor's reduced gross estate (hypothetical gross estate minus net value of all prior transfers that qualify either under section 2602(c)(4) or under section 2013)	6	
7 Deemed transferor's deductions (adjusted according to the instructions for Form 706, Schedule Q, line 7)	7	
8 Deemed transferor's reduced taxable estate (subtract amount on line 7 from amount on line 6)	8	
9 Enter amount of adjusted taxable gifts from line 10 of Recapitulation Schedule	9	
10 Add line 8 and line 9	10	
11 Tax on line 10	11	
12 Total gift taxes payable for gifts by deemed transferor after December 31, 1976, including gift taxes paid by deemed transferor's spouse for split gifts (section 2513) if deemed transferor was the donor of such gifts and they are includible in the gross estate	12	
13 Subtract line 12 from line 11	13	
14 Amount of unified credit plus credits for State death tax, gift tax, and foreign death tax that would be allowable if the gross estate were the amount on line 6 and the deductions were those used in determining the amount on line 7	14	
15 Subtract line 14 from line 13 (if less than zero, enter zero)	15	
16 Subtract line 15 from line 5 (if less than zero, enter zero)	16	
17 Deemed transferor's tax on prior transfers (proportion of line 16 which line 1 bears to net value of all prior transfers that qualify either under section 2602(c)(4) or under section 2013)	17	

Part III Credit Allowable

18 Maximum amount before application of percentage requirement (line 4 or line 17, whichever is smaller)	18	
19 Percent allowable is ..... (See Table in the specific instructions for Schedule F.)		
20 Credit allowable (multiply line 18 by percentage on line 19). Enter here and on line 9 of the Tax Computation on page 1 ▶	20	

☆ U.S. GOVERNMENT PRINTING OFFICE : 1981 : O-343-324

Schedule F
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Form **706-B(1)**
(December 1980)
Department of the Treasury
Internal Revenue Service

Information Return by Trustee for Taxable Distribution or Termination From a Generation-Skipping Trust

Tax year beginning _____, 19__, ending _____, 19__

1 Name of deemed transferor

2 Social security number

3 Name of person filing this return

4 Employer identification number of trust

5 Address of person filing this return (number and street, city, State, and ZIP code)

	Yes	No
6 Does this return include taxable distributions or terminations that occurred within 3 years before the deemed transferor's death?		
If "Yes," enter the date of the deemed transferor's death ▶		
7 Has the trust ever loaned any of its assets to any person without disclosing the loan to the IRS?		
If "Yes," enter the amount, interest rate, security for the loan, and name of person in this space ▶		
8 Has there ever been a qualified disclaimer relating to this trust that was not previously disclosed to the IRS?		
If "Yes," attach a copy of the written disclaimer required by section 2518 of the Internal Revenue Code.		
9 Enter the fair market value of the trust at the end of the tax year ▶		
10 Check whether this return is for:		
(a) ☐ Taxable terminations only (complete Part I, Terminations)		
(b) ☐ Taxable distributions only (complete Part II, Distributions)		
(c) ☐ Taxable terminations and distributions (complete Parts I and II)		

Part I Terminations

11 If the deemed transferor died during the current tax year, complete lines 11(a) through 11(c) below. Do not complete line 12.	Date (mo., day, yr.)	Value	Debts, Expenses, and Losses	Charitable Deductions
(a) For terminations that occurred within 3 years before the date of death, enter the date of the termination and the fair market value of the transferred property on the date of death				
(b) For terminations caused by reason of the deemed transferor's death, enter the date of death and the fair market value of the transferred property on the date of death or on the alternate valuation date (if elected)				
(c) For terminations that occurred after the deemed transferor's death that were not caused by reason of the deemed transferor's death, enter the date of the termination and the fair market value of the transferred property on the date of the termination				
12 Do not complete this line if you completed line 11. If the deemed transferor did not die during the current tax year, enter the date of each termination and the fair market value of the transferred property on the date of the termination				

13 The grandchild exclusion that was or will be claimed with respect to the terminations listed above.

Grandchild's name	Date	Social security number	Amount of exclusion
Total . . . . . ▶ 13			

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Part II Distributions

14 Distributions from the trust during this tax year (see instructions):

(a) Code	(b) Recipient's name	(c) Social security number	(d) Relationship to grantor	(e) Description of transferred property	(f) Fair market value of transferred property (see instructions)
A					
B					
C					
D					
E					

15 Do any of the recipients listed above have a different deemed transferor for this trust than the deemed transferor named on line 1? . . . . . Yes ☐ No ☐

If there was a termination during the tax year, figure section 643 income and taxable distributions for two short periods as explained in the instructions. Complete lines 16 through 23 for the first short period and lines 24 through 30 for the second short period. If there was no termination during the tax year, complete lines 16 through 22 for the entire tax year and do not complete lines 23 through 30.

16 Period for which lines 17 through 22 are completed:
☐ Full year ☐ Short period beginning ....., 19....., and ending ....., 19.....

17 Total section 643(b) income for full tax year (or first short period) 17

18 Distributions to charities during full tax year (or first short period) 18

19 Distributions to beneficiaries assigned to generations older than that of the transferees of this deemed transferor during this tax year 19

20 Add lines 18 and 19 20

21 Subtract line 20 from line 17 (but not less than zero) 21

22 Share of taxable distribution allocable to beneficiaries who are transferees of this deemed transferor.

(a) Code	(b) Date of transfer Month	Day	Year	(c) Value	(d) Percent	(e) Share of income	(f) Share of taxable distribution
Total . . . . . ▶				22(c)			22(f)

Do not complete lines 23 through 30 if you completed lines 17 through 22 for the full year. Instead, skip to line 31 and enter the total of line 22, column (f).

23 Excess section 643 income to be applied to the second short period (see instructions) 23

24 Period for which lines 25 through 30 are completed:
beginning ....., 19....., and ending ....., 19.....

25 Total of section 643(b) income for this short period and amount on line 23 25

26 Distributions to charities during this short period 26

27 Distributions to beneficiaries assigned to generations older than that of the transferees of this deemed transferor during this short period 27

28 Add lines 26 and 27 28

29 Subtract line 28 from line 25 (but not less than zero) 29

30 Share of taxable distribution allocable to beneficiaries who are transferees of this deemed transferor.

(a) Code	(b) Date of transfer Month	Day	Year	(c) Value	(d) Percent	(e) Share of income	(f) Share of taxable distribution
Total . . . . . ▶				30(c)			30(f)

31 Add line 22, column (f) and line 30, column (f) and enter here. If this amount is greater than zero, you must file a Form 706–B(2) for each distributee who received a taxable distribution 31

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer other than trustee is based on all information of which preparer has any knowledge.

Signature of trustee ▶ ..... Date ▶ .....

Signature of preparer other than trustee ▶ ..... Date ▶ .....

Address ▶

(If more space is needed, attach additional sheets of same size.) 343-304-1 Form 706–B(1) (12-80)

General Instructions

For Privacy Act Notice, see the instructions for Form 1040.

Purpose of Form.—Form 706–B(1) is an information return that is completed by the trustee of a generation-skipping trust for taxable distributions and taxable terminations. In addition, a Form 706–B(1) must be filed even though the transfer is not taxable because of the grandchild exclusion. The information provided on Form 706–B(1) enables the Service to provide other trustees and distributees, whose transfers have the same deemed transferor, with enough information to complete their returns. In addition, the information provided in Part II, Distributions, enables the trustee to:

(1) Account for distributions made within 3 years of the deemed transferor's death and before the current tax year, as required by section 2603(e) of the Internal Revenue Code;

(2) Reduce the amounts distributed by the section 643(b) income, as required by section 2513(a) of the Code; and

(3) Figure the amount of taxable distributions made during the year to each distributee.

Who Must File.—The trustee must file Form 706–B(1) for terminations and distributions. The trustee need only file one Form 706–B(1) for younger generation beneficiaries who have the same deemed transferor.

When to File.—File the return by the fifteenth day of the third month following the end of the trust's tax year if the only transfers reported are distributions and terminations that occurred before the death of the deemed transferor. However, if you are reporting a distribution or termination that occurred in the tax year of the deemed transferor's death, file Form 706–B(1) by the later of the fifteenth day of the third month after the end of the trust's tax year or the fifteenth day of the third month following the last day allowed for filing the estate tax return.

Where to File.—File Form 706–B(1) with the Internal Revenue Service Center where an estate or gift tax return of the deemed transferor would be filed. The service center addresses are listed below. File the Form 706–B(1) for a nonresident citizen distributee with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19255.

If your legal residence, principal place of business, office or agency is located in	Use this address
New Jersey, New York City and counties of Nassau, Rockland, Suffolk, and Westchester	Internal Revenue Service Center Holtsville, NY 00501
New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Internal Revenue Service Center Andover, MA 05501
District of Columbia, Delaware, Maryland, Pennsylvania	Internal Revenue Service Center Philadelphia, PA 19255
Alabama, Florida, Georgia, Mississippi, South Carolina	Internal Revenue Service Center Atlanta, GA 31101
Michigan, Ohio	Internal Revenue Service Center Cincinnati, OH 45999
Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, Texas	Internal Revenue Service Center Austin, TX 73301
Alaska, Arizona, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming	Internal Revenue Service Center Ogden, UT 84201
Illinois, Iowa, Missouri, Wisconsin	Internal Revenue Service Center Kansas City, MO 64999
California, Hawaii	Internal Revenue Service Center Fresno, CA 93888
Indiana, Kentucky, North Carolina, Tennessee, Virginia, West Virginia	Internal Revenue Service Center Memphis, TN 37501

Form 706–B(2).—If line 31 of Form 706–B(1) is greater than zero, complete a Form 706–B(2) for each distributee. Give it to the distributee before the due date for filing Form 706–B(1). The distributee will need the information you supply on Form 706–B(2) to complete the Form 706–B he or she must file.

Specific Instructions

Part I—Terminations

Lines 11 and 12.—Complete line 11 if the deemed transferor died during the tax year. Complete line 12 if the deemed transferor did not die during the tax year. If you need more space to list terminations, attach a separate sheet to the return. Identify under which of the four categories each of the separately listed terminations was made. Be sure to include the separately listed terminations in the totals for lines 11 and 12.

List only debts, expenses, and losses that are actually paid or accrued at the time you complete this form. List the total debts, etc., for each termination. For more information on what debts, expenses, and losses are deductible, see Schedule B of Form 706–B.

Figure the charitable deduction as you would for Schedule C, Form 706–B. List the total charitable deduction for each termination.

Part II—Distributions

Line 14.—List all distributions from the trust during this tax year. Also include those transfers, for which a Form 706–B(1) was required to be filed, which were made during the 3 years before the deemed transferor's death to younger generation beneficiaries who are transferees of this deemed transferor.

Line 14, column (f).—If the distribution occurred within 3 years before or at the same time as the deemed transferor's death, enter the fair market value of the transferred property on the date of the deemed transferor's death. Otherwise, enter the fair market value of the transferred property on the date of transfer.

Line 16.—If there was no termination for the tax year, check the box marked "Full year." If, in addition to taxable distributions during the tax year of the trust, there if also a taxable termination, check the "Short period" box. You will need to first figure section 643(b) income and distributions for the short period before the termination and then for the short period after the termination.

If the termination was not the result of the deemed transferor's death, the first short period begins on the first day of the trust's tax year and ends on the day before the taxable termination occurs. The second short period begins the day the taxable termination occurs and ends on the last day of the tax year.

If the termination was the result of the death of a deemed transferor, the first short period ends immediately before the termination occurs and the second short period begins immediately after the termination occurs.

Lines 17 through 22.—Complete lines 17 through 22 only for distributions made in the short period (or full year) indicated on line 16. Do not include on lines 17 through 21 information pertaining to distributions made before the current tax year and reported on this form only because they were made during the 3 years before the deemed transferor's death.

Line 19.—Enter distributions made to beneficiaries assigned to generations older than those of the transferees of this deemed transferor. For example, if there are distributions out of trust income and out of trust corpus, treat the distributions to members of the oldest generation (the child of the grantor, for example) as made out of income, to the extent of the income. Treat the distributions to younger generations (the grandchild of the grantor, for example) as made out of any remaining income, and then out of corpus.

Line 22, column (a).—For each distribution the deemed transferor made to transferees during the current tax year and during the 3 years before the deemed transferor's death, enter the code letter from line 14, column (a) that corresponds to the name of the transferee.

Line 22, column (b).—Enter the date of each transfer in column (b).

Line 22, column (c).—For distributions that occurred within 3 years before or at the same time as the deemed transferor's death, enter in column (c) the fair market value of the transferred property on the date of the deemed transferor's death. Otherwise, enter in column (c) the fair market value of the property on the date of transfer.

Line 22, column (d).—For those distributions that occurred in tax years before the current tax year and during the 3 years before the deemed transferor's death, leave column (d) blank. For those distributions that occurred during the current tax year, enter in column (d) the percentage obtained by dividing the amount on each line of column (c) by the total amount of those distributions in column (c) that occurred during the current year.

Line 22, column (e).—For those distributions that occurred before the current tax year and during the 3 years before the deemed transferor's death, enter in column (e) the amount from the corresponding line of the prior Form 706–B (1) that was filed for the distribution for the year it was made. For those distributions that occurred in the current tax year, multiply the amount on line 21 by the percentages in column (d), line 22 and enter the result in column (e), line 22.

Line 22, column (f).—Subtract the amounts in column (e) from the amounts in column (c). Enter the difference in column (f). If any column (e) amount is more than a column (c) amount, enter zero in column (f).

Line 23.—Complete line 23 only if you checked the "Short period" box on line 16. Add those distributions in column (c), line 22 that occurred during the short period entered on line 16. Subtract the total from the amount on line 21 and enter the difference on line 23. If the result is less than zero, enter zero.

Lines 25 through 30.—On these lines list only distributions that occurred during the short period entered on line 24. Complete lines 25 through 30, as explained for lines 17 through 22.

Line 31.—If line 31 is zero and there are no terminations listed in Part I of this form, you do not need to file Form 706–B (1) for this deemed transferor, although you may have to file it for other deemed transferors.

☆ U.S. GOVERNMENT PRINTING OFFICE : 1980—O-343-304

Page 1 of Form 706-B(2) (Page 2 is blank)

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Form **706-B(2)**
(December 1980)
Department of the Treasury
Internal Revenue Service

Beneficiary's Share of a Taxable Distribution From a Generation-Skipping Trust

Tax year beginning _____, 19____, ending _____, 19____

Copy A for Beneficiary to File With Form 706-B

1 Name of deemed transferor	2 Social security number
3 Name of trustee	4 Employer identification number of trust
5 Name of grantor	6 Date trust created
7 Name of beneficiary	8 Social security number

9a Date of transfer Mo.	Day	Yr.	9b Share of taxable distribution
Total . . . ▶			9b

10 Total taxable distributions for the tax year for all beneficiaries who are transferees of this deemed transferor. Enter the amount from Form 706-B(1), Part II, line 31	
11 If you completed Form 706-B(1), Part I, line 11(a), enter the total from that line here. If you did not complete line 11(a) of Form 706-B(1), enter zero here	
12 Enter the total from Form 706-B(1), Part I, line 11(c). If you did not complete that line, enter zero here	
13 Add lines 10, 11, and 12 above	
14 This beneficiary's share of generation-skipping transfers. Divide the total of line 9b on this form by the amount on line 13 above. Enter the result as a percentage on this line	%

(If you need more space, attach additional sheets of same size.)

343-303-1

☆ U.S. GOVERNMENT PRINTING OFFICE: 1980—O-349-303

Form **706-B(2)** (12-80)

Page 3 of Form 706-B(2)

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Form **706-B(2)**
(December 1980)
Department of the Treasury
Internal Revenue Service

Beneficiary's Share of a Taxable Distribution From a Generation-Skipping Trust

Tax year beginning _____, 19____, ending _____, 19____

Copy B for Beneficiary

1 Name of deemed transferor	2 Social security number
3 Name of trustee	4 Employer identification number of trust
5 Name of grantor	6 Date trust created
7 Name of beneficiary	8 Social security number

9a Date of transfer Mo.	Day	Yr.	9b Share of taxable distribution
Total . . . ▶			9b

10	Total taxable distributions for the tax year for all beneficiaries who are transferees of this deemed transferor. Enter the amount from Form 706-B(1), Part II, line 31	
11	If you completed Form 706-B(1), Part I, line 11(a), enter the total from that line here. If you did not complete line 11(a) of Form 706-B(1), enter zero here	
12	Enter the total from Form 706-B(1), Part I, line 11(c). If you did not complete that line, enter zero here	
13	Add lines 10, 11, and 12 above	
14	This beneficiary's share of generation-skipping transfers. Divide the total of line 9b on this form by the amount on line 13 above. Enter the result as a percentage on this line	%

(If you need more space, attach additional sheets of same size.)

343-303-1 ☆ U.S. GOVERNMENT PRINTING OFFICE : 1980—O-343-303 Form **706-B(2)** (12-80)

Page 4 of Form 706-B(2)

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Instructions for Beneficiary

The trustee will complete Form 706–B(2) and give it to you. You will need the information the trustee gives you on Form 706–B(2) to complete the Form 706–B that you must file.

Attach Copy A of the Form 706–B(2) to the Form 706–B that you file.

Page 5 of Form 706-B(2)

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Form **706-B(2)**
(December 1980)
Department of the Treasury
Internal Revenue Service

Beneficiary's Share of a Taxable Distribution From a Generation-Skipping Trust

Tax year beginning . 19 , ending . 19

Copy C for Trustee

1 Name of deemed transferor	2 Social security number
3 Name of trustee	4 Employer identification number of trust
5 Name of grantor	6 Date trust created
7 Name of beneficiary	8 Social security number

9a Date of transfer Mo.	Day	Yr.	9b Share of taxable distribution
Total . . . ▶			9b

10 Total taxable distributions for the tax year for all beneficiaries who are transferees of this deemed transferor. Enter the amount from Form 706-B(1), Part II, line 31	
11 If you completed Form 706-B(1), Part I, line 11(a), enter the total from that line here. If you did not complete line 11(a) of Form 706-B(1), enter zero here	
12 Enter the total from Form 706-B(1), Part I, line 11(c). If you did not complete that line, enter zero here	
13 Add lines 10, 11, and 12 above	
14 This beneficiary's share of generation-skipping transfers. Divide the total of line 9b on this form by the amount on line 13 above. Enter the result as a percentage on this line	%

(If you need more space, attach additional sheets of same size.)

343-303-1

☆ U.S. GOVERNMENT PRINTING OFFICE: 1980—O-343-303

Form **709-B(2)** (12-80)

Page 6 of Form 706-B(2)

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Instructions for Trustee

Complete a separate Form 706-B(2) for each distributee. Give Form 706-B(2) to the distributee within the time required for filing Form 706-B(1) with the Internal Revenue Service. For each distributee, enter on Form 706-B(2), line 9a, the applicable dates from Form 706-B(1), Part II, lines 22 and 30, column (b). Enter on Form 706-B(2), line 9b the applicable amounts from Form 706-B(1), Part II, lines 22 and 30, column (f). Enter on Form 706-B(2), line 10, the total amount from Form 706-B(1), Part II, line 31.

☆ U.S. GOVERNMENT PRINTING OFFICE: 1980—O-343-303

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1754-7]

Revision to State Implementation Plan for Iowa

AGENCY: Environmental Preotection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Under the authority of Section 110 of the Clean Air Act as amended in 1977, the EPA has reviewed and is proposing to approve a State Air Quality Implementation Plan (SIP) revision submitted by the Iowa Department of Environmental Quality (IDEQ). This SIP revision consists of a State-issued variance which will allow the Iowa Army Ammunition Plant (IAAP) to continue disposal of explosive waste and explosive contaminated waste while constructing an incineration system for this purpose.

This proposal is published to notify the public of the EPA's proposed action on this matter and to request comments.

DATES: Comments must be received on or before March 19, 1981.

ADDRESSES: Comments should be addressed to Mary C. Carter at the following address: Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Copies of the state submission are available at the preceding address as well as the following locations:

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

Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On October 19, 1979, the IDEQ submitted an SIP revision which provides for a variance to allow the open burning of explosive waste, and explosive contaminated waste at the Iowa Army Ammunition Plant (IAAP) in Middletown, Iowa. The IAAP is presently constructing two incinerators which will be utilized to dispose of these explosive wastes when completed. This SIP revision would allow the IAAP to continue open burning of explosive waste and explosive contaminated waste until a satisfactory incinerator system can be placed in operation.

The Iowa Department of Environmental Quality granted the Iowa Army Ammunition Plant a variance from 400—4.2(1) of the Iowa Administrative Code (I.A.C.) on June 14, 1979 after notice and public hearing. This variance stipulated a final compliance date of June 1981 for the installation of an explosive waste incinerator and a final compliance date of February 1982 for the installation of an explosive contaminated waste incinerator. The IDEQ has confirmed that construction of the IAAP's incinerators is progressing on schedule with the dates stipulated in the variance granted by the State.

Burning presently takes place in an isolated area, approximately 4500 feet from the closest dwelling and public highway. Burning generally is limited (by the source) to one day a week between the hours of 1:00 and 4:00 p.m. The Environmental Protection Agency has determined that the burning of explosive waste and explosive contaminated waste under these conditions would not violate the National Ambient Air Quality Standard for total suspended particulate (TSP) matter.

The EPA has been informed that the source has agreed with the IDEQ to continue its self-imposed restriction of burning only one day a week between the hours of 1:00 and 4:00 p.m. The State has agreed to amend its variance to the Iowa Army Ammunition Plant to stipulate this restriction.

Proposed Action: The EPA is proposing to approve this SIP revision provided that the IDEQ submits to the EPA a modified variance with the revision described above prior to final action.

The public is invited to submit comments regarding this proposal. Comments received within 30 days will be considered in the EPA's final decision on the SIP revision. The EPA believes the 30 day public comment period is adequate because of the limited scope of this proposal.

Under Executive Order 12044, the EPA is required to judge whether or not a regulation is "significant" and therefore subject to the procedural requirements of that order, or whether it may follow other specialized development procedures. The EPA labels these other regulations "specialized." The EPA has determined that this is a specialized regulation and not subject to the procedural requirements of Executive Order 12044.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the rule described herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper. In addition, this action only applies to one facility.

(Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410)).

Dated: February 4, 1981.

Kathleen Camin,

Regional Administrator.

[FR Doc. 81-5323 Filed 2-13-81; 8:45 am]

BILLING CODE 6560-38-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1070

Grantee Public Affairs; Public Access to Grantee Information

AGENCY: Community Services Administration.

ACTION: Proposed Amendment to a rule.

SUMMARY: The Community Services Administration is filing for comment a proposed amendment to its rule governing public access to grantee information (45 CFR 1070.1). CSA is proposing this amendment in order to clarify to whom the rule applies, to strengthen the section on disclosure of personal data, to require public posting of the regulation, and to eliminate redundant sections.

DATE: Comments received on or before April 20, 1981 will be of use in developing amendments to the Final Rule.

ADDRESS: Please send all comments to: Ms. Esther L. Moore, Office of Community Action, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Ms. Esther L. Moore, telephone 202-254-5047 teletypewriter 202-254-6218.

SUPPLEMENTARY INFORMATION: CSA is amending its policy statement governing the public's access to grantee information (45 CFR 1070.1) in order to:

1. Exempt from disclosure requirements information concerning ventures assisted with Title II or Title VII funds which, if disclosed, would compromise proprietary interests.

2. Exempt *proposals* pending a funding decision by CSA from the requirements for disclosure. The legislative mandate for disclosure, Section 213(a) of the Economic Opportunity Act of 1961, as amended, was designed to insure public accountability for Federal funds. It goes beyond the intent of the legislation to require disclosure of proposals where no Federal funds have been committed. (It should be noted, however, that a CAA will nevertheless be required to make available for public comment its four-year plan of action and its grant application before they are formally approved for submission to CSA, as required by the proposed rule of July 28, 1980, setting out the program management system for CAAs [45 CFR 1067.70].)

3. Prevent disclosure, except under certain circumstances, of personal data on program beneficiaries and of records of employees who are not in senior or policymaking positions.

4. Require grantees to make known the requirements of this subpart to the general public.

CSA has determined that, based on its policy implementing Executive Order 12044, this revision is significant.

William W. Allison,

Acting Director.

It is proposed to revise 45 CFR 1070.1 to read as follows:

Sec.

1070.1–1 Applicability.
1070.1–2 Policy.
1070.1–3 Records to be Disclosed upon Request.
1070.1–4 Disclosure of Information on Program Beneficiaries.
1070.1–5 Disclosure of Information Concerning Ventures.
1070.1–6 Making Records Available upon Request.
1070.1–7 Public Posting.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1070.1–1 Applicability.

This subpart applies to all grants made under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended (the Act), when the assistance is administered by the Community Services Administration (CSA).

§ 1070.1–2 Policy.

(a) Section 213 of the Act mandates that grantees funded under Title II and their delegate agencies disclose to the public upon request those records described in Section 3 of this Subpart. CSA is administratively extending this requirement to Titles IV and VII.

(b) The grantee may request consideration of an extension from the requirement for disclosure in cases where the grantee believes that the disclosure of such documents would involve an invasion of privacy or would interfere with its decisionmaking processes. For example, information related solely to the internal personnel rules and practices of the agency; memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency; and personnel, medical files and similar files the disclosure of which constitute a clearly unwarranted invasion of personal privacy. A request for exception will be in the form of a letter to the appropriate administering office which describes the document and provides a full explanation of the justification for the grantees conclusion that the document is not of a public nature.

§ 1070.1–3 Records to be disclosed upon request.

Except as provided in Sections 4 and 5 of this Subpart, the grantee or its delegate agency shall make the following records available to the public upon request:

(a) The grantee's application for assistance under the Act, once CSA has approved it for funding; the statement of grant or similar document indicating approval of the application and extension of assistance by CSA; and all documents authorizing changes in the grant.

(b) Copies of all written statements and affidavits filed with the grantee pursuant to the requirements of paragraph (c) of § 1070.2–5 of this Part.

(c) All books of account maintained by the grantee in connection with any project which receives financial assistance from CSA.

(d) All contracts made in connection with any project which receives financial assistance from CSA, including delegate agency contracts, contracts for the purchase of goods and services, purchase orders, invoices, and other documents evidencing the expenditure of CSA grant funds.

(e) All report forms submitted by the grantee to CSA in connection with a project which receives financial assistance from CSA, except reports which contain information about persons who are clients or beneficiaries of the project.

(f) Articles of incorporation and bylaws of any private nonprofit grantee, official acts governing the creation and operation of a governmental grantee, and similar documents which provide the basic authority of the grantee or the basic rules of its governance.

(g) Where not prohibited by law, the names of all current and past Executive Directors, their deputies, if applicable, and other senior staff who have been paid in part or in full with funds provided by CSA together with job descriptions and rates of compensation. For other positions the grantee shall disclose only the number of employees in each position, the applicable job description, and the salary range.

(h) Statements or records of all actions related to the development, conduct, or administration of any project assisted under the Act which were taken (as distinguished from reports of discussion) at all meetings of any board, committee, or governing body of the grantee which has the power to make decisions on behalf of the grantee or to advise the grantee on policy.

(i) Lists of the names and addresses of all current members of boards, committees, or governing bodies which are or have been responsible for making policy or for advising on policy in connection with a project which receives financial assistance from CSA.

(j) Current and past budgets of the grantee for all projects which receive financial assistance from CSA and reports of completed audits of the accounts of the grantee required by Section 243 of the Act.

(k) Current and past city, state, and Federal tax returns filed by the grantee for CSA related projects, but not tax statements filed on behalf of employees, such as the W–2 Form.

(l) The grantee's written procedures for reviewing denials of assistance to beneficiaries as required in Subpart 1067.7 of this Part.

§ 1070.1–4 Disclosure of information on program beneficiaries.

(a) Neither the grantee nor its delegate agency shall disclose personal information concerning a beneficiary of a project which receives financial assistance from CSA.

(b) The grantee shall keep private information concerning beneficiaries collected in connection with any project which receives financial assistance from CSA and shall disclose it only under the following circumstances:

(1) With the consent of the individual or his/her parent or guardian;

(2) In a form which does not identify individuals (for example, information reflecting the total number of program beneficiaries, or the total amount of benefits received by all beneficiaries, or the average amount of benefits received by beneficiaries, etc.); or

(3) Upon determination by the CSA funding official that the public interest

in disclosure clearly outweighs the privacy of the beneficiary.

§ 1070.1-5 Disclosure of information concerning ventures.

A grantee or its delegate agency may withhold from disclosure certain information concerning ventures assisted with Title II or Title VII funds on the grounds that the information, if disclosed, would harm the competitive position of the venture. This information may include feasibility studies, business plans, cost analyses, certified balance sheets, profit and loss statements, cash-flow projections, etc. The grantee or the delegate agency shall inform the appropriate CSA administering office within 5 working days that it has withheld information on these grounds. CSA will make the final determination on the appropriateness of disclosing the information.

§ 1070.1-6 Making records available upon request.

(a) The grantee shall make available the records described in Section 3 of this Subpart to the public within 10 days of request. These records shall be available during regular business hours on each regular workday (Monday through Friday of each week, with official local holidays excepted) at its principal office.

(b) If the records are being used for official purposes at the time a request is made, the grantee shall make the records available no later than ten days after receipt of the request.

(c) The grantee may satisfy a request for disclosure by making available for examination either the original or a copy which is both legible and capable of being legibly photocopied. The grantee shall furnish facsimile copies upon request. The grantee may charge a fee of $1.50 per quarter hour for record searches and a fee of $0.10 per copy for duplication.

§ 1070.1-7 Public posting.

The grantee shall assure that the requirements of this Subpart are made known to the general public. The grantee may do so by posting the requirements in a prominent place at the principal office of the grantee, at the county court house, at the city hall of each major city within the area, at any place where official notices are regularly posted, and/or at any place within the community which the representatives of the poor on the grantee's board or committee may designate.

[FR Doc. 81-5100 Filed 2-13-81; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 50, 54, 56, 58, and 61

[CGD 77-147]

Marine Engineering Regulations for Merchant Vessels; Acceptance of ASME U or UM Symbol Stamp for Pressure Vessels, Fittings, and Accumulators

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period for proposed rules.

SUMMARY: In the Federal Register of December 29, 1980, (45 FR 85488) the Coast Guard proposed changes in pressure vessel requirements. This notice extends the public comment period to March 12, 1981. The original closing date for public comments was February 12, 1981. This action has been taken in response to three requests for additional time to review the proposed rules.

DATES: As discussed above, the public comment period has been extended to March 12, 1981.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/24), (CGD 77-147), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to and will be available for examination at the Marine Safety Council (G-CMC/24) Room 2418, 2100 Second Street SW., U.S. Coast Guard Headquarters, Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:

Mr. Howard Hime, c/o Commandant (G-MMT/12), U.S. Coast Guard, Washington, DC 20593, (202) 426-2160.

Drafting Information

The principal persons involved in drafting this document are Mr. Howard Hime, Office of Merchant Marine Safety and Mr. William R. Register, Office of Chief Counsel.

(Sec. 5, 49 Stat. 1384 (46 U.S.C. 369); R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152, as amended (46 U.S.C. 390b); § 5, Pub. L. 95-474, 92 Stat. 1480 (46 U.S.C. 391a); § 1, Pub. L. 85-739, 72 Stat. 833, as amended (46 U.S.C. 404); Pub. L. 93-370, 88 Stat. 423 (46 U.S.C. 4110; R.S. 4462, as amended (46 U.S.C. 416); § 1, Pub. L. 86-244, 73 Stat. 475 (46 U.S.C. 481); § 17, 54 Stat. 166 (46 U.S.C. 526p); § 4, 67 Stat. 462 (43 U.S.C. 1333(d)); § 3, 68 Stat. 675 (50 U.S.C. 198); § 6, 80 Stat. 938 (49 U.S.C. 1655(b); E.O. 12234, 45 FR 58801; 46 FR 1.46)

Clyde T. Lusk,

Office of Merchant Marine Safety, Acting Chief.

February 10, 1981.

[FR Doc. 81-5322 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL MARITIME COMMISSION

46 CFR Part 520

[Docket No. 81-16]

Exemption of Certain Agency Agreements Involving Solicitation and Booking of Cargo, and Signing Contracts of Affreightment and Bills of Lading; Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rulemaking.

SUMMARY: This rule would exempt certain agency agreements from the filing and approval requirements of section 15 of the Shipping Act, 1916. Experience has shown that this exemption would not impair the Commission's effective regulation. The exemption will further reduce regulatory requirements.

DATE: Comments (original and 15 copies) due on or before April 20, 1981.

ADDRESS: Address comments and inquiries to: Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Maritime Commission is considering the promulgation of a rule to exempt from the filing and approval requirements of section 15 of the Shipping Act, 1916 (46 U.S.C. 814) certain agency agreements providing for the solicitation and booking of cargo, signing of contracts of affreightment and signing of bills of lading.

Agency agreements generally fall into two categories. The first includes husbanding agreements. These agreements deal with routine vessel operating activities in port such as notifying port officials of vessel arrivals and departures; ordering pilots, tugs, and linehandlers; delivering mail; transmitting reports and requests from the Master to the owners/operators; arranging bunkers, stores, repairs, water, and garbage disposal; assisting with passengers and crew matters; and related services. These types of agreements have already been

exempted from the filing and approval requirements of section 15 of the Shipping Act, 1916, in Docket No. 80-36 (46 CFR 520, 45 FR 55729).

The second category of agency agreements involves the solicitation and booking of cargo, and signing contracts of affreightment and bills of lading. Under current industry conditions, these agreements have no significant impact on competition and while they are now required to be filed for approval, they are rarely protested or made the subject of formal Commission proceedings. The delay in the implementation of business arrangements and the cost and expense to the parties associated with the administrative processing of these agreements do not appear to be offset by any corresponding regulatory benefits under the Act. Moreover, except as described below, these agreements do not appear to provide for the type of relationships or activities that warrant section 15 scrutiny.

Section 35 of the Shipping Act, 1916 (46 U.S.C. 833a) provides that the Commission, upon application or on its own motion, may by order or rule exempt any class of agreement between persons subject to the Act, where it finds that such exemption will not impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce. Based on the information presently before the Commission, the exemption of the second category of agency agreements described above would present no impairment to the Commission's effective regulation of the parties' activities under the subject agreements, nor would it be unjustly discriminatory or detrimental to commerce. However, in order to facilitiate any investigation of such agreements should a complaint be made against them, the Commission will require that the agreements be kept by the parties and be available for inspection by the Commission during the agreements' term and two years thereafter.

The proposed exemption would not confer antitrust immunity. Section 15 consideration will, however, remain available to parties requesting it.

The exemption proposed to be granted herein does not apply, however, to agency agreements between common carriers competing in the same trade. The Commission believes that agency agreements between competitors should continue to be examined by it. Similarly, arrangements permitting agents to represent different carriers in the same trade should be reviewed by the Commission under the standards of section 15.

Accordingly, pursuant to sections 15, 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a, and 841a), Part 520 of Title 46 CFR is proposed to be amended in the following respects:

1. Change the Part title to read "Exemption of Husbanding and Agency Agreements."

2. Designate existing Part 520 as "Subpart A—Husbanding Agreements."

3. Add a new "Subpart B—Agency Agreements" reading as follows:

PART 520—EXEMPTION OF HUSBANDING AND AGENCY AGREEMENTS

Subpart B—Agency Agreements

Sec.
520.10 Purpose and scope.
520.11 Definition.
520.12 Exemption.
520.13 Termination of approved agency agreements.
520.14 Optional section 15 approval.

Authority: Sections 15, 35, and 43; 46 U.S.C. 814, 833a, and 841a.

§ 520.10 Purpose and scope.

(a) Section 15 of the Shipping Act, 1916 requires that certain agreements between common carriers by water and other persons subject to the Act be filed with and approved by the Commission prior to implementation. Section 35 of the Act provides that the Commission, upon application or on its own motion, may by order or rule exempt any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Act, where it finds that such exemption will not impair effective regulation by the Commission, be unjustly discriminatory, or detrimental to commerce.

(b) In the interests of minimizing unnecessary expense and delay in the implementation of agency agreements between persons subject to the Act, this part provides for the exemption of certain agency agreements from the filing and approval requirements of section 15.

(c) The exemption does not apply to agency agreements where:

(1) a common carrier is to be an agent for a competing carrier in the trade, and

(2) the agent will represent two principals in the same trade.

§ 520.11 Definitions.

As used in this part, agency agreements are agreements between persons subject to the Shipping Act, 1916, which provide for the agent's solicitation and booking of cargoes, and signing contracts of affreightment and bills of lading, on behalf of a common carrier by water. Such agreements may or may not also include husbanding service functions.

§ 520.12 Exemption.

Agency agreements between persons subject to the Act, except agency agreements where: (a) a common carrier is to be an agent for a competing carrier in the trade, and (b) the agent will represent two principals in the same trade, are hereby exempted from the filing and approval requirements of section 15. Exempted agreements shall be kept on file by the parties and shall be available for inspection by the Commission during the term of the agreement and two years thereafter.

§ 520.13 Termination of approved agency agreements.

Agency agreements which have received section 15 approval shall continue to be approved for the duration of their term or until terminated by the parties. When such approved agreements are terminated by the parties, such parties shall immediately notify the Commission.

§ 520.14 Optional section 15 approval.

Notwithstanding the provisions of this part, persons who desire approval of agency agreements may continue to submit such agreements to the Commission for section 15 consideration in accordance with ordinary filing procedures.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5330 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[Docket No. 20423]

Cable Television Systems; and Postponement of Divestiture Requirements of Section 76.501 Relative to Prohibited Cross-Ownerships in Existence on or Before July 1, 1970; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of reply comment period.

SUMMARY: Order extends the time for filing reply comments in Docket 20423, which has proposed requiring divestiture of all existing cross-ownerships between broadcast television stations and cable television

systems located within the Station's Grade B contour. The extension is granted to allow parties additional time to formulate reply comments to comments filed after the closing date of the comment period which was January 8, 1980.

DATES: Reply comments are now due on or before February 23, 1981.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Deborah L. Stuehrmann or William H. Johnson, Cable Television Bureau, (202) 632–6468.

SUPPLEMENTARY INFORMATION:

Adopted: February 3, 1981.

Released: February 4, 1981.

In the matter of amendment of Part 76, Subpart J, of the Commission's Cable Television Rules and Regulations Relative to Cable Television Systems; and Postponement of Divestiture Requirements of Section 76.501 Relative to Prohibited Cross-Ownerships in Existence on or before July 1, 1970.

By the Chief, Cable Television Bureau:

1. Comments in this proceeding, a Further Notice of Proposed Rulemaking, which has proposed requiring divestiture of all existing cross-ownerships between television broadcast stations and cable television systems located within the grade B contour of the cross-owned station, were due on January 8, 1981. A number of comments, however, were filed after that date (the last being filed January 22, 1981 by the National Citizens Committee for Broadcasting) and Chronicle Broadcast Co., *et al.* have now requested that the date for reply comments be extended to February 23, 1980 in order that adequate time be available for the preparation of responses.

2. Good cause having been shown, it is ordered that the date for filing reply pleadings in this proceeding is extended until February 23, 1981.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288 of the Commission's Rules.

Federal Communications Commission.

Willard R. Nichols,

Chief, Cable Television Bureau.

[FR Doc. 81-5327 Filed 2-13-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039, 1090 and 1300

[Ex Parte 230 (Sub-5)]

Improvement of Trailer-on-Flatcar and Container-on-Flatcar (TOFC/COFC) Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Notice of change of proposed effective date of proposed rule (exemption).

SUMMARY: In this proceeding at 45 FR 79123, November 28, 1980, the Commission proposed to exempt rail and truck service provided by rail carriers in connection with trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) service from Title 49, Subchapter IV of the U.S. Code. The proposed exemption is based on findings that regulation is not necessary to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from the abuse of market power by railroads. The proposed exemption is intended to remove unnecessary regulation and to permit railroads to market TOFC and COFC services in response to demand for the services.

An extension of time was granted in this proceeding at 45 FR 85133, December 24, 1980. Comments were due December 29, 1980, and changed to the due date of January 12, 1981. The proposed effective date previously January 27, 1981, was extended to February 10, 1981.

We shall extend the effective date of any rules adopted in that decision to March 23, 1981.

DATE: The proposed effective date for rules issued in this proceeding is March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Petitions to stay the February 10, 1981 effective date of the proposed regulations were filed by the American Trucking Associations, Inc., Gulf Ports Association, Inc., and Monsanto Company. Totem Ocean Trailer Express, Inc. requests that we postpone the effective date of the regulations until the Commission has responded to the comments submitted in this proceeding. Sea-Land Service requests the Commission give advance notice of our intentions at least five days prior to the effective date or hold a public meeting. The Commission intends to serve its decision with due consideration of the comments in the near future. We shall extend the effective date of any rules adopted in that decision to March 23, 1981. This extension removes any procedural questions concerning notice and comment. Moreover, the extension shall give parties, including the Federal Maritime Commission, additional time to adjust to any exemption we may adopt. Finally, in light of this action, it is unnecessary to grant Sea Land's alternative request for an open meeting.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioner Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum dissenting with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum, Dissenting

Today's notice can only increase the confusion and uncertainty surrounding the Commission's handling of this rulemaking. Procedurally, the notice establishes a March 23 effective date without making a commitment on the service date of a final rule; this may leave the parties with inadequate time to prepare for implementation. To agree upon a service date that allows us to give further consideration to the comments in no way prejudges the case on its merits. Moreover, since the Commission believes that the issue of exempting railroad affiliated motor carriers should be specifically noticed for public comment, this should be done immediately. Further delay precludes the possibility of both the rail and motor carrier aspects being decided simultaneously.

[FR Doc. 81-5329 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 31
Tuesday, February 17, 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

Agricultural Marketing Service, Packers and Stockyards, Van Alstyne Livestock Commission, Inc., Van Alstyne, Texas; Proposed Posting of Stockyards

The Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, U.S. Department of Agriculture, has information that the livestock market named below is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

TX-320 Van Alstyne Livestock Commission, Inc., Van Alstyne, Texas

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any persons who wishes to submit written date, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, by March 4, 1981.

All written submissions made pursuant to this notice shall be made available for public inspection in the Office of the Chief of the Rates and Registrations Branch during normal business hours.

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

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-5340 Filed 2-13-81; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

Price-Undercutting of Domestic Swiss Cheese by Imported German Swiss Cheese

On January 13, 1981, the U.S. Department of Agriculture received a complaint alleging price-undercutting of domestic Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany. Under Section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39), the Secretary of Agriculture must conduct a price-undercutting investigation and make a determination as to the validity of the allegation no later than 30 days after receiving a complaint.

Based on the investigation of the Director of the Dairy, Livestock and Poultry Division, Foreign Agricultural Service, pursuant to the regulations at 7 CFR 6.40-6.44, I have determined that the duty-paid wholesale price of imported Swiss cheese produced in the Federal Republic of Germany is $1.69 per pound, and that the domestic wholesale market price of U.S. produced Swiss cheese is $1.89 per pound. I, therefore, have determined that there is price-undercutting of U.S. produced Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany and I have notified the United States Trade Representative accordingly.

Done at Washington, D.C. this 12th day of February 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-5369 Filed 2-13-81; 8:45 am]

BILLING CODE 3410-10-M

CIVIL AERONAUTICS BOARD

[Docket 38733]

Continental-Western Merger Case; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on Thursday, February 26, 1981, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before Tuesday, February 17, 1981, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., February 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-5343 Filed 2-13-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39030]

Eastern Air Lines, Inc., Service Suspension Enforcement Proceeding; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-titled proceeding now assigned to be held on February 12, 1981 (46 FR 11569, February 9, 1981) is postponed until March 2, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 11, 1981.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 81-5344 Filed 2-13-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33361, 32412]

Former Large Irregular Air Service Investigation and Application of Eric C. Pearson d.b.a. Pearson Alaska Airlines; Reassignment of Proceeding

This proceeding, insofar as it involves the application of Eric C. Pearson d.b.a. Pearson Alaska Airlines, Docket 32412, has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., February 11, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-5345 Filed 2-13-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39154]

International Air Cargo, Inc.; Application for an All-Cargo Air Service Certificate

January 30, 1981.

In accordance with Part 291 (14 CFR Part 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 39154, from *International Air Cargo, Inc.* P.O. Box 523118, Miami, Florida 33152 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 10, 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.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-5341 Filed 2-13-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) New Jersey Steel Corporation, Box 11, Sayreville, New Jersey 08872, a producer of steel bars (accepted January 22, 1981); (2) Penn-Dixie Steel Corporation, 1111 South Main Street, Kokomo, Indiana 46901, a producer of wire rod and wire products (accepted January 27, 1981); (3) The Budd Nail Company, 4580 East 71st Street, Cleveland, Ohio 44105, a producer of steel nails (accepted January 27, 1981); (4) St. Croix of Park Falls, Ltd., P.O. Box 279, Park Falls, Wisconsin 54552, a producer of fiberglass fishing rods, billiard cues and tubes (accepted January 29, 1981); (5) Alverton Coke Company, Inc., 101 North Church Street, Mount Pleasant, Pennsylvania 15666, a producer of coke (accepted January 30, 1981); (6) Randolph Mills, Inc., P.O. Box 8, Franklinville, North Carolina 27248, a producer of flannel and other fabrics, and rolling mill products (accepted January 30, 1981); (7) J. C. L., P.O. Box 1465, City of Industry, California 91749, a producer of bicycle accessories (accepted January 30, 1981); (8) Northwest Builder's Supply, P.O. Box 1171, Mount Vernon, Washington 98273, a producer of red cedar & fir siding lumber (accepted January 30, 1981); (9) L & W Engineeering Company, Inc., 6771 Haggerty Road, Belleville, Michigan 48111, a producer of automotive metal stampings and welded assemblies (accepted February 2, 1981); (10) Mount Baker Cedar, Inc., 380 Highway 101 West, Port Angeles, Washington 98362, a producer of cedar shakes (accepted February 2, 1981); (11) Product Assurance Corporation, 16782 Half Avenue, Irvine, California 92714, a producer of microphones and amplifiers (accepted February 3, 1981); (12) Tennessee Textiles, Inc., P.O. Box 67, Jackson, Tennessee 38314, a producer of unfinished woven fabrics (accepted February 4, 1981); (13) Belmont Manufacturing Company, Inc., 221 North 13th Street, Philadelphia, Pennsylvania 19107, a producer of women's blouses, shirts, skirts, pants and dresses (accepted February 5, 1981); (14) Enfield Farm, 1064 Birch Bay—Lynden Road, Lynden, Washington 98264, a producer of raspberries and strawberries (accepted February 5, 1981); (15) Herbert Kanzer, Inc., 247 West 38th Street, New York, New York 10018, producer of women's coats and suits (accepted February 6, 1981); (16) Randon Knitwear, Inc., Box 270, Graham, North Carolina 27253, producer of women's tops and slacks (accepted February 6, 1981); and (17) Jake Maberry Berry Farm, 816 Loomis Trail Road, Lyndenm, Washington 98264, producer of raspberries and strawberries (accepted February 9, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230; no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-5288 Filed 2-13-81; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Articles of Quota Cheese; Annual Listing of Foreign Government Subsidies

AGENCY: International Trade Administration, Commerce

ACTION: Publication of List of Foreign Government Subsidies on Articles of Quota Cheese.

SUMMARY: Section 702(a) of the Trade Agreements Act of 1979 (19 U.S.C. 1202 note) ("the TAA") requires the Department of Commerce to determine, in consultation with the Department of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of each such subsidy determined to exist. The current list is published below.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3173).

SUPPLEMENTARY INFORMATION: The Department of Commerce ("the

Department") has developed, in consultation with the Department of Agriculture, information on subsidies as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.The Appendix to this notice lists the country, the subsidy program, and the gross and net amount of each subsidy on which information is currently available. The Department will incorporate any additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on subsidy programs administered by foreign governments which benefit articles of quota cheese, to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

This determination and notice publication are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration

February 10, 1981.

Appendix.—*Quota Cheese Subsidy Programs*

Country	Program(s)	Cents per pound	
		Gross [1] subsidy	Net [2] subsidy
Belgium	European Community (EC) restitution payments.	51.8	51.8
Canada	Export assistance on certain types of cheeses.	17.0	17.0
	Indirect (milk) subsidy	20.4	20.4
		37.4	37.4
Denmark	EC restitution payments	28.2	28.2
Finland	Export subsidy	85.0	85.0
	Indirect subsidy	22.0	22.0
		1.07	1.07
France	EC restitution payments	20.4	20.4
Ireland	EC restitution payments	15.8	15.8
Italy	EC restitution payments	55.7	55.7
Luxembourg	EC restitution payments	51.8	51.8
Netherlands	EC restitution payments	27.4	27.4
Norway	Indirect (milk) subsidy	24.5	24.5
	Consumer subsidy	54.4	54.4
		78.9	78.9
Portugal	Indirect (milk) subsidy	35.4	35.4
	Direct subsidy on all sales of Gouda cheese.	23.5	23.5
		58.9	58.9
Switzerland	Deficiency payments	66.0	66.0
United Kingdom, West Germany	EC restitution payments	21.8	21.8
	EC restitution payments	21.7	21.7

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 81-5289 Filed 2-13-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Coastal Zone Management Advisory Committee

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, march 5–6, 1981. The meeting will commence at 9:00 A.M. on March 5, and 9:00 A.M. on March 6. The meetings will be held in the Navy Conference Room, Page I Building, 2001 Wisconsin Avenue, N.W., Washington, D.C.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 2:30 P.M. until 3:00 P.M. on March 6, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairperson retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Committee Control Officer in advance of the meeting. A written version of an oral statement or a written statement may be submitted to the Committee Control Officer before or after the meeting, or may be mailed within five days to: Coastal Zone Management Advisory Committee, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, Attn: Ms. JoAnn Chandler, Committee Control Officer, CZM Advisory Committee. All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at (202) 634–4245.

The items for Committee discussion at the meeting will include the following:

March 5

9:00 A.M.—Call to Order—Barbara Fegan, Chairperson
9:15 A.M.—Report by NOAA Officials to CZMAC
Coffee
10:15 A.M.—The NOAA/CZM *Budget*
11:15 A.M.—*Coastal Energy Impact Program*
12:30 P.M.—Lunch
2:00 P.M.—Ports/Coal Policy, Examination of Issues relating to port development and coal issues.
3:00 P.M.—Lecture/Films on coastal zone issues
4:00 P.M.—Adjourn

March 6, 1981

9:00 A.M.—Call to Order—Barbara Fegan, Chairperson
9:15 A.M.—*New CZM Rules and Regulations.* Discussion of new regulations and their impact on coastal management policy
10:30 A.M.—Coffee
10:45 A.M.—*Federal Coastal Program Review*
12:30 P.M.—Lunch
2:00 P.M.—*Review of Committee Business*
2:30 P.M.—Public Statements
3:00 P.M.—Adjourn

The meeting will be devoted to an analysis and commentary on the above areas as they relate to the management of the coastal zone.

Dated: February 11, 1981.

Donald W. Fowler,

Deputy Assistant Administrator, Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 81-5304 Filed 2-13-81; 8:45 am]

BILLING CODE 3510-08-M

COMMODITY FUTURES TRADING COMMISSION

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Amendments to the Silver Futures Contract of the Commodity Exchange, Inc.

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rule amendments of contract market.

SUMMARY: The Commodity Exchange, Inc. ("Comex"), proposes to amend its silver futures contract by reducing the size of the unit of trading and deliverable bar weight from 5,000 to 1,000 troy ounces. The Commodity Futures Trading Commission ("Commission") has determined that the proposed amendments to this contract are of major economic significance and that, accordingly, publication of the proposed amendments is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 19, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to Comex Silver Futures Contract Amendments.

FOR FURTHER INFORMATION CONTACT: Wendy E. Robinson, Staff Attorney, Division of Trading and Markets,

Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. § 7a(12) (Supp. III 1979), has determined that proposed amendments to bylaw sections 927, 930, 931, 932(b), 932(e), rules 4, 6(g) and 7 and regulation No. 41 of the Commodity Exchange, Inc. ("Comex" or "Exchange"), concerning its 5,000 troy ounce silver futures contract are of major economic significance. The proposed amendments would reduce the size of the Exchange's silver contract from 5,000 to 1,000 troy ounces.

The changes contemplated by Comex's submission could affect the volatility and liquidity of the silver futures market and the use of the market as a hedging mechanism. The proposed amendments would allow trading in the 5,000 ounce contract to continue for months listed prior to the effective date of the subject amendments. However, the size of the unit of trading and deliverable bar weight would be reduced to 1,000 troy ounces for each month listed thereafter. The rules as amended also would assure the availability of procedures for the substitution of warehouse and vault receipts which reflect the contract's change.

The amendments to Comex bylaw sections 927, 930, 932(b), 932(e), rules 4, (g) and 7 and regulation No. 41 concerning the silver futures contract are printed below showing deletions in brackets and additions underscored:

Tenderable Silver

Section 927. (a) In fulfillment of every contract of silver, the seller must deliver [four (4) or five (5)] *one (1)* bar[s] of refined silver weighing [each cast in bars of] 1,000 *or 1,100* troy ounces *(10% more of less)* [or 1,100 troy ounces with tolerances above and below said weights customary in the trade, weighing in the aggregate 5,000 troy ounces (6% more or less)], assaying not less than 999 fineness and made up of one [or more] of the officially listed brands or markings as provided in Section 928 of these By-Laws, current at the date of delivery of such silver.

(b) Notwithstanding the provisions of paragraph (a) above:

(1) in fulfillment of [an even number of] *ten (10)* contracts of silver, a seller may deliver for each *ten (10)* [two (2)] contracts of silver, eight (8), nine (9), ten (10) or eleven (11) bars of refined silver cast in bars of 1,000 troy ounces or 1,100 troy ounces (in either case with tolerances above or below said weights customary in the trade), weighing in the aggregate 10,000 troy ounces (5% more or less), assaying not less than 999 fineness and made up of one or more of the officially listed brands or markings as provided in Section 928 of these By-Laws, current at the date of delivery of such silver;

(2) *in fulfillment of five (5) contracts of silver, a seller may deliver for each five (5) contracts of silver, four (4) or five (5) bars of refined silver cast in bars of 1,000 troy ounces or 1,100 troy ounces (in either case with tolerances above or below said weights customary in the trade), weighing in the aggregate 5,000 troy ounces (6% more or less), assaying not less than 999 fineness and made up of one or more of the officially listed brands or markings as provided in Section 928 of these By-Laws, current at the date of delivery of such silver;* provided, however, that a seller may deliver bars [cast in 1,100 troy ounces] *of silver pursuant to this Section 927(b)* only if

(i) such bars were placed in an Exchange-licensed warehouse or vault prior to [April 29, 1974]———, *1981,* have remained continuously in a licensed warehouse or vault to the time of delivery; or

(ii) such bars were placed in an Exchange-licensed warehouse or vault on or after [April 29, 1974]———, *1981,* have remained continously in a licensed warehouse or vault to the time of delivery, and are being delivered *in fulfillment of a contract of silver entered into on or after [April 29, 1974]———, 1981 by a party (or a successor in interest to such party) who received such bars* in fulfillment of a contract of silver entered into on the Exchange prior to [April 29, 1974]———, *1981;* or

(iii) such bars are being delivered in fulfillment of a contract of silver entered into on or after [April 29, 1974]———, 1981 by a party (or a successor in interest to such party) who received such bars in a transaction pursuant to (ii) above.

(c) The Exchange will deliver to holders of vault or warehouse receipts covering 10,000 troy ounces of refined silver (5% more or less) *or 5,000 troy ounces of refined silver (6% more or less)* and which pursuant to paragraph (b) of this Section 927 may be used in fulfillment of contracts of silver on the Exchange, *either five (5) or ten (10)* [two] vault or warehouse receipts, *as the case may be,* each for [5,000] *1,000 or 1,100* troy ounces ([6%] *10%* more or less) of refined silver and otherwise meeting the quality and quantity requirements of paragraph (a) of this Section 927 in exchange for each such receipt for 10,000 *or 5,000* troy ounces of silver. All such exchanges will be effected at the sole cost and expense of the Exchange and in accordance with such regulations as the Exchange from time to time may adopt.

Form of Silver Contract

Section 930. All contracts for the future delivery of silver shall be in the following form:

Commodity Exchange, Inc.

Silver Contract

New York, N.Y.———19—

A.B. & Co. has this day (sold—), (bought) and agreed to (receive from), (deliver to—)———C.D. [5,000] *one (1) bar of refined silver weighing 1,000 or 1,100* troy ounces ([6%] *10%* more or less) [of bar silver (in bars weighing within the limits specified in Section 927)] assaying not less than 999 fineness and bearing one [or more] of the brands or markings listed upon the official list of the Exchange, at the price of———cents per ounce in accordance with the provisions of the By-Laws, Rules and Regulations of Commodity Exchange, Inc., deliverable from licensed or designated warehouse or vault in the City of New York, between the first and last delivery days of———, inclusive, the delivery within such time to be at seller's option, upon notice to buyer as provided by the By-Laws, Rules and Regulations of Commodity Exchange, Inc.

Either party may call for margin, as the variations of the market for like deliveries may warrant, which margin shall be kept good.

This contract is made in view of, and in all respects subject to the By-Laws, Rules and Regulations of Commodity Exchange, Inc.

For and in consideration of one dollar to the undersigned, in hand paid, receipt whereof is hereby acknowledged, the undersigned accepts this contract with all its obligations and conditions.

Verbal contracts (which shall always be presumed to have been made in the approved form) shall have the same standing, force and effect as written ones, if notice in writing of such contracts shall have been given by one of the parties thereto to the other party during the day on which such contract is made.

Warehouse or Vault Receipts for Silver

Section 931. After silver has been placed in licensed or designated warehouse or vault, accompanied by itemized bar list showing brand, bar

numbers and weight as stamped on the bars, negotiable warehouse or vault receipts stating the brand or markings, serial numbers, and the number of bars, shall be issued to its owners. Receipts shall be lettered on numbered consecutively by each warehouse or vault and no two receipts shall bear the same letter or number.

No receipt shall be issued for more or less than one contract unit, except a receipt may be issued for [two (2)] *five (5) or ten (10)* contract units in the following circumstances:

(a) for *5,000 or* 10,000 troy ounces of silver cast in bars of 1,100 troy ounces, provided that such bars may be delivered pursuant to Section 927(b) of these By-Laws;

(b) for 10,000 troy ounces of silver cast in bars of 1,000 troy ounces, provided that such silver is placed in an Exchange-licensed vault or warehouse prior to September 27, 1974; [or]

(c) for 5,000 troy ounces of silver cast in bars of 1,000 troy ounces, provided that such silver is placed in an Exchange licensed warehouse or vault prior to———, 1981; or

[(c)] *(d)* in substitution for receipts issued pursuant to paragraphs (a) or (b) *or (c)* above which have been filled with endorsements and have been surrendered to the warehouseman for issuance of a substitute receipt in accordance with the Regulations of the Exchange.

Delivery of Silver

Section 932

* * * * *

(b) Negotiable warehouse or vault receipts as provided in these By-Laws, issued and signed by a licensed Warehouseman, and endorsed as provided in this section and accompanied by (i) invoice, (ii) itemized bar list showing brand, bar numbers and weight as stamped on the bars, and (iii) if any such receipt is being used for a delivery pursuant to Section 927(b) [and is for bars cast in 1,100 troy ounces], a certificate of the member making the delivery, in form satisfactory to the Exchange, attesting that such bars may be delivered in accordance with Section 927(b) of these By-Laws shall be a good delivery in fulfillment of a contract for future delivery and shall be deemed a liquidation of the contract on which such delivery is made. The member receiving the same shall return the delivery notice to the member making delivery. The delivery of silver shall be considered complete when the documents required pursuant to the first sentence of this Section 932(b) have been delivered to the receiver. All silver must be delivered to the receiver with handling and storage charges paid up to and including the business day following the day of delivery. Storage charges shall be prepaid at the time of delivery, and the buyer may require the seller to furnish satisfactory proof of such prepayment. Any prepaid storage charges for a period extending beyond the business day following the delivery day (but not in excess of thirty days) shall be refunded by the buyer to the seller pro rata for the unexpired term and adjustment made upon the invoice therefor.

* * * * *

(e) The receiver shall not be required to accept any tender varying more than [6%] *10%* above or below [5,000] *1,000 or 1,100* troy ounces.

* * * * *

Silver Rules

Prices Multiples for Silver

Rule 4. Prices for silver on future delivery contracts shall be in multiples of [ten one-hundredths of] one cent *($.01)* per ounce. Contracts made on any other basis are prohibited.

Delivery Notice for Silver

Rule 6.

* * * * *

(g) Notice of Intention To Deliver Silver

New York,———19—

(0:00 o'clock)

To (———)

Take notice that on ———, 19— we shall deliver to you (see note below) of bar silver as more particularly set forth below assaying not less than 999 fineness, bearing the following brand or marking———from licensed warehouse or vault———located at ———at the notice price of ———cents per ounce in accordance with the terms of our silver contract sale to you.

Bar Number(s) ———

Weight as Stamped on Bar(s) ———

Upon advice of the holding of this notice, given to us by the holder hereof before 11:00 a.m. on the day this notice is issued (or before 2:00 p.m. if issued on the last issuance day), we pledge ourselves to deliver to the holder hereof on the day specified above, documents as provided in the By-Laws and Rules of the Exchange.

This notice is to be delivered to us simultaneously with our delivery of the documents referred to above to the holder hereof.

Signed (L Bros.)

Note.—[5,000] *1,000 or 1,100 ounces* ([6%] *10%* more or less) if being made pursuant to Sec. 927(a) of the By-Laws, and *5,000 ounces (6% more or less) or* 10,000 ounces (5% more or less) if being made pursuant to Sec. 927(b) of the By-Laws.

Conditions

The holder hereof agrees that he will, before 11:00 a.m. on the day this notice is issued (or before 2:00 p.m. if issued on the last issuance day), give advice of the holding of this notice to the issuer hereof, and will on the day specified for delivery, receive from said issuer the documents as provided in the By-Laws and Rules, and make payment against them all in accordance with the provisions of the By-Laws and Rules of Commodity Exchange, Inc.

It is further agreed that the holder hereof shall continue all his liability for the fulfillment of the contract until all documents required by the By-Laws and Rules of Exchange for the delivery of silver against the contract shall have been received by the holder hereof from the issuer, and this notice shall have been returned to the issuer.

Signed (H. Bros.)

New York,———19—

* * * * *

Position Limits for Silver

Rule 7.

* * * * *

(b) *Maximum Aggregate Contracts*—No member firm shall allow or permit, itself or any customer, to maintain in excess of [2,000] *10,000* Aggregate Contracts computed on a net rather than a gross basis ("Overall Position Limit"). If any Reportable Account exceeds the Overall Position Limit, the member firm maintaining the Reportable Account shall immediately take such steps as may be necessary to reduce the position of the Reportable Account below the Overall Position Limit. If any Affiliated Accounts that together constitute a Reportable Account exceed the Overall Position Limit, the member firm maintaining the Affiliated Accounts shall immediately take such steps proportionately among the Affiliated Accounts as may be necessary to reduce the Aggregate Contracts of the Affiliated Accounts below the Overall Position Limit.

* * * * *

(d) *Monthly Position Limits*—No member firm shall allow or permit, itself or any customer, to maintain a position in silver at any time in the then current month or in the next succeeding month in excess of [500] *2,500* contracts in each such month computed on a gross rather than a net basis ("Monthly Position Limit"). [Effective January 10, 1980, no person, firm, corporation or Affiliated Accounts may increase a position in January 1980 silver or February 1980

silver to a position in excess of 50 contracts in each of such months.] Any contracts in the then current month with respect to which delivery was previously received shall be included in counting the number of contracts for that customer in that month. The provisions of Paragraph (c) above relating to positions at several member firms of one Reportable Account and, if applicable, Affiliated Accounts shall apply to Monthly Position Limits.

(e) *Exemption for Bona Fide Hedge Transactions*—A bona fide short hedging transaction in which the short position is offset by physical inventory or by a forward (not a futures) purchase of silver shall not be included in determining Aggregate Contracts except for reporting purposes under Paragraph (a) hereof.

(f) *Effective Date*—The effective date of this Silver Rule 7 is February 18, 1980; *Provided, however,* that the Monthly Position as set forth in Paragraph (d) above for January 1980 and February 1980 shall be effective on the opening of business on January 8, 1980. For any accounts that were Reportable Accounts on or before January 7, 1980, and that had Aggregate Contracts in excess of the Overall Position Limit; (i) the Aggregate Contracts of such account may not be increased after January 7, 1980; and (ii) the provisions of Paragraphs (b) & (c) above shall be implemented by determining the extent to which any such accounts have positions in excess of the Overall Position Limit, such excess shall be reduced each month by not less than 10% of the original excess and the Overall Position Limit shall be complied with by such accounts on or before January 31, 1981.

Regulation No. 41

Splitting Lots of Silver in Exchange Licensed Warehouses or Vaults

1. Receipts for 10 Bars of refined Silver weighing in the aggregate 10,000 troy ounces (5% more or less) ("10 bar lots"), *and receipts for 5 bars of refined silver weighing in the aggregate 5,000 troy ounces (6% more or less) ("5 bar lots"),* eligible for delivery in fulfillment of an exchange contract for silver in accordance with section 927 of the by-laws.

(a) A holder of a receipt for a *5 or a* 10 bar lot who wishes to receive a substitution therefor *five (5) or ten (10)* [two] receipts each for [5,000] *1,000 or 1,100* troy ounces ([6%] 10% more or less) of refined silver eligible for delivery in fulfillment of an Exchange contract for silver in accordance with Sec. 927(a) of the By-Laws ("[5] *1* bar lots") shall deliver the receipt for the *5 or* 10 bar lot to such holder's Clearing Member, accompanied by a *Representation Letter* in the form of Annex A and *Instructions to Vault* in the form of Annex B. If the holder of a receipt for a *5 or* 10 bar lot is a Clearing Member, such Clearing Member shall complete Annex A and Annex B for its own account and otherwise shall comply with the provisions of this regulation.

(b) Such Clearing Member promptly shall deliver Annex A to the Secretary of the Exchange and simultaneously shall transmit the receipt for the *5 or* 10 bar lot and Annex B to the Exchange-licensed warehouse or vault which issued the receipt.

(c) As promptly as practicable, the Exchange-licensed warehouse or vault shall divide *each 5 bar lot into five 1 bar lots and* each 10 bar lot into [two 5] *ten 1* bar lots, shall issue [two] *five or ten* receipts therefor in the name of the holder entitled thereto in substitution for the receipt for the *5 or* 10 bar lot received, and shall return the receipts for [two 5] *the five or ten 1* bar lots to the Clearing Member from whom the receipt for the *5 or* 10 bar lot had been received.

(d) The Exchange shall reimburse each licensed warehouse or vault for its charges in dividing *5 and* 10 bar lots into [5] *1* bar lots upon presentation of invoices.

2. Receipts for *8, 9 or 11* bars of refined silver weighing in the aggregate 10,000 troy ounces (5% more or less) (" *8, 9 or 11* bar lots"), *and receipts for 4 bars of refined silver weighing in the aggregate 5,000 troy ounces (6% more or less) ("4 bar lots"),* eligible for delivery in fulfillment of an exchange contract for silver in accordance with section 927 of the by-laws, *as effective prior to* ———, *1981.*

(a) A holder of a receipt for *an 8,* 9 *or 11* bar lot who wishes to receive in substitution therefor [two] *ten* receipts each for a [5] *1* bar lot *and a holder of a receipt for a 4 bar lot who wishes to receive in substitution therefor five receipts each for a 1 bar lot* shall deliver the receipt for the *4, 8,* 9 *or 11* bar lot endorsed to such holder's Clearing Member, accompanied by a *Representation Letter* in the form of Annex A and *Instructions to Clearing Member* in the form of Annex C. If the holder of a receipt for a *4, 8,* 9 *or 11* bar lot is a Clearing Member, such Clearing Member shall complete Annex A and Annex C for its own account and otherwise shall comply with the provisions of this regulation.

(b) Such Clearing Member promptly shall notify the Secretary of the Exchange that it has received the documents referred to in (a) above, shall complete Annex C, and shall deliver such receipt for the *4, 8,* 9 *or 11* bar lot and Annex C to such party as may be specified by the Secretary ("Substitution Agent"). Simultaneously, the Clearing Member shall send Annex A to the Secretary of the Exchange.

(c) Within fifteen (15) business days following the date on which the Clearing Member has delivered the receipt for the *4, 8,* 9 *or 11* bar lot as specified in (b) above, the Substitution Agent shall return to such Clearing Member [two] *five or ten* receipts, *as the case may be,* each for a [5] *1* bar lot in the name of the Clearing Member, which receipts shall be accompanied by a notice specifying the quantity of refined silver received from the Clearing Member and the quantity of refined silver returned to the Clearing Member, determined in both cases by the weights stamped on the bars of silver.

(d) By 12:00 o'clock Noon, New York City time, on the business day following the day on which the receipts for the [5] *1* bar lots are returned to the Clearing Member, the Clearing Member and the Substitution Agent shall make settlement for the difference between the aggregate weight of silver stamped on the bars contained in the *4, 8,* 9 *or 11* bar lot and the aggregate weight of the silver stamped on the bars contained in the [5] *1* bar lots. Such settlement shall be based on the Exchange settlement price of the current delivery month of silver for the day on which the receipts for the [5] *1* bar lots were returned to the Clearing Member.

3. Receipts held by members for the account of others.

A member of the Exchange who holds a receipt for a *4, 5, 8, 9,* 10 *or 11* bar lot [or for a 9 bar lot] as agent for the account of two separate parties shall be entitled to receive, in substitution therefor, [two] receipts for [5] *1* bar lots in accordance with the procedures set forth in paragraphs 1 and 2 above.

[4. Other receipts.]

[If any person holds receipts for 10,000 troy ounces (5% more or less) of refined silver eligible for delivery in fulfillment of an Exchange contract for silver in accordance with Sec. 927 of the By-Laws issued by an Exchange-licensed warehouse or vault, but which are not receipts described in paragraphs 1, 2 or 3 above, such person shall be entitled to receive, in substitution therefor, two receipts for 5 bar lots in accordance with such special procedures as may be adopted by the Exchange which shall be as consistent with the procedures set forth in paragraphs 1 and 2 above as is practical.]

4[5]. Force majeure; non-liability.

There shall be no liability or obligation to any holder of a warehouse receipt, to any person who is entitled to receive a warehouse receipt, or to any other person, for delays caused by force majeure or any other unforeseen circumstances. No person, including without limitation, the Exchange, [Commodity Exchange Metal] *Comex* Clearing Association, Inc., any governor, officer, employee, agent, member, member firm or member corporation of the Exchange or said Clearing Association, any licensed depository or Substitution Agent, shall be in any way liable or responsible to any person in connection with any transaction contemplated by these regulations, except for gross negligence.

5[6]. Expenses.

The Exchange shall reimburse licensed warehouses and vaults and Substitution Agents for their costs and expenses in connection with effecting substitutions pursuant to these Regulations, and such licensed warehouses and vaults and such Substitution Agents shall not impose any fee or charge of any nature whatever upon holders of Receipts for effecting substitutions pursuant to these Regulations.

6[7]. Prior notice to the clearng association.

Not later than the fifth day before the first day on which Notices of Intention to Deliver with respect to a given delivery month may be made, each Clearing Member shall *notify* [advise] the Clearing Association *in writing* of the number of single lots of silver of which such Clearing Member expects to take delivery during the course of such month. Each Clearing Member also shall *notify* [advise] the Clearing Association *in writing* of any change in such number *not later than the business day following the day on which such Clearing Member becomes aware of such change* [during the course of said month].

Interested persons should send written data, views or arguments on the amendments proposed by the Exchange to Ms. Jane K. Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by March 19, 1981.

Issued in Washington, D.C. on February 10, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-5261 Filed 2-13-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting; Correction

This is a correction of the notice published in the **Federal Register** on February 10, 1981 (46 FR 11697). The notice announced a Working Group B meeting on 5 March 1981. This notice hereby changes the meeting dates to read 24 and 25 March only.

M. S. Healy,

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

February 10, 1981.

[FR Doc. 81-5276 Filed 2-13-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

National Petroleum Council, Economics Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Economics Task Group of the Committee on Arctic Oil and Gas Resources will meet in February 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Economics Task Group meeting follows:

The second meeting of the Economics Task Group will be held on Thursday, February 26, 1981, starting at 9:00 a.m., in Board Room of DeGolyer and MacNaughton, 400 One Energy Square, Dallas, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Discussion of exploration/development/transportation algorithms.
3. Identify inputs required from other task groups.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 10, 1981.

Robert H. Lawton,

Acting Deputy Assistant Secretary Resource Development and operations Resource Applications.

February 10, 1981.

[FR Doc. 81-5237 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-81-M

Economic Regulatory Administration

Arkansas Louisiana Gas Co. and Its Wholly Owned Subsidiary Arkla Chemical Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and Opportunity for Comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: January 30, 1981.

COMMENTS BY: March 19, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] (214) 767-7745.

SUPPLEMENTARY INFORMATION: On January 30, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Arkansas Louisiana Gas Company (ALG) and its wholly owned subsidiary Arkla Chemical Corporation (ACC) of

Shreveport, Louisiana. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

ALG is a firm engaged in the refining of crude oil, natural gas processor and the marketing of propane, motor gasoline and other refined petroleum products, 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, ERA as a result of its audit of sales of motor gasoline, diesel fuel, and other refined petroleum products, the DOE and ALG entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1, 1973 through December 31, 1975, and included sale of motor gasoline, and diesel fuel and other refined products classes of purchaser which were made during that period.

2. ALG did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts E and K, when determining the prices to be charged for its motor gasoline, diesel fuel, and other refined petroleum products, and, as a consequence charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite the resolution of the disputes involved, the DOE and ALG have agreed to a settlement totalling $2,832,671. The terms of the refund consist of a single cash payment of $2,807,671 to be refunded within 30 days of the effective date of the Consent Order. The remaining $25,000, representing a compromise of a civil penalty, will be paid within 30 days of the effective date of the Consent Order.

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, ALG agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the DOE, arising out of the transactions specified in I.1, the sum of $2,832,671 in the manner specified in I.3 above. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. 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 to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 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 Arkansas Louisiana Gas Company, Consent Order." We will consider all comments we receive by 4:30 pm, local time, on March 19, 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.

Herbert F. Buchanan,

Southwest Deputy District Manager, Economic Regulatory Administration.

[FR Doc. 81-5285 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

Lobo Oil, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to Lobo Oil, Inc. This Proposed Remedial Order charges Lobo Oil, Inc. with pricing violations in the amount of $205,071.79, connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR 212, Subpart D during the time period December 1, 1973 through November 30, 1975 in the State of Louisiana.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7745. On or before March 4, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 6th day of February, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-5282 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

W. J. Luke Stadium Chevron; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy

(DOE) hereby gives notice of a Proposed Remedial Order (PRO) which was issued to Stadium Chevron, Atlanta, Georgia on January 8, 1981.

This PRO charges Stadium Chevron with selling gasoline in excess of the Maximum Lawful Selling Price in violation of 10 CFR 212.93. It was determined that Stadium Chevron violated the Federal Energy pricing guidelines by selling above the maximum lawful per gallon selling price in the amount of 4.0¢ for Regular Leaded, 2.6¢ for Premium Leaded and 2.3¢ for Regular Unleaded during the period August 1, 1980 through September 17, 1980.

Pursuant to 10 CFR 205.192, Stadium Chevron is required by the PRO to reduce its prices at the pump to the maximum lawful selling price for these grades to be in compliance with the Federal Energy pricing regulations. Further, Stadium Chevron is required to reduce their prices for these grades of gasoline to effect a refund through rollback procedures until a total of $1,583.11 including interest, has been refunded.

A copy of the PRO, with confidential information deleted, may be obtained from James C. Easterday, District Manager of Enforcement, Southeast District, Office of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367. Telephone number (404) 881-2396. On or before March 4, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Atlanta, Georgia, on the 5th day of February 1981.

James C. Easterday,
District Manager.

Concurrence:

Leonard F. Bittner,
Chief Enforcement Counsel.

[FR Doc. 81-5259 Filed 2-13-81; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-029; OFC Case Nos. 55217-9116-01 through 10-12]

Powerplant and Industrial Fuel Use; Exemption From Prohibitions; Olin Corp.

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Order granting exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: Pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act) the Economic Regulatory Administration (ERA) of the Department of Energy, in response to a petition filed by the Olin Corporation (Olin) on August 25, 1980, hereby grants to Olin, subject to the terms and conditions specified herein, the following exemptions from the prohibitions of Title II of FUA:

For each of ten oil/gas-fired packaged boilers Olin plans to lease and operate at its Ecusta Paper and Film Group, Pisgah Forest, North Carolina facility for the years 1981 through 1990, one each year, during each annual scheduled outage of its largest main boiler, a permanent scheduled equipment outages exemption as authorized by section 212(j) of the Act and 10 CFR 503.43(c) (45 FR 38322, June 6, 1980).

In accordance with section 702(a) of FUA, this order shall take effect on April 18, 1981.

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, D.C. 20461, Phone (202) 653-4226.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128-J, Washington, D.C. 20461, Phone (202) 653-4257.

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Title II of FUA prohibits the use of natural gas or petroleum as a primary energy source in new major fuel burning installations (MFBI's) consisting of a boiler unless an exemption for such use has been granted by ERA. Procedures and criteria for petitioning for exemptions from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Under the authority of section 212(j) of the Act, 10 CFR 503.43 sets forth eligibility criteria and evidentiary requirements for a permanent exemption for major fuel burning installations (MFBI's) to meet scheduled equipment outages. If the use of a MFBI during periods of scheduled equipment outages is not to exceed an average of 28 days per year over a three-year period, 10 CFR 504.43(c) provides for a certification alternative in lieu of the evidentiary requirements of 10 CFR 503.43(b). ERA's atuthrity under FUA to grant an exemption is unit specific; that is, a permanent exemption may be granted by order for a single installation. Accordingly, under the provisions of 10 CFR 503.43(c), Olin petitioned ERA for ten separate scheduled equipment outages exemptions, one for each oil/gas-fired boiler it proposes to lease and use during each annual scheduled outage of its largest main boiler (boiler No. 8) for inspection, maintenance and repair for the years 1981 through 1990. As stated by Olin in its petition, each of the packaged boilers will be of like size, with a maximum design heat input rate requirement of 155 million Btu's per hour and will be equipped with a combination burner for No. 2 fuel oil and natural gas. Natural gas will be the preferred fuel when it is available.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published notice of its acceptance of Olin's petition in the **Federal Register** on September 30, 1980, at 45 FR 64627. The Notice of Acceptance provided a 45-day comment period during which interested persons could submit written comments on the petition for exemptions and could request a public hearing. This period expired on November 14, 1980. No comments were received nor was a public hearing requested.

Upon reaching a tentative determination that the certifications made by Olin in its petition fulfilled the requirements of 10 CFR 503.43(c), the ERA staff completed a Tentative Staff Analysis which recommended that the exemptions requested by Olin be granted. A Notice of Availability of the Tentative Staff Analysis was published in the **Federal Register** on December 5, 1980, at 45 FR 80579. As explained in that notice, because Olin had filed a revision to its petition subsequent to the publication of the Notice of Acceptance, an extended 45-day period for interested persons to submit written comments on the revised petition and the Tentative Staff Analysis, or to request a public hearing, was provided. The period expired on January 19, 1981. No comments were received nor was a public hearing requested.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of Olin's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment.

No comments have been received from either of these agencies.

Decision and Order

Based upon review of the entire record of this proceeding, ERA had determined that Olin has satisfied the certification requirements of 10 CFR 503.43(c).

Therefore, pursuant to section 212(j) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Olin ten scheduled equipment outages exemptions, one for each oil/gas-fired boiler it proposes to lease and operate while its main boiler No. 8 is temporarily shut down for scheduled inspection, maintenance and repairs during the years 1981 through 1990.

Terms and Conditions

Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for exemptions under the provisions of 10 CFR 503.43(c), Olin, in accordance with 10 CFR 503.43(d), agreed, upon grant of such exemptions, to the terms and conditions specified in that subsection. Accordingly, such terms and conditions, as enumerated below, are attached to this order granting the requested exemptions.

(1) Each exempted boiler will be operated only when necessary to meet scheduled equipment outages.

(2) Use of the exempted boilers will not exceed an average of 28 days per year over a three-year period.

(3) The quality of any petroleum to be burned in each exempted boiler as a primary energy source will be of the lowest grade available which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(4) Prior to operating each exempted boiler, Olin shall secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Additional Terms and Conditions

Based upon Olin's intended application of the scheduled equipment outages exemptions, the exemptions granted by this order shall be subject to the following additional terms and conditions:

(1) By this order, each of the ten oil/gas-fired boilers to be leased and operated annually by Olin during the years 1981 through 1990 is granted a scheduled equipment outages exemption. Upon disconnection of each boiler, the provisions of the exemption granted that specific boiler are terminated.

(2) When available, natural gas shall be used as the primary energy source in each exempted boiler.

Reporting Requirements

ERA will rely upon the revised schedule of operations filed by Olin as the permanent schedule for operation of each of the ten oil/gas-fired packaged boilers granted an exemption herein. Pursuant to 10 CFR 503.43(e), Olin shall notify ERA in advance, of any changes to the data contained in the schedule of operation (Exhibit I).

Reports required under this order shall be sent to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

The appropriate OFC Case Number, as listed below, shall be cited on each report filed with ERA pursuant to the above requirement.

Year and Assigned OFC Case Number	
1981	55217-9116-01-12
1982	55217-9116-02-12
1983	55217-9116-03-12
1984	55217-9116-04-12
1985	55217-9116-05-12
1986	55217-9116-06-12
1987	55217-9116-07-12
1988	55217-9116-08-12
1989	55217-9116-09-12
1990	55217-9116-10-12

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). The granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for scheduled equipment outages of less than 28 days per year, averaged over a three-year period, is among the classes of actions that DOE, pursuant to the guidelines, has proposed be categorically included as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA.

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. Olin has certified that it will secure all applicable permits and approvals prior to commencement of operation of each new unit under exemption. The Environmental Checklist completed and certified to by Olin 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, and it has been determined that Olin's responses to the questions therein indicate that the operation of the oil/gas-fired boilers during periods of annual scheduled outages of Olin's largest main boiler will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. As no comments were received during the proceeding on Olin's petition which raised questions regarding the application of the categorical exclusion in this instance, no additional environmental review is deemed to be required.

Effectiveness of Order

The exemptions granted by this order shall not become effective earlier than April 18, 1981.

Judicial Review

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before April 20, 1981, petition for judicial review in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C. on February 10, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-5281 Filed 2-13-81 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-037; OFC Case No. 67001-9020-08-12]

Powerplant and Industrial Fuel Use; Exemption Request; Availability of Tentative Staff Analysis; Upjohn Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On November 17, 1980, the Upjohn Company (Upjohn) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order which would exempt a 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). Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's consisting of a boiler unless an exemption has been granted by ERA. Criteria for petitioning for exemption from the prohibitions of FUA are contained in 10 CFR Parts 500

and 501 and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Under the provisions of 10 CFR 503.32(c), Upjohn has petitioned for a permanent exemption for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum for a new oil and gas-fired packaged boiler, designated as boiler number 8 and located at Upjohn's Portage Road Plant in Kalamazoo, Michigan.

ERA accepted the petition on December 8, 1980, and published notice of its acceptance in the **Federal Register** on December 11, 1980 at 45 FR 81649. The Notice of Acceptance provided for a 45-day comment period during which interested persons could submit written comments and request a public hearing on the petition for exemption. That period expired on January 26, 1980. No comments were received nor was a public hearing requested.

Based upon the ERA staff's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been completed which recommends that ERA issue an order which would grant the requested exemption. Pursuant to 10 CFR 501.64, notice of the availability of the Tentative Staff Analysis is hereby issued and interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments on the Tenative Staff Analysis are due on or before March 3, 1981. A request for public hearing must also be made within the same 14-day comment period.

ADDRESSES: Fifteen copies of written comments or a request for public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA–FC–80–037 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, D.C. 20461, Phone (202) 653–4226.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128–J, Washington, D.C. 20461, Phone (202) 653–4257.

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

ERA will issue a final order granting or denying Upjohn's petition for permanent exeption 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 extension, will be published in the **Federal Register.**

The public file containg a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a new packaged boiler having a design heat input rate of 150 million Btu's per hour and is capable of burning residual fuel oil and natural gas. The boiler, designated as boiler No. 8 by Upjohn, is installed at Upjohn's Portage Road Plant, Kalamazoo, Michigan, and will be used to supply steam as a backup for the seven existing boilers at the Portage Road plant.

Eligibility and evidentiary requirements governing the permanent exemption for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, authorized under section 212(a) of FUA, are set forth at 10 CFR 503.32. Under 10 CFR 503.32(c), a certification alternative is available for MFBI's which will be operated less than 600 hours on an annual basis, providing simplified evidentiary requirements for such facilities. Upjohn has utilized the certification alternative provided for in 10 CFR 503.32(c) and has included in its petition the following duly executed certifications:

(1) Boiler No. 8 will be operated annually less than 600 hours full load equivalent;

(2) The use of a mixture of petroleum or natural gas and an alternate fuel for which an exemption would be available is not economically or technically feasible;

(3) Pursuant to 10 CFR 503.15(b), Upjohn will, prior to operating boiler No. 8 under the exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act; and

(4) Information required by the Environmental Checklist pursuant to 10 CFR 503.15(b).

The ERA staff has examined the foregoing certifications made by Upjohn and has determined that they fulfill the requirements of 10 CFR 503.32(c). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant Upjohn the requested exemption for boiler No. 8.

Terms and Conditions

Section 214(a) of FUA authorizes ERA to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.32(c), Upjohn, in accordance with 10 CFR 503.32(d), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Such terms and conditions, as enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) Boiler No. 8 will be operated less than 600 hours annually at its maximum design heat input rate or equivalent. Based upon the boiler's design fuel heat input rate of 150 million Btu's per hour x 600 hours, the amount of natural gas and petroleum consumed in boiler No. 8 under the provisions of this exemption shall not, in the aggregate, exceed 90 billion Btu's annually.

(2) The quality of any petroleum to be burned in boiler No. 8 will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Upjohn shall report annually the hours of use, the total amount of fuels consumed, and the total Btu value of such fuels, for boiler No. 8 in the previous calendar year. The report, to be executed by a duly authorized representative of Upjohn, shall be filed with ERA at the address provided below not later than January 31 of each following year and shall be in the following format:

Hours of operation	Annual Fuel Consumption				
	Natural Gas		Petroleum		
	MCF	Btu value	Grade	Bbls	Btu value

(4) Upjohn will, prior to operating boiler No. 8 under the provisions of this exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Report Address

The annual reports required by this order shall be sent to:
Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

OFC Case Number 67001–9020–08–12 shall be cited on each report.

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 by certification for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, for a MFBI that will be operated less than 600 hours on an annual basis, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Upjohn has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by Upjohn 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, and it has been determined that Upjohn's responses to the questions therein indicate that the operation of boiler No. 8 under this exemption will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, unless substantial questions regarding the categorical exclusion in this instance are raised during the proceeding on Upjohn's petition which would indicate otherwise, no additional environmental review is deemed to be required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C. on February 9, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-5260 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

Applications for Entitlement Benefits for Petroleum Substitutes

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of applications for entitlement benefits for petroleum substitutes.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of additional applications submitted to the ERA for designation as eligible recipients of entitlements under the domestic crude oil allocation program (10 CFR, Part 211, Section 211.67). The first list of pending applications was published September 10, 1980, 45 FR 59613.

Under amendments to the Mandatory Petroleum Allocation Regulations, the ERA may grant entitlements to the producer, marketer, or consumer of a petroleum substitute made from domestically renewable sources of biomass, coal, solid waste or tar sands which is used as fuel in a refinery or which is used outside a refinery as a boiler fuel or elsewhere as fuel. The appendix contains a list of thirteen additional firms which applied prior to June 23, 1980, for designation of their eligibility to receive entitlement benefits on a case-by-case basis as provided under § 211.67. Those applications are now being reviewed by the ERA and a public disclosure copy of each application is available for public inspection.

FOR FURTHER INFORMATION CONTACT:

T. Wendell Butler, Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration, 2000 M Street NW., Room 6212 C, Washington, D.C. 20461, (202) 653–3372

William Funk (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Room 6A–127, Washington, D.C. 20585, (202) 252–6739.

SUPPLEMENTARY INFORMATION: Section 211.67(a)(5) of the Mandatory Petroleum Allocation Regulations provides for the automatic inclusion in the crude oil entitlements program of shale oil produced from domestic sources, ethyl alcohol derived into gasohol, solid municipal waste and derivatives thereof used as fuel, and methane derived from municipal sewage or landfills.

Section 211.67(a)(5) also provides for the issuance of entitlements to other petroleum substitutes which the ERA determines on a case-by-case basis to be eligible for participation in the entitlements program. Those petroleum substitutes which are eligible only on a case-by-case basis include solid, liquid, or gaseous fuels derived from domestically found solid waste sources, and fuel in a liquid form which is derived from domestic biomass, coal, or tar sands.

On September 10, 1980, the ERA published a list of 63 applications pending as of June 23, 1980 (September 10, 1980, 45 FR 59613). Thirteen additional applications that had been received by ERA as of June 23, 1980, were inadvertently omitted from this list. These additional applicants are indentified in the appendix to this notice. The appendix also provides the date on which the firms's application was filed and indicates the type of petroleum substitute for which each applicant is seeking entitlements.

Non-confidential copies of all applications filed by the firms listed in the appendix, including supporting documentation, may be examined at the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any person may file with the ERA a submission relevant to any application. Any Submission which is received within fifteen days of the publication of this notice will be considered by the ERA prior to determining whether to permit the inclusion of any firm in the entitlements program. Filings should be submitted to: Economic Regulatory Administration, Office of Petroleum Operations, Entitlements Program, Room

6128, 2000 M Street NW., Washington, D.C. 20461.

Issued in Washington, D.C. February 9, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

Company, Date filed and Type of Application

Buckeye Cellulose Corp. 5/30/80, Bark, Wood Waste, Black Liquor
Chemical Processors, Inc., 6/24/80, Waste Oil
Energy Systems Co. 8/8/78, Waste Chemicals
FMC Corporation, 6/10/80, Industrial Chemicals
Folger Coffee Co., 5/30/80, Spent Coffee Grounds
Hillerich & Bradsby Co., 6/17/80, Wood Waste
International Paper Co. 1/31/80, Bark, Wood Waste, Black Liquor
Ka'u Sugar Co., 6/2/80, Bagasse
Mauna Loa Macadamia Nut Corp., 6/2/80, Nut Shells
National Standard Co., 5/22/80, Scrap Tires
Olokele Sugar Co., Ltd., 6/2/80, Bagasse
Southwestern Portland Cement Co., 5/20/80, Methane
Union Camp Corp., 2/20/80, Bark, Wood Waste, Black Liquor, Tall Oil Pitch

[FR Doc. 81-5328 Filed 2-13-81; 8:45 am]
BILLING CODE 6450-01-M

Alabama River Pulp Company, Inc.; Application for Designation as a Producer of Petroleum Substitutes in the Domestic Crude Oil Allocation Program for Fuel Derived From Biomass and Solid Waste; Decision and Order

I. Introduction

On February 28, 1980, Alabama River Pulp Company, Inc. (ARP), Claiborne, Alabama 36470, filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) an application for designation as a producer of petroleum substitutes pursuant to 10 CFR 211.67(a)(5) (the Entitlements Program). Additional information was filed by ARP with ERA on May 6, 1980, October 9, 1980, November 19, 1980 and January 14, 1981.

The ERA is issuing this Decision and Order pursuant to Subpart G of 10 CFR Part 205 (Administrative Procedures and Sanctions) and § 211.67(a)(5) of Subpart C of 10 CFR Part 211 (Mandatory Petroleum Allocation Regulations).

II. Background

Section 211.67 of the Mandatory Petroleum Allocation Regulations provides that upon application the ERA may designate, on a case-by-case basis, a synthetic fuel as a petroleum substitute.

The fuels for which entitlements are being sought must satisfy the definition of petroleum substitute set forth in § 211.62. The relevant portion of the definition states:

> Petroleum substitute means * * * (b) as designated in orders issued by ERA following review of application submitted under Subpart G of Part 205 of this chapter, (1) any other fuel derived from solid waste materials; or (2) any other fuel in a liquid form which is derived from domestic biomass, coal or tar sands.

The program was designed to "provide appropriate incentives for new technology while ensuring that crude oil substitutes not needing entitlement benefits or not materially contributing to a reduction in imported oil do not participate in the program." [43 FR 21429] Thus, the ERA has administered the program "in a way that will carry out the spirit of the regulation, which is to encourage the development and use of domestically derived petroleum substitutes that have the potential of reducing our dependence on imported oil." [43 FR 21429]

Applications for designation of a material as a petroleum substitute under section (b) of the definition of "petroleum substitute" are handled on a case-by-case basis pursuant to the *Guidelines for Evaluation of Applications for Designation as a Producer, Marketer or Consumer of Petroleum Substitutes in the Entitlements Program* (Guidelines, 44 FR 6895, February 5, 1979).*

The ERA may designated the producer, marketer, or consumer of the petroleum substitute as they party to receive entitlement benefits. The producer will in many cases, although not in all cases, be the designated recipient.

*At the time of the adoption of the Guidelines in February 1979, only liquid fuels were eligible for inclusion in the entitlements program on a case-by-case basis. In November 1979, § 211.67 (a)(5) was amended to expand the scope or the case-by-case category to permit the issuance of entitlements to certain gaseous and solid fuels [44 FR 66183, November 19, 1979]. While the Guidelines have not been amended to reflect the eligibility of non-liquid fuels, the preamble to the November 1979 final rule that made such fuels eligible for inclusion in the entitlements program stated that the gaseous and solid petroleum substitutes, newly eligible for case-by-case consideration, would receive the same treatment as those liquid petroleum substitutes that already were eligible on a case-by-case basis for inclusion in the entitlements program. Accordingly, those criteria set forth in the Guidelines (e.g., whether substitution for petroleum will occur or whether the process in producing the petroleum substitute results in a net energy gain or higher-valued fuel) apply to the consideration of all case-by-case determinations of whether a material shall be designated as a petroleum substitute.

III. Comments Received

On September 3, 1980, the ERA issued a notice which contained a list of sixty-three (63) firms, including ARP, which has filed applications for entitlement benefits for petroleum substitutes. See 45 FR 59613 (September 10, 1980). The notice invited written comments from interested persons. There were comments from Atlantic Richfield Company (ARCO), Gulf Oil Corporation (Gulf), and the Standard Oil Company (Sohio) which raised general legal challenges to the DOE regulations providing for entitlement benefits to producers of petroleum substitutes. These legal contentions were fully considered and rejected by the U.S. District Court in *Atlantic Richfield Co. v. DOE*, No. 80-1427 (E.D. Pa. November 6, 1980).

Comments specific to the use of wood waste and bark were received from Texaco, Inc. Texaco objects on the basis that wood waste and bark are "common by-products" and that "(i)t is probably unrealistic to assume that a manufacturer (for instance, of paper products, canned goods or coffee) will produce more of its product simply so that it will have more waste product." Texaco, therefore, concludes that "(t)hese benefits represent a true windfall to the petroleum substitute producers which is paid for by the refining sector of the petroleum industry." These objections are addressed in the body of this decision and order.

ARCO submitted comments specific to ARP's application stating that "the Applicant does not need any price incentive to use a petroleum substitute and any such incentive payment here will be a windfall." ARCO asserts that: (1) "the Applicant will consume (the petroleum substitute) as an energy source in the manufacturing process of its business," (2) "the raw material for the alternative fuel is derived from the waste products of the Applicant's principal business activity," and (3) "the Applicant is gaining a net cost savings by eliminating substantial purchases of petroleum products."

Neither the regulations nor the Guidelines require that ARP commercially market the alternative fuel to receive entitlement benefits. Moreover, an applicant does not become ineligible for entitlement benefits because it uses its own solid waste materials for the production of a petroleum substitute.

Furthermore, an applicant is not required to show whether there is a net cost savings. Nor is a firm's need for entitlement benefits determinative. *See,*

Chevron U.S.A., Inc., *et al.*, 6 DOE ¶ 80,136 at p. 80,656 (August 7, 1980). Rather, the criteria for evaluation of petroleum substitutes applications require that the applicant demonstrate that there is a net energy gain in the production of the fuel.

ARCO also argues that "(i)t is possible that the economics of the paper industry may be such that the Applicant will realize greater profit potential by producing and marketing its petroleum substitute than by conducting its present pulp operations." This argument must be rejected as ungrounded speculation must be evaluated.

In addition, ARCO states that "the application would appear to indicate that the production of the petroleum substitute creates a net gain in energy," but questions the basis for the calculation. A similar comment was received from Sohio. Sohio "question(s) whether burning black liquor results in a net gain or net loss in BTU's." The net energy gain calculation is addressed in the body of this decision and order.

IV. Description of the Application

ARP filed its application with ERA on February 28, 1980, and submitted supplemental information on May 6, 1980, October 9, 1980, November 19, 1980, and January 14, 1981. The ARP facility, which processes lumber into pulp for paper products, is located in Claiborne, Alabama and began operation on December 1, 1978. Power to operate the facility is generated through the use of two boiler systems. The "power boiler" is fired primarily by bark, wood waste and sludge. Coal is used as an auxiliary fuel in the power boiler to stabilize and control overall combustion. An average of 600 tons of bark and wood waste are burned per day in the power boiler. The "recovery boiler" is fired solely with black liquor solids. An average 1800 tons of black liquor solids are burned per day in the recovery boiler.

The processes by which ARP obtains bark and wood waste for use as fuel are described below:

1. A portion of the bark is removed from logs during conveyance to the mill from storage. The logs are conveyed in a long flume and loose bark is reclaimed from the flume water by a system of pumps, centrifugal liquid cyclones, inclined side hill screens, tankage and related structural steel, piping, valves, electrical equipment and conveyors.

2. The majority of the bark used as fuel is removed in the barking drums, where attrition between the tumbling logs separates the bark. Loose bark is extracted from the drums through suitable openings and drops onto a conveyor.

3. The remaining portion of the bark and all of the wood waste are purchased from saw mills in the vicinity of the plant. ARP first screens the purchased wood waste and bark before processing them further.

4. All of the bark and wood waste is fed by conveyor to a system of bark hogs, which break down the larger pieces. Then the bark and wood waste is conveyed to a storage pile and blended with waste water sludge prior to being fed into the power boiler.

ARP states in its application that "(t)he sludge as fixed in the boiler has no net energy value, and ARP does not desire entitlement benefits for it."

In the processing of spent cooking liquor to recover those chemicals that may be recycled to the manufacturing of pulp, ARP obtains and burns black liquor solids. This processing is described below:

1. Cooking liquor is mixed with wood and "cooked" under pressure to produce pulp.

2. The used or "spent" cooking liquor (black liquor) is then drawn off from the cooker and separated from the pulp. This black liquor contains lignin, which is the natural binder and support for the cellulose fibers of wood.

3. To increase the solid content of the black liquor from 15 to 60 to 65 percent, it is treated by an evaporation process, and the substance is then termed black liquor solids.

4. The black liquor solids are then fired in the recovery boiler, which consumes the lignin. The liquor is then recycled to the cooker to be used to produce pulp.

Approximately 90 percent of ARP's energy requirements are satisfied by bark, wood waste and black liquor solids.

The gross heating value of the wood waste and bark used by ARP is 4,400 BTU's/lb. or 8.8 MMBTU's/ton. The gross heating value of the black liquor solids is 3,800 BTU's/lb. or 7.6 MMBTU's/ton.

ARP states that the wood waste and bark it uses as fuel average approximately 13 percent of the total input of raw materials and that the black liquor solids average approximately 39 percent of the total input of raw materials. ARP employed these percentages to determine the amount of energy attributable to the manufacture of wood waste, bark and black liquor solids.

V. Analysis

The source materials used as fuel by ARP and for which ARP seeks entitlement benefits are wood waste, bark and black liquor solids. It is ERA's determination that these materials are, as represented by ARP in its application, domestically found solid waste materials.

The amounts of energy produced and consumed in the production of wood waste, bark and black liquor solids, as provided by ARP in its application, are shown below. The calculations of net energy gain follows.

	Million Btu's per day
Energy Produced:	
Wood Waste and Bark	5,280
Black Liquor Solids	13,680
Total	18,961
Energy Consumed:	
Wood Waste and Bark	2,700
Black Liquor Solids	8,200
Total	10,900
Net Energy Gain:	
Wood Waste and Bark	2,580
Black Liquor Solids	5,480
Total	8,060

It is the ERA's determination that the production of wood waste, bark and black liquor solids by ARP yields a net energy gain. These two determinations are necessary, but are not only, conditions for designation as a petroleum substitute under paragraph (b)(2) of the definition of "pertroleum substitute" in § 211.62.

Paragraph 5(f) of the Guidelines provides that entitlement benefits will not be issued for a petroleum substitute prior to a showing by the applicant that the petroleum substitute will replace the use of crude oil or refined petroleum products. This criterion, which in effect limits eligibility to those fuels that are in competition with petroleum, was adopted as a means of insuring, to the extent administratively practicable, that entitlement benefits would be issued only to those firms that can demonstrate that their production, marketing or consumption of a petroleum substitute represents a means of lessening our national dependency on foreign oil.

ARP has failed to demonstrate how its use of wood waste, bark and black liquor solids constitutes a substitution of those fuels for a petroleum product, as contemplated by the petroleum substitute entitlements provisions and Guidelines. Neither has ARP indicated the extent, if any, to which it might reduce its consumption of petroleum as a result of its consumption of wood waste, bark and liquor solids.

Rather ARP has stated—in response to an entry on the form to describe the type of petroleum products "to be replaced by the petroleum substitute"—"In the absence of the power and

recovery boilers, it would be necessary either to generate steam and electricity through the use of fossil fuels, including residual fuel oil, or distillate fuel oil, or to purchase electric power from the power grid, thus increasing petroleum consumption by the supplying utilities." In response to an entry on the form to indicate "the volume of petroleum or petroleum products to be displaced." ARP stated: "A daily average of the energy equivalent of 3326.31 barrels of crude oil per day is produced at the ARP facility. This is the volume of petroleum displaced." These statements by ARP are the total of its description of "how, when, and the circumstances under which the petroleum substitute will be substituted for the use of crude oil or refined petroleum products," paragraph 5(f) of the Guidelines. Yet, these statement reflect only a theoretical construct. There is no statement that ARP has ever used petroleum products in the Claiborne facility since its inception on December 1, 1978. Indeed, ARP indicates that the auxilary fuel is *coal*, not a petroleum product. There is no indication that when the facility was constructed any thought was given to use of petroleum products or that the decision to build a waste-fired system, in fact, resulted in displacement of or substitution for petroleum products. ARP claims that in the absence of the present configuration it would be necessary to use "fossil fuels, *including*" some petroleum products or to "purchase electric power." Yet, entitlements are granted on the basis of substitution. Here, ARP has failed to quantify at all the actual substitution. Instead, it has merely indicated that per day use of energy in crude oil barrel equivalents, although it is clear from ARP's other statement that the facility would under no circumstances have used crude oil. In sum, ARP has failed to show that a "substitution will occur," as required by paragraph 5(f) of the Guidelines.

Following ERA's Decision and Order of January 13, 1981, to International Paper Company, many questions have been raised with respect to the paragraph 5(f) requirement. As has been made clear in previous decisions and orders, actual substitution in terms of displacement satisfies the requirement of paragraph 5(f). As is clear from this Decision and Order, as well as *International Paper*, mere theoretical competition or theoretical substitution is not sufficient under paragraph 5(f). This is not to say, however, that actual substitution in terms of displacement is the only means of showing "how, when, the circumstances under which the petroleum substitute will be substituted for the use of crude oil or refined petroleum products."*

The burden, however, is on the applicant to demonstrate that substitution within the meaning of paragraph 5(f) will occur. In the absence of an ability to show substitution through actual displacement, applicants have the burden of demonstrating how their circumstances can reasonably be read to meet the paragraph 5(f) requirement.

In view of these considerations, we have determined that ARP's application does not demonstrate that the wood waste, bark and black liquor solids used by ARP substitute for the use of crude oil or refined petroleum products within the meaning of paragraph 5(f) of the Guidelines. Consequently, ARP has failed to meet the criterion of the Guidelines designed to assure that fuels which do not lessen reliance on crude oil and petroleum products are not designated on a case-by-case basis as petroleum substitutes.

In summary, ARP:

(a) Uses domestically found solid waste materials as a source of fuel;

(b) Produces these fuels through net energy gain processes; and

(c) Has failed to demonstrate the substitution of petroleum or petroleum products.

VI. Order

In consideration of the foregoing, the ERA hereby denies the application of Alabama River Pulp Company, Inc., for designation as a producer of petroleum substitutes under 10 CFR 211.67(a)(5). In accordance with the provisions of 10 CFR Part 205, any aggrieved party may file an appeal from this Decision and Order with the Office of Hearings and Appeals of the Department of Energy. The provisions of 10 CFR Part 205, Subpart H, set forth procedures and criteria which govern the filing and determination of any such appeal.

This decision is based upon the presumed validity of statements, allegations, and documentary material submitted by the applicant. It may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

*Were mere theoretical competition or theoretical substitution sufficient, the requirement of paragraph 5(f) would be meaningless, as theoretical competition or substitution could be made for anything that burns no matter what the circumstance.

Issued in Washington, D.C., on February 9, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-5331 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Conservation Panel; Meeting

Notice is hereby given of the following meeting:

Name: Conservation Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770)

Date and time: March 6, 1981, 9:30 am to 4:00 pm

Place: Department of Energy, Forrestal Building, Room 4A-104, 1000 Independence Avenue SW., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, MS 3F-032, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: 202/252-8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda: Discussion of Activities for the Coming Year.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 am and 4:00 pm Monday through Friday, except Federal Holidays.

Issued at Washington, D.C. on February 10, 1981.

Antionette Grayson Joseph,

Associate Director for Field Operations Management, Office of Energy Research.

[FR Doc. 81-5283 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53021; TSH-FRL 1754-4]

Premanufacturers Notices; Monthly Status Report for December 1980

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for December 1980.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on a specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Rich Green, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-8816).

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. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558) and the notice of availability of the Revised Inventory was published on July 29, 1980 (45 FR 50544). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances that EPA has added to the Inventory during the month. Therefore, EPA is publishing the December 1980 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-53021]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report for December 1980

I. Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR citation	Expiration date
80-341	*N-N'*-Nonanedioyl-bis[3,4,5,6-tetrahydro-2(1*H*)pyrimidinone]	In preparation	Mar. 1, 1981.
80-342	Diisodecyl dimerate	do	Mar. 1, 1981.
80-343	1,6-Hexanediamine, distillation residues—amines, C_{4-8} alkyl di- and C_6 cyclic di-dichloroethane-epichlorohydrin polymer.	46 FR 6065 (1/21/81)	Mar. 1, 1981.
80-344	Generic name: Metal resinate	In preparation	Mar. 1, 1981.
80-345	Generic name: Dialkyl trithiocarbonate	do	Mar. 2, 1981.
80-346	Ferrous complexed sulfonated tannin	do	Mar. 2, 1981.
80-347	Generic name: Metal amine propanol complex	do	Mar. 3, 1981.
80-348	Sunflower Oil, polymer with pentaerythritol phthalic anhydride, soybean oil, and trimethylol ethane.	do	Mar. 8, 1981.
80-349	Sunflower oil, polymer with benzoic acid, and pentaerythritol	do	Mar. 8, 1981.
80-350	Resin polymers with glycerol, phthalic anhydride and sunflower oil	do	Mar. 8, 1981.
80-351	Generic name: Substituted alkanioc acid, alkyl ester	do	Mar. 8, 1981.
80-352	Generic name: Polymer of: Acylic acid, styrene, substituted alkyl acrylates, and alkyl mercaptan.	do	Mar. 8, 1981.
80-353	Generic name: Polymer of: An isocyonate and mixture of aliphatic polyols	do	Mar. 10, 1981.
80-354	Generic name: Polyester polymer of aliphatic polyols, aromatic diacid, and aliphatic diacid.	do	Mar. 10, 1981.
80-355	Generic name: (*p*-Dialkylamino phenyl)-diaryl heterocycle	do	Mar. 10, 1981.
80-358	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin.	do	Mar. 11, 1981.
80-359	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin.	do	Mar. 11, 1981.
80-360	2-Propanol, 1-methoxy-acetate	do	Mar. 12, 1981.
80-361	Formaldehyde, polymer with *N*-(3-aminopropyl)-1,3-propane diamine, (chloromethyl)oxirane, and phenol.	do	Mar. 15, 1981.
80-362	A resin from bisphenol A—epichlorohydrin copolymer, bisphenol A, linseed oil fatty acids, tall oil fatty acids, styrene, and acrylic acid.	do	Mar. 15, 1981.
80-364	Generic name: monoethanol amide of long chain fatty acid	do	Mar. 15,1981.
80-365	Calcium sodium ethylenediamine tetrakis (methylenephosphonate)	do	Mar. 15,1981.
80-366	1-Propanaminium, *N,N-dimethyl, N*-ethyl 1-3-[(1-oxoco-coalkyl) amino]-, ethyl-sulfate-.	do	Mar. 16,1981.
80-367	Generic name: Vegetable fatty acid modified polyester	do	Mar. 18,1981.
80-368	Generic name: Alkenylsuccinic acid monoester	do	Mar. 19,1981.
80-369	Generic name: Polyester di-urethane methacrylate resin based on the reaction of a dialkyl diol/adipic acid polyester diol with toluene diisocyanate and hydroxyethly methacrylate.	do	Mar. 23,1981.
80-370	Generic name: Aliphatic triol	do	Mar. 22,1981.
80-371	(Alkyl)halothiophosphate	do	Mar. 24,1981.

Premanufacture Notices Monthly Status Report for December 1980

I. Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR citation	Expiration date
80-372	Halogenated diphenyl sulfide	do	Mar. 24,1981.
80-373	Generic name: Reaction product of 4-nitrosophenol hydroxybenzene and an oxo alkane with sodium sulfide (NA_xS_y)).	do	Mar. 23,1981.
80-374	Generic name: 4-(Trifluoromethyl)-2-chloro-1-(3-substituted phenoxy) benzene derivative.	do	Mar. 23,1981.
80-375	Generic name: Polymer of methacrylic acid, alkyl acrylate, alkyl methacrylate, and an acrylic acid derivative.	do	Mar. 23,1981.
80-376	Generic name: Urethane prepolymer	do	Mar. 23,1981.
80-377	Polymer of: 1,2-ethanediol; 2,5-furandione; 1,3-isobenzofurandione; 1,2-propanediol; and 3a,4,7,7a-tetrahydro-4,7-methano-1*H*-indene.	do	Mar. 23,1981.
80-378	Generic name: *N*-(Substituted)-*N*-(substituted)acetamide	do	Mar. 24,1981.
80-379	Generic name: Organosilicon polymer	do	Mar. 24,1981.
80-380	Generic name:4-Substituted(substituted benzene)	do	Mar. 29,1981.
80-381	1-Substituted-4-(substitutedheteromonocyclic)benzene	do	Mar. 29,1981.
80-382	Generic name: Adipic acid, 1,2-propanediol, moncarboxylic acid polyester	do	Mar. 29,1981.
80-383	Ammonium diinoleate	do	Mar. 29,1981.

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity and generic name	FR citation	Expiration date
80-272	*N*-Methyl-*N*-glucitylstearoylamide	45 FR 73128 (11/4/80)	Jan. 1, 1981.
80-273	Amines, $C_{n=x}$ alkyldimethyl, phosphate salt	45 FR 73128 (11/4/80)	Jan. 1, 1981.
80-275	Polymer of: Tall oil fatty acid, isophthalic acid, trimethylol propane, trimellitic anhydride, methyl methacrylate, ethyl acrylate, methacrylic acid, hydroxy ethyl methacrylate.	45 FR 73132 (11/4/80)	Jan. 4, 1981.
80-276	Generic name: Styrene acrylic polymer	45 FR 71415 (10/28/80)	Jan. 4, 1981.
80-277	Generic name: Modified terpolymer of mixed alkyl acrylates	45 FR 71415 (10/28/80)	Jan. 4, 1981.
80-278	Generic name: Modified copolymer of mixed alkyl acrylates	45 FR 71415 (10/28/80)	Jan. 4, 1981.
80-279	Polymer of: 2,2-Dimethyl 1,3-propanediol; 2,2,4-trimethyl 1,3-pentanediol isophthalic acid; and fumaric acid.	45 FR 73129 (11/4/80)	Jan. 5, 1981.
80-280	Generic name: Hydrogen zeolites	45 FR 74582 (11/10/80)	Jan. 7, 1981.
80-281	Polymer of: Propylene glycol, neopentyl glycol, isophthalic acid, Empol 1022 dimeric fatty acid, trimellitic anhydride polymer.	45 FR 73131 (11/4/80)	Jan. 8, 1981.
80-282	Aminoalkanol salt, as a 25 pct aqueous solution	45 FR 75752 (11/17/80)	Jan. 12, 1981.
80-283	Generic name: Styrene methacrylate acrylate polymer	45 FR 74993 (11/13/80)	Jan. 13, 1981.
80-284	Generic name: Polymer of alkane-diols and carbomonocyclic anhydrides	45 FR 75752 (11/17/80)	Jan. 14, 1981.
80-286	*N*(4-Diuzo phenyl) morpholine hexafluorophosphate	45 FR 74993 (11/13/80)	Jan. 19, 1981.
80-287	Polymer of: Tall oil fatty acid, isophthalic acid, terephthalic acid, pentaerythritol, benzoic acid, and trimethylol propane.	45 FR 77125 (11/21/80)	Jan. 19, 1981.
80-288	Polymer of: Soybean oil, pentaerythritol, isophthalic acid, benzoic acid, terephthalic acid.	45 FR 77125 (11/21/80)	Jan. 19, 1981.
80-289	Amines, isopropyl, distillation residues	45 FR 75750 (11/17/80)	Jan. 21, 1981.
80-290	Amines, ethyl, distillation residues	45 FR 75750 (11/17/80)	Jan. 21, 1981.
80-291	Polymer of: Epoxy resin, bisphenol A, paraformaldehyde, dibutylamine, and diethanolamine.	45 FR 79150 (11/28/80)	Jan. 21, 1981.
80-292	Generic name: Disubstituted carbopolycyclic derivative	45 FR 79150 (11/28/80)	Jan. 21, 1981.
80-293	Generic name: Dimethyl alkylmethyl silicone glycol copolymer	45 FR 79157 (11/28/80)	Jan. 25, 1981.
80-294	Generic name: Siloxane, alkoxylated aminoalkyl	45 FR 79157 (11/28/80)	Jan. 25, 1981.
80-295	Generic name: Disubstituted nitrobenzene	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-296	Generic name: Ethyl, substituted, (((sulfopropyl) heteropolycyclic) methyl) alkenyl heteropolycycle.	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-297	Generic name: Ethyl, substituted, methylheteropolycycle tosylate	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-298	Generic name: Substituted, methylheteropolycycle	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-299	Generic name: Disubstituted benzene	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-300	Generic name: Bis(Nitro, substituted phenyl)substituent	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-301	Cyclohexane, 1,1'-methylene bis [4-isocyanato-, reaction products with 1,3-isobenzofurandione, polymer with 1,6-hexanediol, alpha-hydro-omega-hydroxypolyoxy[1,4-butanediyl], and (2-hydroxyethyl)-2-propenoate.	45 FR 79152 (11/28/80)	Jan. 25, 1981.
80-302	Generic name: Modified polyester based on carbomonocyclic anhydride and alkanediols.	45 FR 80354 (12/4/80)	Jan. 26, 1981.
80-303	Generic name: Substituted alkyl peroxycarbonate	45 FR 80351 (12/4/80)	Jan. 27, 1981.
80-304	Generic name: Alkyl substituted chlorocarbonic acid	45 FR 80351 (12/4/80)	Jan. 27, 1981.
80-305	Generic name: Elastomeric urethane	45 FR 82707 (12/16/80)	Jan. 26, 1981.
80-306	Generic name: Urea/carbamate lacquer	45 FR 82707 (12/16/80)	Jan. 27, 1981.
80-307	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phythalic anhydride.	45 FR 81651 (12/11/80)	Jan. 27, 1981.
80-310	Butanenitrile, 2-methyl, 2,2'-azobis	45 FR 80350 (12/4/80)	Jan. 28, 1981.
80-311	Butanenitrile, 2-methyl, 2-amino	45 FR 81826 (12/12/80)	Jan. 28, 1981.
80-312	*N*-Isocyanatotolyl-abietamide	45 FR 83661 (12/19/80)	Jan. 28, 1981.
80-313	2-Chloro-2-sulfopropionic acid	45 FR 83662 (12/19/80)	Feb. 2, 1981.
80-314	2,4-Bis[(4-(*N*-cyano-*N*-phenylsulfonylamino)phenyl)methyl]-*N*-phenylsulfonylbenzenamine; 4,4'-methylenebis(*N*-cyano-*N*-ponylsulfonylbenzenamine; 4,4'-methylenebis[2-[(4-(*N*-cyano-*N*-ponylsulfonylamino)phenyl)-methyl)-*N*-cyano-*N*-phenylsulfonylbenzenamine].	45 FR 85151 (12/24/80)	Feb. 1, 1981.
80-315	4,4'-Methylenebis(*N*-cyanobenzenamine); 2,4-bis[(4-(*N*-cyanoamino)phenyl)methyl]-*N*-cyanobenzenamine; 4,4'methylenebis[2-[(4-*N*-cyanoamino)phenyl)methyl]-*N*-cyanobenzenamine].	45 FR 85151 (12/24/80)	Feb. 1, 1981.
80-316	Generic name: Dialkyltin-dirlcinoleate	45 FR 83020 (12/17/80)	Feb. 2, 1981.
80-317	Generic name: Polymer of modified resin esters and mixed oils	45 FR 83023 (12/17/80)	Feb. 3, 1981.
80-318	Dimethyl diallyl ammonium chloride-acrylamide-potassium acrylate terpolymer	45FR 83664 (12/19/80)	Feb. 5, 1981.
80-319	Generic name: Salt form of acrylic acid-acrylate copolymer	45 FR 83661 (12/19/80)	Feb. 5, 1981.
80-320	Vanadic acid, tris(2-methylpropyl)ester	45 FR 83019 (12/17/80)	Feb. 5, 1980.
80-321	Generic name: Polymer of an alkyl acrylate, an alkyl methacrylate, and a saturated cyclic methacrylate.	45 FR 82708 (12/17/80)	Feb. 10, 1981.
80-322	Generic name: Polymer of epoxidized soybean oil benzoic acid	45 FR 83021 (12/17/80)	Feb. 10, 1981.
80-323	Generic name: Acrylic emulsion	45 FR 83662 (12/19/80)	Feb. 10, 1981.
80-324	Generic name: Poly (allyl ether) hydroxy alkyl ester	45 FR 82706 (12/16/80)	Feb. 11, 1981.
80-325	Generic name: Chromophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80)	Feb. 15, 1981.
80-326	Generic name: Chromophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80)	Feb. 15, 1981.
80-327	Generic name: Toluene diisocyanate blocked prepolymer	45 FR 83020 (12/17/80)	Feb. 15, 1981.
80-328	Generic name: Unsaturated melamine formaldehyde methanol resin	45 FR 83019 (12/17/80)	Feb. 16, 1981.

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II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month

80-329	Generic name: Salt of fatty acid dimer	45 FR 83022 (12/17/80)	Feb. 16, 1981.
80-330	Amino Alcohol	46 FR 3963 (1/16/80)	Feb. 18, 1981.
80-331	Methacrylic fatty acid adduct	46 FR 3963 (1/16/81)	Feb. 19, 1981.
80-332	Soya fatty ester	46 FR 3963 (1/16/81)	Feb. 22, 1981.
80-333	Polymer of: Substituted alkanediol, alkanedioic acid, and alkenedioic acid	46 FR 3963 (1/16/81)	Feb. 22, 1981.
80-334	Polymer of: Alkanediol, alkanedioic acid, and alkenedioic acid	In preparation	Feb. 22, 1981.
80-335	Polymer of: Substituted alkanediol, alkanedioic acid, and alkenedioic acids	do	Feb. 22, 1981.
80-336	1,2,4-Substituted anthraquinone	do	Feb. 22, 1981.
80-337	Acrylamid-methacrylic copolymer	do	Feb. 23, 1981.
80-338	Salt form of acrylic acid-acrylate copolymer	do	Feb. 22, 1981.
80-339	Salt form of acrylic acid-acrylate copolymer	do	Feb. 22, 1981.
80-340	Polymer diol, monocarboxylic acid diol, diamine, and a disocyanate	46 FR 3963 (1/16/81)	Feb. 24, 1981.

III. Premanufacture Notices for Which the Notice Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	Identity and generic name	FR citation	Expiration date
80-239	2,2,4-Trimethyl-1,3-pentanediol, trimethylolpropane, succinic anhydride, adipic acid, isophthalic acid.	45 FR 63919 (9/26/80)	Dec. 2, 1980.
80-240	Generic name: Ethene-alkene-vinyl carbonyl amine polymer	45 FR 65030 (10/1/80)	Dec. 1, 1980.
80-241	Generic name: Polyurethane polyacrylic polymer	45 FR 63345 (9/24/80)	Dec. 3, 1980.
80-242	M(2-Hydroxypropyl)-N-tris (5-hydroxy-2-oxopentyl)-ammonium acatate	45 FR 64245 (9/29/80)	Dec. 4, 1980.
80-243	2,2,4-Trimetyly-1,3-pentanediol, trimethylolpropane, succinic anhydride, trimellitic anhydride, adipic acid, and isophthalic acid.	45 FR 66033 (10/1/80)	Dec. 7, 1980.
80-244	1-Nitronaphthalene-6-sulfonic acid, potassium salt	45 FR 65029 (10/1/80)	Dec. 7, 1980.
80-245	1-Nitronaphythalene-7-sulfonic acid, potassium salt	45 FR 65029 (10/1/80)	Dec. 7, 1980.
80-246	Generic name: Disubstituted heptadecane	45 FR 65032 (10/1/80)	Dec. 7, 1980.
80-247	Generic name: Aliphatic diol	45 FR 65032 (10/1/80)	Dec. 7, 1980.
80-248	Azelaic acid, 1,4-cyclohexanedimethanol, dimer acid, dimethylol propionic acid, methylenebis (cyclohexyl isocyanate), neopentyl glycol, trimethylolpropane polymer.	45 FR 65033 (10/1/80)	Dec. 8, 1980.
80-249	Generic name: Aliphatic polyurethane waterborne dispersion	45 FR 65034 (10/1/80)	Dec. 9, 1980.
80-250	Propylene glycol, ethylene glycol terephthalic acid polymer, phthalic anhydride, and maleic anhydride.	45 FR 65664 (10/3/80)	Dec. 11, 1980.
80-251	Generic name: Carbomonocyclic, carbopolycyclic polyester	46 FR 60293 (10/20/80)	Dec. 11, 1980.
80-252	Generic name: Acryloxyethyltheteromonocycle	45 FR 67449 (10/10/80)	Dec. 15, 1980.
80-253	Cocoriut fatty acids, benzoic acid, isophthalic acid, neopentyl glycol, propylene glycol.	46 FR 67450 (10/10/80)	Dec. 15, 1980.
80-254	Generic name: Dimer fatty acid polyamide	45 FR 67450 (10/10/80)	Dec. 15, 1980.
80-255	1-Octanamine, N, N-dimethyl-, phosphate salt	45 FR 67751 (10/14/80)	Dec. 16, 1980.
80-257	Generic name: Unsaturated branched chain hydrocarbon having 10 carbon atoms.	45 FR 67751 (10/14/80)	Dec. 17, 1980.
80-258	Generic name: Unsaturated branched chain ketone having 12 carbon atoms	45 FR 67761 (10/14/80)	Dec. 17, 1980.
80-260	Generic name: Neutralized polymer of styrene, alkyl acrylates, and substituted alkyl methacrylates.	45 FR 69293 (10/20/80)	Dec. 18, 1980.
80-261	Polymer of: Palm oil, coconut oil pentaerythritol, benzoic acid, phthalic anhydride, and maleic anhydride.	45 FR 71419 (10/28/80)	Dec. 21, 1980.
80-262	Generic name: Fatty acids, esters with polyols	45 FR 71418 (10/28/80)	Dec. 21, 1980.
80-263	Linseed oil, styrene, glycerine, toluene diisocyanate	45 FR 73130 (11/4/80)	Dec. 22, 1980.
80-264	Benzenamine, [M-(1-methylhexylidene)-N'-(1-methyl butylidene)-4,4-methylene bis].	45 FR 73127 (11/4/80)	Dec. 25, 1980.
80-265	Generic name: Di (substituted alkyl) carbomonocyclic dicarboxylate	45 FR 73125 (11/4/80)	Dec. 25, 1980.
80-266	Generic name: Polymer of alkanedioic acids, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 2,2-dimethyl-1,3-propanediol.	45 FR 73125 (11/4/80)	Dec. 25, 1980.
80-267	Generic name: Substituted phenol, reaction products with sulfur chloride	45 FR 72785 (11/3/80)	Dec. 26, 1980.
80-268	Generic name: Esterified polyamic acid	45 FR 70107 (10/22/80)	Dec. 26, 1980.
80-269	Generic name: Dinecafkyl estar of glycerine	45 FR 74558 (11/10/80)	Dec. 26, 1980.
80-270	Polymer of glycidyl methacrylate, hydroxy propyl methacrylate, 12-hydroxy-stearic acid, methacrylic acid, methyl methacrylate polymer.	45 FR 74558 (11/10/80)	Dec. 28, 1980.

IV. New Chemical Substances That EPA Has Added to the Inventory During the Month

PMN No.	Submitter	Chemical identification	FR citation
P-79-29	Confidential business information (CBI)	Polymer of 5-Substituted-1,3-benzenedicarboxylic acid, ethylene glycol, ε-caprolactone.	45 FR 2389 (1/11/80).
P-79-30	CBI	Polymer of: 5-Substituted-1,3-benzenedicarboxylic acid, 1,4-cyclohexanedimethanol, ethylene glycol, ε-caprolactone, tolylene-2,4-disocyanate, 2-butenedioic acid.	45 FR 23891 (1/11/80).
P-79-31		Polymer of: 1,4-Cyclohexane dimethanol, 2-butenedioic acid	45 FR 2389 (1/11/80).
P-80-73	CBI	Salt of: Formaldehyde, 4-(phenylamino)-substitutedbenzene polymer and 2-butenedioic acid, 1,4-cyclohexane-dimethanol, 2,4-disocyanato-1-methylbenzene, 1,2-ethanediol, 2-oxepanone, and 5-substituted-1, 3-benzenedicarboxylic acid polymer.	45 FR 30127 (5/7/80).
P-80-217	General Electric Corp	Aromatic Trisazo dye	45 FR 61021 (9/15/80).
P-80-218	General Electric Corp	Aromatic trisazo dye	45 FR 61021 (9/15/80).
P-80-219	CBI	An aliphatic ester	45 FR 62194 (9/15/80).
P-80-231	CBI	Naphthalene 1,2,3,4-tetrahydro-1,1,4,4 tetramethyl	45 FR 62197 (9/10/80).
P-80-234	Inmont Corp	Polymer of adipic acid, dimethyl 1,4 cyclohexanedicarboxylate, maleic anhydride, neopentyl glycol, phthalic anhydride, trimellitic anhydride trimethylol ethane.	45 FR 65033 (10/1/80).
P-80-243	CBI	Polymer of 2,2,4-trimethyl-1,3-pentanediol, trimethyl propane succinic anhydride, trimellitic anhydride, adipic, isophthalic acid	45 FR 65033 (10/1/80).195

[FR Doc. 81-5280 Filed 2-13-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket: FEMA-REP-1-VT-1; FEMA-REP-1-VT-2]

Vermont Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of Vermont has submitted its radiological emergency plans to the FEMA Regional Office. These Plans support nuclear power plants which impact on Vermont, and include summaries of the plans of local governments near the Vermont Yankee Nuclear Power Station located in Vernon, VT, and Yankee Nuclear Power Station located in Rowe, MA.

DATE PLANS RECEIVED: January 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McGrail, Regional Director, FEMA, Region I, Room 442 John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, (617) 223–4741.

NOTICE: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8),"Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for the State of Vermont was received by the Federal Emergency Management Agency Region I Office.

Included are summaries of plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Vernon Plant, summaries of plans are included for Vernon, Guilford, Brattleboro, Halifax, Marlboro and Dummerston; for the Rowe Plant, summaries of plans are included for Marlboro, Stamford, Readsboro, Wilmington, Whitingham, Searsburg and Woodford.

Copies of the Plan are available for review at the FEMA Region I Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 295 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Stephen J. McGrail,

Regional Director.

[FR Doc. 81-5248 Filed 2-13-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2147]

Davis Export Consultants International, Inc., Vacating Revocation

By Order served January 26, 1981, Davis Export Consultants International, Inc. (DEC) was notified that its Independent Ocean Freight Forwarder License No. 2147 was automatically revoked pursuant to section 44(c) of the Shipping Act, 1916, as amended (46 U.S.C. 841(b)), and section 510.9 Federal Maritime Commission General Order 4 (46 CFR 510) because DEC had failed to maintain a vald surety bond on file with the Federal Maritime Commission.

DEC has not come forth with evidence that it had, in fact, maintained a valid surety bond.

Therefore by virture of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that the Order of Revocation served January 26, 1981, revoking Davis Export Consultants International, Inc. Independent Ocean Freight Forwarder License No. 2147, is hereby vacated.

It is ordered, that a copy of this Notice be published in the **Federal Register** and served upon Davis Export Consultants International.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-5312 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should

not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Tranpotrade International, Inc., 1310 Prairie Avenue, Suite 824, Houston, TX 77002; Officers: Iqbal Ahmed, President; Renee Dickinson, Vice President; Donna Dickinson, Secretary/Treasurer

Negron International Co. (J. E. Negron, d.b.a.), 15 Park Row, Room 1703, New York, NY 10038

Doris Rabenold Fabian, 5332 West 142nd Place, Hawthorne, CA 90250

Albert Rubiano, 2734 N.W. 183rd St., Miami, FL 33056

Dated: February 11, 1981.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5314 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-14]

Marquis Surface Corporation Independent Ocean Freight Forwarder License No. 1573; Order of Investigation and Hearing

Marquis Surface Corporation (Marquis) is a New York based corporation operating as an independent ocean freight forwarder pursuant to FMC License No. 1573, issued August 5, 1974.

According to the Commission's information, it appears that Marquis permitted an unauthorized person, Gemini Transportation Inc. (Geminitrans) [1] to use Marquis' name and license number to perform the ocean freight forwarding on at least two hundred ninety (290) shipments during the period January 3, 1977 to January 28, 1980. It further appears that Marquis and Geminitrans shared the ocean carrier compensation and the forwarding fees generated by those two hundred ninety (290) shipments. Marquis apparently paid Geminitrans approximately $13,900 as its share of the ocean carrier compensation, forwarding and documentation fees.

Section 510.23(a) of the Commission's General Order 4 prohibits licensees from permitting their license numbers and names to be used by any person not employed by the licensee for the performance of any freight forwarding services.

[1] Geminitrans appears to be a company owned in common with Gemini International Company, a freight forwarder applicant currently under investigation in Docket No. 80-83.

Also, in accepting ocean carrier compensation for the performance of ocean freight forwarding services it did not perform, Marquis appears to have violated section 44(e) of the Shipping Act, 1916, and section 510.24(e) of the Commission's General Order 4.

Now therefore it is ordered, that pursuant to sections 22, 32, and 44 (46 U.S.C. 821, 831, and 841(b)) of the Shipping Act, 1916, and § 510.9 of the Commission's General Order 4 (46 CFR 510.9) a proceeding is hereby instituted to determine:

1. Whether Marquis has violated § 510.23(a) of General Order 4 by permitting Geminitrans to use its name and license number to perform ocean freight forwarding services on two hundred ninety (290) shipments during the period January 3, 1977 to January 28, 1980.

2. Whether Marquis violated section 44(e) of the Shipping Act, 1916 and § 510.24(e) of the General Order 4 by accepting ocean carrier compensation on the above cited shipments for which it did not perform the ocean freight forwarding service.

3. Whether civil penalties should be assessed against Marquis pursuant to section 32(e) of the Shipping Act, 1916, for violations of section 44(e) of the Shipping Act, 1916, and/or §§ 510.23(a) and 510.24(e) of the Commission's General Order 4, and, if so, the amount of any such penalty which should be assessed.

4. Whether Marquis' independent ocean freight forwarder license should be suspended or revoked pursuant to section 44(d) of the Shipping Act, 1916, for:

(a) willful violations of section 44(e) of the Shipping Act, 1916, and/or §§ 510.23(a) and 510.24(e) of the Commission's General Order 4; or

(b) such conduct as the Commission shall find renders Marquis unfit to carry on the business of forwarding in accordance with § 510.9(e) of General Order 4.

It is further ordered, that Marquis Surface Corporation be made Respondent in this proceeding.

It is further ordered, that in accordance with Rule 42 of the Commission's Rules and Practice (46 CFR 502.42), the Commission's Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, that this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge but in no event later than the time limitation set forth in Rule 61 (46 CFR 502.61). The hearing shall include oral testimony and cross-examination at the discretion of the Presiding Officer, only upon the 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, or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, that Notice of this Order be published in the **Federal Register** and a copy thereof and notice of hearing be served upon Respondent, Marquis Surface Corporation and the Commission's Bureau of Investigation and Enforcement.

It is further ordered, that any person other than the Respondent and the Commission's Bureau of Investigation and Enforcement having an interest in and desire to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 (46 CFR 502.72) of the Commission's Rules of Practice and Procedure.

It is further ordered, that all future notices issued by or on behalf of the Commission, including notice of time and place of hearing or prehearing, shall be mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5318 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. T-3945 and T-3945-A]

Nonexclusive Containership Terminal Preferential Assignment Agreement and Container Crane Nonexclusive Preferential Assignment Agreement Between Port of Oakland and Maersk Line Pacific, Ltd.; Availability of Finding of No Significant Impact

Upon completion of assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the preferential assignment Agreements Nos. T-3945 and T-3945-A between the Port of Oakland, California, and Maersk Line Pacific, Ltd., will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that the preparation of an environmental impact statement is not required. The

proposed Commission action also will not have a significant energy impact.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related energy and environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5316 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1834]

SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.); Order of Revocation

On January 22, 1981, SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.), P.O. Box 8672, San Francisco, International Airport, San Francisco, CA 94128, advised the Commission that it had ceased operations effective September 1, 1979.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1834 issued to SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.) be revoked without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1834 issued to SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.).

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-5313 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 10409]

Space Charter Agreement Among Korea Shipping Corp., Neptune Orient Lines, Inc., and Orient Overseas Container Lines, Inc.; Availability of Finding of No Significant Impact

Upon completion of an environmental and energy assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the agreement will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Fuel, however, will be conserved if the agreement is approved. For a description of this agreement, please refer to 45 FR 7069 (January 22, 1981).

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5317 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3935]

South Carolina State Ports Authority/ Puerto Rico Maritime Shipping Authority; Availability of Finding of No Significant Impact

Upon completion of an impact assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the environmental issues related to the referenced proceeding do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The proceedings also will not have a significant impact upon energy consumption.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related impact assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5315 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-15]

United States-European Trade Carriers Cooperative Study Agreement No. 10318; Order To Show Cause

The above-captioned agreement between 14 U.S. and foreign-flag ocean carriers (Proponents) [1] has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

Agreement No. 10318 would allow the Proponents to exchange information and cooperate in developing information relating to cargo movements, including seasonal and other traffic fluctations, and data bearing on the level, type and frequency of liner services required by shippers; costs of service; practices connected with the receipt and delivery of cargo; relations with trade and similar shipper associations; relations with the business community and shipping public; relations with the state-owned and controlled liner shipping services; relevant legislative matters and intergovernmental activities; self-policing systems and their evolution; and studies and reports concerning legal and economic aspects of the liner shipping industry and the conference system.

As it concerns the U.S.-European trades, the parties seek authority to collectively study problems associated with overtonnaging; intermodal transport; the formation of shippers' councils in the United States; self-policing; state-owned and controlled carriers; and relations with the business community, the shipping public and the public-at-large. These cooperative efforts are intended to produce information which will help solve the problems being studied.

Agreement No. 10318 was noticed in the **Federal Register** on December 21, 1977. On January 10, 1978, the Department of Justice filed comments, opposing approval or, in the alternative, requesting a full evidentiary hearing on the matter. On January 23, 1978, Outboard Marine Corporation filed comments requesting that hearings be held on the approvability of Agreement No. 10318. An affidavit in support of the Agreement was received on July 10, 1978.

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[1] See Appendix A.

The Commission finds Agreement No. 10318 to be vague with regard to its general scope, methods of procedure and specific objects of study. Agreements which receive an exemption from the antitrust laws under section 15 must be expressed in a clear and definite manner. The public interest is not served by overly broad, ambiguous agreements which can generate uncertainty and disagreement among member lines and third parties alike. It is noted that the Proponents currently belong to a variety of conference, rate, rationalization, and joint service agreements which already authorize them to deal, in specific trades, with the matters seemingly covered by Agreement No. 10318. Express section 15 authority is not required to conduct preliminary discussions leading to the filing of a proposed agreement.

Finally, Agreement No. 10318 suggests, at page 3, that other agreements may be "transacted" under its terms and need only be *subsequently reported* to the Commission. Although the Agreement also states at page 4 that nothing in it authorizes the parties to implement "any substantive agreement" without prior Commission approval, this provision creates sufficient ambiguity to warrant disapproval on public interest grounds.

Given the indefinite language of the Agreement, and Proponents' failure, notwithstanding their July 10, 1978 affidavit, to provide justification which demonstrates that there are specific and immediate problems which necessitate discussion of particular courses of action which cannot be discussed under existing authority, Agreement No. 10318 will be disapproved as contrary to the public interest unless Proponents can show cause why such action should not be taken.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Proponents listed in Appendix A are ordered to show cause why Agreement No. 10318 should not be disapproved as vague and therefore contrary to the public interest and because the Proponents have failed to adequately demonstrate a legitimate transportation need for the agreement; and,

It is further ordered, That this proceeding is limited to the submission of affidavits of fact and memorandum of law. Should any party believe an evidentiary hearing is required, that party must submit a request for such hearing accompanied by a detailed statement of the particular facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed no later than May 26, 1981; and,

It is further ordered, That this Order be published in the **Federal Register** and a copy thereof also served upon each Proponent; and,

It is further ordered, That Proponents and Intervenors urging approval of the instant Agreement shall file affidavits of facts and memoranda of law in accordance with the second ordering paragraph hereof, no later than March 27, 1981, with the Secretary, Federal Maritime Commission 1100 L Street, NW., Washington, D.C. 20573, in an original and 15 copies and otherwise in accordance with the Commission's Rules of Practice and procedure (46 CFR Part 502); and

It is further ordered, That the Commission's Bureau of Investigation and Enforcement shall be a party to this proceeding. Reply affidavits and a memorandum of law shall be similarly filed by the Bureau of Investigation and Enforcement and by Intervenors urging disapproval of the instant Agreement no later than April 27, 1981; and

It is further ordered, That rebuttal memoranda and affidavits responding to the memorandum and affidavits of the Bureau of Investigation and Enforcement may be filed by the Proponents no later than May 18, 1981.

It is further ordered, That any person other than Proponents and the Commission's Bureau of Investigation and Enforcement having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72).

By the Commission.

Francis C. Hurney,

Secretary.

Appendix A

Members

American Export Lines, Inc. (Farrell Lines); Atlantic Container Line, GIE; Baltic Shipping Company; Black Sea Shipping Company; Combi Line; Dart Containerline Co., Ltd.; Euro-Pacific; Hapag-Lloyd AG; Johnson ScanStar; Lykes Bros. Steamship Co., Inc.; Norwegian American Line; Sea-Land Service, Inc.; Thos. & Jas. Harrison, Ltd.; and United States Lines, Inc.

[FR Doc. 81-5319 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 12, 1981.

A. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

Fourth National Corporation, Tulsa, Oklahoma (commercial and consumer lending activities; Oklahoma): to engage in making or acquiring for its own account or for the account of others, loans and other extensions of credit, including commercial and consumer loans and issuing letters of credit and accepting drafts. These activities would be conducted from offices in Tulsa, Oklahoma, principally serving the Tulsa Metropolitan area.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5337 Filed 2-13-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 6, 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 reciept.

The notice includes the title of the 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 FTC request 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 request, comments (in triplicate) must be received on or before March 9, 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.

Federal Trade Commission

The FTC requests an extension without change clearance of the Premerger Notification and Report Form. The Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice conduct a premerger notification program pursuant to Section 7A of the Clayton Act, 15 U.S.C. 18a (as added by the Hart-Scott-Rodino Antitrust Improvements Act of 1976). The Act requires that certain persons contemplating mergers or acquisitions of a specified size file notification with the Commission and Assistant Attorney General, prior to consummation of the proposed transaction, and provide such documentary and other information as will support a meaningful evaluation of the possible antitrust consequences of the transaction. The information is provided in part by completing and filing the Premerger Notification and Report Form. In order to complete the form, a filing person must identify the parties to the transaction and describe the transaction in some detail, provide its dollar revenues for 1977 by industry and by manufactured product class, as well as identity its significant stockholders and stockholdings. In certain cases, the person must also describe the geographic areas within which it does business, the purchases it has made from another party to the same transaction, and certain of its previous acqusitions. Documents prepared in anticipation of, or in connection with, the acquisition, or indices thereof, must be submitted with the Form, as well as specified annual reports, financial statements and certain recent filings made with the United States Securities and Exchange Commission. The only change to the Form since it was first used in 1978 is that the FTC has now substituted a requirement for 1977 revenue data in those instances where the Form had previously required 1972 data. See 45 FR 14205 (March 5, 1980). The FTC estimates respondents may number approximately 1,000 and that time to complete the Premerger Notification and Report Form will average 50 hours per respondent.

Normal F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-5340 Filed 2-13-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming Consumer Exchange Meeting to be chaired by George J. Gerstenberg, District Director, New York District Office, Brooklyn, NY.

DATE: The meeting will be held at 10 a.m., Monday, March 16, 1981.

ADDRESS: The meeting will be held at the Bureau of Motor Vehicles Bldg., Cooperative Extension Office, 2d Floor, 216 Central Ave., White Plains, NY 10606.

FOR FURTHER INFORMATION CONTACT: Nancy Goldstein, Consumer Affairs Officer, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212-965-5043.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's New York District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: February 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5204 Filed 2-13-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Federal-Private Cooperative Coal Leasing Proposal

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of the public comment period on the Federal-private cooperative coal leasing proposal.

SUMMARY: In the **Federal Register** of December 30, 1980 (45 FR 85833), the Bureau of Land Management requested, by January 29, 1981, comments on its cooperative coal leasing proposal which it hopes to apply in an October 1981 lease sale in the Green River-Hams Fork Federal Coal Region in northwest Colorado and southwest Wyoming.

The proposal is designed to enhance bidder competition in the sale and development of tracts where there is mixed Federal-private ownership of coal, especially tracts in a checkerboard ownership pattern.

This notice hereby extends the comment period on this proposal until March 2, 1981.

DATES: Written comments are requested by March 2, 1981.

ADDRESS: Comments should be sent to Director (160), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ryan Dudley, Office of Coal Management, Bureau of Land Management, (202) 343-4537.

Dated: February 12, 1981.

Ed Hastey,

Acting Director.

[FR Doc. 81-5518 Filed 2-16-81; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 6, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 4, 1981.

Carol Shull,

Acting Chief, Registration Branch.

CALIFORNIA

Trinity County

Trinity Center vicinity, *Bowerman Barn*, SW of Trinity Center on Guy Covington Dr.

IOWA

Clinton County

Delmar, *Delmar Caloboose*, Vane St.

Hardin County

Alden, *Alden Public Library*, 1012 Water St.

KENTUCKY

Jefferson County

Louisville, *Crescent Hill Branch Library*, 2762 Frankfort Ave.

Louisville, *Firehouse No. 13 (Historic Firehouses of Louisiana Thematic Resources)*, 100 N. 34th St. (Addition.)

NEW YORK

Westchester County

Yorktown Heights, *Yorktown Heights Railroad Station*, Commerce St.

OREGON

Hood River County

Parkdale vicinity, *Cloud Cap-Tilly Jane Recreation Area Historic District*, S of Parkdale.

[FR Doc. 81-5095 Filed 2-13-81; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Appalachian National Scenic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Appalachian National Scenic Trail Advisory Council will be held in Harpers Ferry, West Virginia on March 6, from 1:00 p.m. to 5:00 p.m., and March 7, from 9:00 a.m. to noon. The agenda of the meeting will include a review of the draft Comprehensive Plan, draft cooperative agreements and land acquisition progress.

The Council has been re-established by Pub. L. 95-248 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to administration of the Appalachian National Scenic Trail. The Council was originally established by Pub. L. 90-543.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact David A. Richie, Project manager, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, West Virginia 25425, at Area Code (304) 535-2346.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address. Copies of the minutes will also be available from Room 3120, Interior Building, 18th & C Streets, NW., Washington, D.C. and at the headquarters of the Appalachian Trail Conference, Washington Street, Harpers Ferry, West Virginia.

Dated: February 2, 1981.

David A. Richie,

Project Manager.

[FR Doc. 81-5336 Filed 2-13-81; 8:45 am]

BILLING CODE 4310-70-M

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 1:30 p.m. CST on March 25, 1981, at the Holiday Inn, 100 West Bank Expressway, Gretna, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95-265, Section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, in the development and implementation of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

Status reports on the General Management Plan, interim operations, land acquisition, studies in progress, projected studies, and Bayou des Familles Navigability will be discussed.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, 400 Royal Street, Room 220, New Orleans, Louisiana 70130, telephone area code 504 589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: February 5, 1981.

Robert I. Kerr,

Regional Director Southwest Region.

[FR Doc. 81-5332 Filed 2-13-81; 8:45 am]

BILLING CODE 4310-70-M

Availability of Plan of Operations and Environmental Review and Analysis, Coral Petroleum Development, Incorporated, Exploratory Natural Gas Well, Coral Well No. 1, Padre Island National Seashore, Texas

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Coral Petroleum Development, Incorporated, a plan of operations for the purpose of drilling a well from Padre Island National Seashore, Kleberg County, Texas, into Offshore Tract 976-S.

The plan is available for public review and comment for a period of 30 days in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418. Copies of the document are available from Padre Island National Seashore and will be sent, upon request, to individuals or groups at a charge of $5.40 per copy, pursuant to the Freedom of Information Act. The plan and accompanying Environmental Review and Analysis is 104 pages in length.

Dated: January 30, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-5334 Filed 2-13-81; 8:45 am]

BILLING CODE 4310-70-M

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that two meetings of the Golden Gate National Area advisory Commission will be held. The first will be at 9:30 a.m. (PST) on Saturday, March 7, 1981, in the Fort Mason Center Conference Area, Building A, Lower Fort Mason, San Francisco, California. The second meeting will be at 9:30 a.m. (PST), on Saturday, March 21, 1981 at West Marin School in Point Reyes Station, California.

The Advisory Commission was established by Pub. L. 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margo Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Duane "Doc" Mattison
Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda items for the March 7th meeting will be the swearing in of the newly appointed and reappointed commissioners, the election of officers, and staff briefings and update on the planning and operational matters of the Golden Gate National Recreation Area. The major agenda item for the March 21st meeting will be staff briefings and update on the planning and operational matters of the Point Reyes National Seashore.

These meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on these meetings or who wish to submit written statements may contact William J. Whalen, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123; telephone (415) 556–2920.

Minutes of the March 7th meeting will be available for public inspection by April 6, 1981; minutes of the March 21st meeting by April 20, 1981. These minutes will be located in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: February 4, 1981.

Bruce M. Kilgore,

Acting Regional Director, Western Region.

[FR Doc. 81-5333 Filed 2-13-81; 8:45 am]

BILLING CODE 4310-70-M

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

February 5, 1981.

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Tuesday, March 10, 1981 at 7:30 p.m. at Taft High School, 5461 Winnetka, Woodland Hills, CA.

The Advisory Commission was established by Pub. L. 95–625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Ms. Margot Feuer
Dr. Henry David Gray
Mr. Edward Heidig
Mr. Frank Hendler
Ms. Mary C. Hernandez
Mr. Bob Hollman
Ms. Susan Barr Nelson
Mr. Carey Peck
Mr. Donald Wallace
Ms. Marilyn Whaley Winters

The major agenda items include the Superintendent's report, tentative recommendations by the Commission on the General Management Plan, discussion on the marine environment by the State Underwater Advisory Board, status of the State Comprehensive Plan, and oath of office for Commissioner Bob Hollman who has been newly appointed by the Los Angeles County Board of Supervisors. The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 23018 Ventura Boulevard, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by April 17, 1981, at the above address.

Dated: February 5, 1981.

Robert S. Chandler,

Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 81-5335 Filed 2-13-81; 8:45 am]

BILLING CODE 4310-70-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 of Czechoslovakian glass (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 agreement between the Corning Museum of Glass and the Umeleckoprumyslove Museum, Prague, Czechoslovakia. I also determine that the temporary exhibition or display of the listed exhibit objects at the Corning Museum of Glass, Corning, New York, beginning on or about May 2, 1981, to on or about November 1, 1981, is in the national interest.

Public Notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 10, 1981.

John W. Shirley,

Acting Director, International Communication Agency.

INTERSTATE COMMERCE COMMISSION

[AB 6 (SDM)]

Burlington Northern, Inc.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Burlington Northern Inc. has filed with the Commission its

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

amended color-coded system diagram map in docket No. AB 6 (SDM). The Commission on January 29, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 6 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5349 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 7 (SDM)]

Chicago, Milwaukee, St. Paul And Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago, Milwaukee, St. Paul & Pacific RR. Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 7 (SDM). The Commission on February 9, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 7 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5350 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: February 10, 1981.

In our decision of February 3, 1981, a 17-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 18.2-percent. Accordingly, we are authorizing that the surcharge for this traffic be increased to 18.0-percent. All owner-operators are to receive compensation at this level.

The authorized surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators is increased to 3.1-percent, that for the bus carriers to 6.8-percent, and that for United Parcel Service to 2.1-percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., February 13, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gilliam absent and not participating.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5

Date of current price measurement and price per gallon (including tax)

February 9, 1981 ..... 131.9

	Transportation performed by—			
	Owner operators [1]	Other [2]	Bus carriers	UPS
	(1)	(2)	(3)	(4)
Average percent: fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.2	3.1	6.8	[3]2.9
Percent surcharge allowed	18.0	3.1	6.8	[4]2.1

[1] Apply to all truckload rated traffic.

[2] Including less-than-truckload traffic.

[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-5348 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 43 SDM]

Illinois Central Gulf Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Illinois Central Gulf Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 43 (SDM). The Commission on February 5, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 43 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5351 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-94) F]

Chicago and North Western Transportation Company—Abandonment—Between Jewell and Stratford, Iowa; Findings

Notice is hereby given pursuant to 49 U.S.C. § 10903 that by a decision decided January 27, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that the public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad between milepost 69.4 near Jewell, IA, to milepost 84.0 near Stratford, IA, a distance of 14.6 miles in Hamilton and Webster Counties, IA, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Missouri Pacific Railroad Company 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 get 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 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 in the above-referenced decision.

Agatha L. Mergenovich

Secretary.

[FR Doc. 81-5298 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-148F]

Durham and Southern Railway Company Abandonment in Wake and Harnett Counties, NC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that a decision decided January 21, 1981, a finding which is administratively final, was made by the Commission, Review Board Number 5, stating that, the public convenience and necessity permit the abandonment by the Durham and Southern Railway Company of the following portions of its line of railroad between milepost 23.5 near Apex, NC, to milepost 53.0 at Erwin Junction, NC, a distance of 29.5 miles, in Wake and Harnett Counties, NC. A certificate of abandonment will be issued to the Durham and Southern Railway Company 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 or 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 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. 81-5299 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions, Decision-Notice

Decided: February 9, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protest (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of paticular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene

shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served currently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an application must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified 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, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action signficantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this desicion-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 notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Agatha L. Mergenovich

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. OR9–407

MC 148127 (Sub-10F), filed May 9, 1980, and previously noticed in the **Federal Register** issue of July 24, 1980. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: Gregg M. Lewis (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *chipboard, paper and paper products* (except commodities in bulk) and *materials and supplies* used in the manufacture of paper products (except commodities in bulk), and (2) *plastic* and *plastic articles, and computer components* (except commodities in bulk), (A) from Hamilton, OH to Manchester, NH, and (B) from Kennebunk, ME and points in NH, to points in the U.S. (excpet ME, MA, CT, RI, VT, and NH), restricted to traffic originating at the named origins and destined to the named destinations.

Note.—The purpose of this republication is to correctly reflect the operating authority sought.

[FR Doc. 81-5286 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 18]

Permanent Authority Decisions, Restriction Removals

Decided: February 9, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137, Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminary, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

Volume No. 18

MC 2202 (Sub-659)X, filed January 30, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Avenue, N.W., Suite 1010, Washington, D.C. 20014. Applicant seeks to remove restrictions from a portion of its lead certificate MC 2202 (on Sheet-3, 8, 9, 10, 12, 14, 15, and 16) which authorizes the transportation of general commodities (with the usual exceptions) over regular routes in the States of OK, TX, MI, OH, TN, AL, IN, GA, NC, SC, MO, NY, NJ, PA, KY, VA, DE, and MD to allow service at all intermediate points between (1) Jct. U.S. Hwy. 66 and U.S. Hwy. 69 about 4 miles west of Vinita, OK, and Houston, TX; Denison and Houston, TX; Benton and Hillsboro, TX; and Willow Run and Detroit, MI, on

sheet 3, (2) Cleveland, OH, and Memphis, TN; Dayton and Wapakoneta, OH; Cincinnati, OH and Chattanooga, TN; Gadsden and Birmingham, AL; Dayton and Cincinnati, OH; and Cincinnati, OH, and Indianapolis, IN, on sheet 8, (3) Cleveland, TN, and Dalton, GA; Birmingham, and Montgomery, AL; Nashville, TN and Macon, GA; and Knoxville, TN and Asheville, NC on sheet 9, (4) Griffin and Albany, GA; La Grange, GA, and Opelika, AL; and Cleveland, OH, and Columbia, SC on sheet 10, (5) Charleston, SC and Jct. GA Hwy. 12 and U.S. Hwy. 29 near Atlanta, GA on sheet 12, (6) Tulsa and Muskogee, OK; Henryetta and Checotah, OK; Cleveland, OH and New York, NY; Philipsburg and Elizabeth, NJ; Youngstown, OH and Lewistown, PA; and Cleveland and Warren, OH on sheet 14, (7) Jct. U.S. Hwy. 25 and U.S. Hwy. 421, near Richmond, KY and Berea, KY, Livingston, KY and Jct. U.S. Hwy. 25 and KY Hwy. 490 near Pittsburgh, KY; and Chambersburg, PA and Baltimore, MDF on sheet 15, and (8) Lancaster, and Pittsburgh, PA, on sheet 16.

MC 10675 (Sub-60)X, filed January 27, 1981. Applicant: BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Ave., New York, NY 10011. Representative: Jack R. Turney, Jr., and J. William Cain, Jr., 2001 Mass. Ave., NW., Washington, DC 20036. Applicant seeks to remove restrictions from its lead certificate and Sub-15, 16, 17, 19, 34, 37, 38, and 48F, which authorizes mainly general commodities (with certain exceptions) over a network of regular routes in the States of, as here pertinent, NJ, PA, CT, NY, DE, MD, VA, NC, WV, TN, SC, MA, RI, MI, OH, IN, IL, IA, NE, KY, and GA. Applicant seeks to (1) remove all restrictions in its lead certificate and each of the above-numbered subs, against service at intermediate points on its authorized regular-route service routes in each of the above-named States.

MC 33322 (Sub-21)X, filed January 23, 1981. Applicant: d.b.a. APGAR BROS., P.O. Box 631, 232 West Union Ave., Bound Brook, NJ 08805. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-17, 18, and 20F permits to (1) expand the territorial authorization to between points in the United States under continuing contract(s) for unnamed shippers in the lead and named shippers in Subs-17, 18, and 20F; (2) in the first authorizing paragraph of the lead, broaden the commodity description to "general commodities (except classes A and B explosives)" from machinery, building and contractor's materials, tile, pumps, railroad ties, magnesia products, pipe, printing presses, metals and castings, paper, paperboard, electrical equipment, wood patterns, fabrics, whiting, lead, paints, air conditioning equipment, chemicals, compressed gases, empty containers, fertilizer, trees, shrubbery, showcases, booths, advertising matter, office and warehouse supplies, roofing materials; (3) in Sub-17 and 18, broaden the commodity authority from dry plastic materials, in bulk, in shipper owned trailers, and from antifreeze and engine coolant, in bulk, in tank vehicles, to "chemicals and related products"; and (4) in Sub-20F, delete materials, equipment and supplies which will be implied with the territorial expansion.

MC 105120 (Sub-23)X, filed January 27, 1981. Applicant: FREIGHTWAYS EXPRESS, INC., 222 E. Mallory Ave., Memphis, TN 38109. Representative: James N. Clay III (same as above). Applicant seeks in its lead certificate and Sub-11, 13, 14, 15, 16, 17F, and 19F (1) to remove the usual exceptions in its general commodities authority except "classes A and B explosives"; (2) to remove restrictions precluding service between St. Louis, MO, Memphis, TN, and Cairo, IL, and between St. Louis, MO, and its commercial zone and Sikeston, MO, on its regular routes between St. Louis, MO, and Memphis, TN, and Arbyrd, MO, and Manila, AR, and between Little Rock, AR, and Memphis, TN, or St. Louis, MO, on a route between El Dorado, AR, and Memphis, TN; (3) to authorize service at all intermediate points along routes running between (a) St. Louis, MO, and Memphis, TN, (b) Chester, IL, and Sikeston, MO, (c) near McClure, IL, and near Morley, MO, (d) Hayti, MO, and Missouri-Arkansas State Line, (e) Arbyrd, MO, and Manila, AR, (f) Marked Tree, AR, and Manila, AR, (g) Holly Springs, MS, and Memphis, TN, (h) Magnolia, AR, and Memphis, TN, (i) El Dorado, AR, and Memphis, TN, (j) near Brinkley, AR, and the junction of U.S. Hwy 79 and AR Hwy 17, (k) near Hazen, AR, and junction AR Hwy 11 and U.S. Hwy 79, (l) junction U.S. Hwy 63 and AR Hwy 14 and Newport, AR; (4) to remove restrictions limiting service to use of certain routes for purposes of joinder only between (a) Chester, IL, and Sikeston, MO, (b) near McClure, IL, and Morley, MO, (c) near Brinkley, MO, and junction U.S. Hwy 79, and AR Hwy 17, (d) near Hazen, AR, and junction AR Hwy 11 and U.S. Hwy 79 and (e) junction U.S. Hwy 63 and AR Hwy 14 and Newport, AR; (5) to remove facilities limitation on its off-route points at McCrory and Harrisburg, AR; and (6) to broaden its irregular-route authority from the facilities of American Greetings Corporation at Harrisburg, Osceola, and McCrory, AR, to points in Poinsett, Mississippi and Woodruff Counties, AR.

MC 111432 (Sub-12)X, filed February 2, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 W. 123rd Pl., Alsip, IL 60658. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703. Applicant seeks to remove restrictions in its Sub-1, 2, 5 and 6 permits to broaden the territorial descriptions to between points in the United States under contract(s) with named shippers, and eliminate requirements that the commodities (e.g. petroleum products) authorized in those permits move in tank vehicles.

MC 118202 (Sub-165)X, filed January 26, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-60 and 113 certificates, (A) in Sub-60, part (2), and Sub-113, to broaden the commmodity description from new furniture, in containers, to "furniture and fixtures"; replace Arcadia, WI, with county-wide authority in Trempaleau County, WI; expand its one-way authority to radial authority and combine the two authorities to between points in Trempaleau County, WI, and, points in 38 States, and DC; and eliminate the restriction to traffic originating at a facility and destined to the named States; and (B) in Part (4) of Sub-60, it seeks to broaden the commodity description from general commodities (with the usual Exceptions), to "general Commodities (except classes A and B explosives)"; replace Winona, MN, with county-wide authority in Winona County, MN, and to expand its one-way authority to radial authority between Winona County, MN, and, points in the United States; and eliminate the restriction against the transportation of traffic to Alaska and Hawaii.

MC 118377 (Sub-11)X, filed January 28, 1981. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, NY 14589. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks to remove restrictions in its lead certificate and Sub-1, 2, 7 and 8F to (1) broaden the commodity description from frozen fruits, vegetables, foods and foodstuffs to "food and related products" in lead certificate and Sub-1, 2, and 8, (2) substitute county-wide for city-wide

authority: Lebanon County, PA, for Lebanon, PA, Albany, Monroe, Onondaga, Chemung and Broome Counties, NY, for Albany, Rochester, Syracuse, Elmira and Binghamton, NY in lead certificate; and Westchester County, NY for Mt. Vernon, NY in Sub-1, and (3) authorize radial in lieu of existing limited one-way authority between portions of PA and MD, NY, in the lead certificate; between portions of NY and NJ, in Sub-No. 1; between 2 counties in NY and points in ME, NH, VT, RI, MA, CT, NJ, NY, PA, DE, MD, VA, OH, WV, and DC, in Sub-2; between points in MA, NJ, PA and 5 counties in NY, in Sub-7; between 4 counties in NY and points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC in Sub-8, and (4) eliminate plantsite limitations of named shippers in Sub-2, 7 and 8, (5) eliminate an in bulk restriction in Sub-7.

MC 120092 (Sub-7)X, filed February 3, 1981. Applicant: JENNEY FREIGHT LINE, INC., 1224 N. Main Ave., Tucson, AZ 85705. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Applicant seeks to remove restrictions in its Sub-3 certificate which authorizes transportation of general commodities (with exceptions), over a regular route, between Phoenix, AZ and Tucson, AZ by (1) removing the restriction on service at intermediate points, (2) removing the restriction on serving Tucson, AZ, for the purpose of joinder only, and (3) removing the restriction to the transportation of traffic received from or delivered to connecting carriers or freight forwarders at Phoenix, AZ.

MC 125352 (Sub-4)X, filed February 4, 1981. Applicant: JAN TRANSPORT, INC., 16 Central Avenue, Tenafly, NJ 07670. Representative: Donald E. Cross, 918—16th Street, N.W., Washington, DC 20006. Applicant seeks to remove the restriction in its Sub-3F certificate limiting transportation to traffic moving on bills of lading of freight forwarders in its authority to transport general commodities, with the usual exceptions, serving points in MA, NJ, NY, and RI, as off-route points in connection with carrier's regular-route operations.

MC 145869 (Sub-5)X, filed January 27, 1981. Applicant: WILLIS TRUCKING CO., INC., Route 2, Willis, VA 24380. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions from its Sub-1F and 2F certificates which authorize the transportation of new furniture and pictures, glass, and materials and supplies used in the manufacture of new furniture, from named facilities at specified points in VA, MD, PA, TX, and from Los Angeles, CA, to points in 9 states, and in Sub-2F to named facilities in VA. Applicant seeks to (1) broaden the commodity descriptions in each sub to "furniture and fixtures" and in Sub-2F only, from glass to "clay, concrete, glass or stone products"; (2) eliminate the facilities limitations in both certificates; (3) authorize county-wide authority from Bassett and Philpott, VA to Henry County, VA, in Sub-1F, and in Sub-2F, from Dublin and Pulaski, VA to Pulaski County, VA; from Martinsville, VA to Martinsville, County, VA; from Bassett and Philpott, VA to Henry County, VA; from Cumberland, MD to Allegany County, MD; from Mt. Holly Springs, PA to Cumberland County, PA; and (4) replace its one-way authority with radial authority in both subs.

MC 146820 (Sub-13)X, filed January 30, 1981. Applicant: B & G TRUCKING, INC., 579 High Street, P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-2 permit to authorize service between points in the U.S. under continuing contract(s) with a named shipper.

MC 147830 (Sub-3)X, filed February 2, 1981. Applicant: IOWA-NEBRASKA STEEL TRANSPORTATION CO., 5092 N.E. 46th Ave., Altoona, IA 50009. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-2F certificate to (1) change the commodity description from iron and steel articles and nonferrous metals to "metal products", (2) eliminate the facilities restriction and the "originating at and destined to" restriction, and (3) authorize radial authority between Chicago, IL, and points in IA and NE.

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(Volume No. 19)

Permanent Authority Decisions; Restriction Removals

Decided: February 19, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made wtih the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

FF 33 (Sub-1)X, filed January 28, 1981. Applicant: TEXAS SHIPPERS ASSOCIATION, INC., 2311 Butler St., Dallas, TX 75235. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75235. Applicant seeks removal of restrictions in its freight forwarder Permit No. FF33 which authorizes service as a freight forwarder of general commodities, to (1) authorize radial authority between points in TX, and points in 22 States and DC, in place of one-way authority from 22 States and DC to TX, and (2) authorize service to be performed in "foreign" as well as interstate commerce.

MC 2228 (Sub-116)X, filed January 27, 1981. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Seguin Rd., P.O. Box 1897, San Antonio, TX 78297. Representative: James M. Doherty, 500 West 16th St., Austin, TX 78767. Applicant seeks to remove restrictions in its Sub-No. 99 certificate by (1) eliminating all exceptions in its general commodity authority except "classes A and B explosives," and (2) authorizing radial authority in lieu of existing one-way service for the transportation of (a) "general commodities (except classes A and B explosives)" between Houston, TX, and points in the part of TX on and east of a line beginning at the U.S.-Mexico boundary line near Del Rio, TX, and extending along U.S. Highway 277 to Abilene, and then along U.S. Highway 83 to the TX-OK State line, and, (b) "bags, baggings and ties" between Houston, TX, and Amarillo, TX.

MC 37896 (Sub-39)X, filed February 4, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, 20006. Applicant seeks to remove restrictions in its lead permit No. MC-144303 to (1) broaden the commodity description from electrical equipment and parts, and materials and supplies used in the manufacture and distribution of electrical equipment and parts to "machinery", (2) remove the restrictions against the transportation of commodities in bulk, those which require special equipment, and aerospace craft and parts, and (3) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 38320 (Sub-26)X, filed January 28, 1981. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer "C", Campbellsville, KY 42718. Representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 3, 6, 8, 9, 10, 11, 13, 15, 17, 19F, 21F, and 23F to (1) broaden its commodity description (a) from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)" in the lead certificate and Sub-Nos. 3, 8, 9, 10, 11, 13, 15, and 17, (b) from barrel staves and barrel headings to "lumber and wood products," in Sub-No. 6, (c) from malt beverages, in containers, and malt beverages containers to "food and related products," in Sub-No. 19F, and (d) from textile and textile products and materials, equipment and supplies, to "textile mill products," (2) remove restrictions (a) limiting intermediate point service to authorize service at all intermediate points between Columbia and Louisville, KY, in the lead certificate, (b) preventing the transportation of traffic from or to Louisville, KY, or through the Louisville gateway to and from any point except the intermediate and off-route points between Greensburg and Campbellsville, KY, and Wolfe Creek Dam, KY, in Sub-No. 3, (c) prohibiting service between points in the Louisville, KY, commercial zone, including Louisville, or through the Louisville gateway and points in the Lebanon, KY, commercial zone, including Lebanon, in Sub-No. 8, (d) limiting intermediate points service to authorize service at all intermediate points between Greensburg and Louisville, KY, and against service to points in Indiana within the Louisville, KY, commercial zone, in Sub-No. 9, sheet 1; and prohibiting the transportation of traffic moving from, to, or through Louisville, KY, sheet 2, (e) prohibiting intermediate point service between Greensburg, KY, and Nashville, TN, to authorize service at all intermediate points, and against the transportation of traffic originating at, destined to or interchanged at Elizabethtown and Louisville, KY, and the respective commercial zones, in Sub-No. 11, (f) prohibiting the transportation of freight from or to Louisville, KY, proper, or the Louisville, KY, gateway; and the handling of freight between Louisville and Harrodsburg, Burgin, or Lexington, KY, in Sub-No. 15, sheet 2, (g) restricting the transportation of traffic originating at or destined to the named facilities, in Sub-No. 23F.

Applicant also seeks to broaden its territorial description from one-way authority to radial authority and to replace specified plantsites and cities with county-wide authority to authorize service (a) "between IL, IN, MO, OH, and TN, and Marion County, KY," in Sub-No. 6 (b) between Taylor County, KY, and points in named States in Sub-No. 13, (c) between Houston County, GA, and points in KY, OH, IN, and IL, in Sub-No. 19, (d) between points in Jefferson County, and points in Louisville, KY, and points in named States in Sub-No. 21F, part (1), and between Maury County, TN, and points in named States in part (2), (e) between points in Russell, Taylor and Warren Counties, KY, and points in named States in Sub-No. 23F.

Applicant also seeks in Sub-No. 10, to remove plantsite limitations and to authorize service at all intermediate points on its regular routes between Bowling Green and Campbellsville, KY.

MC 42866 (Sub-19)X, filed January 28, 1981. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representative: John P. Torpats, 2800 Roosevelt Rd., Broadview, IL 60153. Applicant seeks to remove restrictions in its lead certificate to (1) remove the exception which prohibits transportation of household goods to AK and HI in its nationwide authority, (2) expand the commodity description of uncrated new furniture, to "furniture and fixtures," and (3) change the territorial description from one-way to authorize radial service "between points in Los Angeles County, CA, and points in the U.S. (except AZ, ID, NV, OR, and UT), on movements of "furniture and fixtures".

MC 107544 (Sub-156)X, filed January 29, 1981. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its permit No. MC-113959 (Sub-No. 5), to (1) expand the commodity description from chemicals, in bulk, to "commodities in bulk", and (2) expand the territorial description to "between points in the United States," under continuing contract(s) for a named shipper.

MC 109708 (Sub-103)X, filed February 2, 1981. Applicant: INDIAN RIVER TRANSPORT COMPANY, INC., 2580 Executive Rd., P.O. Box AG, Dundee, FL 33838. Representative: Russell E. Haas (same as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 47, 67 and 87F certificates which authorize transportation of citrus juices, fruit juice concentrate, and citrus oil, (in bulk, in tank vehicles), to "food and related products." Applicant also seeks to broaden its territorial description from one-way authority to radial authority in each certificate, and to replace Fort Pierce, FL with St. Lucie County, FL, in Sub-No. 47.

MC 110923 (Sub-12)X, filed January 27, 1981. Applicant: ALBERT LIVEK, d.b.a. AL LIVEK'S TRUCKING SERVICE, 808 Harrison St., Kewanne, IL 61443. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 4, 7, 8, and 9F certificates which authorize the transportation of (a) specified agricultural machinery, (b) livestock, (c) amigrant movables, and (d) such commodities as are dealt in or used by manufacturers or dealers of agricultural equipment, industrial equipment and lawn and leisure products, from specified points in IL, to points in specified Eastern and Central States and the District of Columbia. Applicant seeks to (1) delete "livestock," an exempt commodity, from its lead certificate; (2) correct spelling of "amigrant movables" to "emigrant moveables" in its lead certificate; (3) replace the commodity description in (a) above with "machinery" in its lead, and Sub-Nos. 1, 4, 7, and 8; (4) remove "except commodities in bulk" restriction, in its Sub-No. 9F; (5) expand its territorial authority from Kewanee, IL, to "Henry County, IL" in its lead, and Sub-Nos. 1, and 8; Canton, IL, to "Fulton County, IL" in Sub-Nos. 4 and 9F; from Broadview, IL to "Cook County, IL" in Sub-No. 4; from West Chicago, IL, to "Du Page County, IL" in Sub-No. 7; (6) in

its lead and each of the above Sub-Nos. except 9F, replace its one-way authority with radial authority between the counties named in (5) above, on the one hand, and, on the other, points in specified Eastern and Central States, or portions thereof; (7) remove "size or weight" commodity restrictions in Sub-Nos. 1 and 4; (8) remove facilities restrictions of "International Harvester Company" in Sub-Nos. 4, 7, and 9F; and (9) remove the "originating at" restriction in Sub-Nos. 4 and 7, and the "originating at or destined to" restriction in Sub-No. 9F.

MC 111274 (Sub-64)X, filed January 28, 1981. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same as above). Applicant seeks to remove restrictions in its Sub 36F permit which authorizes the transportation of (1) grain-handling, drying, and storing equipment, steel buildings, feed processing and distribution equipment and fertilizer spreaders and (2) parts for the commodities in (1), radially between named points, under contract(s) with named shipper, by changing the territory description to "between points in the U.S."

MC 111545 (Sub-307)X, filed January 29, 1981. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd. SE., Marietta, GA 30067. Representative: J. Michael May (same address). Applicant seeks to remove restrictions in its Sub-Nos. 110, 117, 120, 121, 123, 143, 170, 174, 233, 235, 238, 263F, 264F, 265F, 267F, 268F, 270F, and 301F, which authorize the transportation of trailers designed to be drawn by passenger automobiles, in initial movements, in some instances, and except travel trailers and camping trailers or recreational vehicles in certain subs; buildings, in sections and buildings, complete or in sections mounted on wheeled undercarriages, from specified facilities in 6 Southern States or from specified point in 27 States throughout the United States, to specified points or defined areas throughout the United States (except AK and HI in some instances), restricted in certain subs to shipments originating at plantsites. Applicant seeks to (1) remove all restrictions and exceptions on the commodity descriptions and broaden the description of trailers to "transportation equipment" in all subs, and the description of buildings to "lumber and wood products" and "metal products" in Sub-Nos. 110, 117, 121, 170, 174, 233, 235, 238, 263, 264F, 268F, 270F, and 301F; (2) eliminate the facilities restrictions in Sub-Nos. 110, 117, 120, and 170, and authorize county-wide authority to Franklin County, VA in place of Rocky Mount and Boones Mill, VA, and Dunklin County, MO in place of Malden, MO (Sub-No. 110); Rockingham County, NC in place of Reidsville, NC (Sub-No. 170); Mecklenburg County, VA in place of South Hill, VA (Sub-No. 121); Henry County, TN in place of Henry, TN; and Harnett County, NC in place of Lillington, NC (Sub-No. 123); Henderson County, TN in place of Lexington, TN (Sub-No. 174); Montgomery County, TN in place of Clarksville, TN (Sub-No. 235); Crawford County, WI in place of Prairie Du Chien, WI (Sub-No. 268F); and Jefferson County, KY in place of Louisville, KY (Sub-No. 301F); (3) authorize radial authority in place of its one-way authority in all sub-numbers; (4) remove the exceptions of AK and HI in Sub-Nos. 233, 265F, 267F, and 301F; and (5) remove the "originating at" restriction in Sub-No. 17.

MC 113855 (Sub-518)X, filed February 3, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-Nos. 26, 43, 83, 91, 152 and 441F certificates to (1) broaden the commodity description from hides, fresh or green salted hides, and green salted pelts, to "food and related products" in all referenced Sub-Nos., (2) authorize county-wide authority for city-wide authority: Sheboygan, Fond Du Lac, and Milwaukee Counties for Sheboygan, Fond Du Lac, and Milwaukee, WI., Lake and Cook Counties for Waukegan and Chicago, IL, and Muskegon County for Whitehall, MI, in Sub-No. 26, Hardemnan County for Bolivar, TN, in Sub-No. 91, and Yellowstone County for Billings, MT, in Sub-No. 152 (3) authorize radial in lieu of existing one-way authority in all referenced Sub-Nos.

MC 117503 (Sub-18)X, filed February 3, 1981. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C St., Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Applicant seeks to remove restrictions from its Sub-No. 12 certificate to eliminate the restriction limiting transportation in packages weighing less than 100 pounds with no more than 300 pounds from one consignor to one consignee on any 1 day, and prohibiting transportation of radiopharmaceuticals, radioactive chemicals and diagnostic kits having a prior or subsequent movement by air.

MC 119600 (Sub-1)X, filed January 29, 1981. Applicant: HUTTON TRUCKING COMPANY, 192 Gilchrist Rd., Mogadore, OH 44260. Representative: James W. Conner, 431 Keith Ave., Akron, OH 44313. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from structural iron and steel, billets, bars, rods, rubber-lined steel tanks, portable or fabricated wooden buildings, hardware and fixtures, etc. to "such commodities as are manufactured, processed, or dealt in by rubber manufacturers or steel products manufacturers, and equipment, materials, and supplies used in the conduct of such business," (2) eliminate the size, weight and shape restrictions (3) expand its one-way authority to radial authority and to replace specified cities with county-wide authority, (a) Newton Falls, OH with Trumbull County, OH, Ravenna, OH with Portage County, OH and to serve radially between Trumbull, and Portage Counties, OH and points in a part of PA and WV; between Akron, OH and points in 26 States plus DC; and between Warren, OH and points in IN, MD, NJ, NY, PA and WV, (b) Ft. Wayne, IN with Allen County, IN and to serve radially between Allen County, IN, and points in FL, LA, MI, SC and TN.

MC 123254 (Sub-10)X, filed January 29, 1981. Applicant: PITZER BROTHERS, INC., P.O. Box 633, Jeannette, PA 15644. Representative: Jeremy Kahn, Suite 733 Investment Bldg., Washington, DC 20005. Applicant seeks to remove restrictions in it lead and Sub-Nos. 2F and 3F certificates to (1) broaden the commodity descriptions in all certificates from malt beverages and empty malt beverage containers to "food and related products," and in the lead certificate, from mine cars and equipment used in or in connection with mining, and used mine cars and parts thereof, to "such commodities as are used in or useful for mining," (2) broaden the territorial description to county-wide authority: Allegheny and Westmoreland Counties, PA, for designated points such as Carnegie, McKees Rock, Pittsburgh, Sharpsburg, Greensburg, Irwin, Jeannette and Latrobe, PA, and (3) authorize radial authority in lieu of existing one-way service for the transportation of (a) "food and related products" between points in Allegheny and Westmoreland Counties, PA and points in NY, WV, VA, MD, OH, DE, NJ, and DC, and, (b) "such commodities are used in or useful for mining" between points in Westmoreland County, PA, and points in WV, VA, KY, OH, and MD.

MC 124830 (Sub-4)X, filed January 26, 1981. Applicant: HOLMES FREIGHT LINES, INC., 7878 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Applicant seeks to remove restrictions in those portions of its authority in MC 124830, acquired in MC-F-11835, MC-F-12568, and MC-F-14152F, with reissued certificates still pending, which authorize regular and irregular route tranportation of general commodities (with usual exceptions) to remove all exceptions except "classes A and B explosives". Applicant request authority to serve all intermediate points in its described regular routes between Chicago, IL, Omaha, NE, Kansas City, St. Louis, and St. Joseph, MO, Sioux City, IL, Lincoln, Grand Island, Hastings and McCook, NE. Applicant seeks to remove restrictions against the transportation of traffic (a) interlined or interchanged at St Joseph, MO, (b) moving to, from and through Kansas City, MO-KS commercial zone, points in Clay, Jackson, Leavenworth and Wyandotte Counties, KS, and (c) from Maryville, MO, to Omaha, NE. It also seeks to delete the restriction limiting service to the transportation of traffic originating at and/or destined to Omaha, NE and Denver, CO.

MC 124997 (Sub-9)X, filed Februry 3, 1981. Applicant: R. F. TRUESDELL CO., 6515 Anno Ave., Orlando, FL 32809. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 8F permit to broaden the territorial description to between points in the United States under contracts with named shippers.

MC 125882 (Sub-5)X, filed February 3, 1981. Applicant: WESTERN HAULERS, INC., 1457 West Maple St., Denver, CO 80223. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Suite 350, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from precast and prestressed concrete products, which because of size and weight require the use of special equipment (with exceptions) to "those commodities which because of their size or weight require the use of special handling or equipment", (2) authorize county-wide authority for city-wide authority, Arapahoe County, CO, for Englewood, CO, and (3) authorize radial service in place of existing one-way authority between Arapahoe County, CO and KS, NE, WY.

MC 127811 (Sub-26)X, filed January 30, 1981. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Ave. SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 17F certificate which authorizes the transportation of power transmission equipment and materials, equipment and supplies used in the installation and repair of power transmission equipment (except commodities in bulk) between points in 4 States by changing the commodity description to "machinery" and eliminating the "in bulk" restriction.

MC 128383 (Sub-88)X, filed January 27, 1981. Applicant: PINTO TRUCKING SERVICE, INC., 14141 Calcon Hook Rd., Sharon Hill, PA 19079. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 6, 13, 14, 17, 22, 25, 28, 29, 30, 31, 32, 40, 41, 42, 43, 44, 47, 50, 52-G, 53, 54, 57, 58, 59, 61, 62, 66, 70, 73, and 77F certificates by (1) deleting from the general commodity descriptions all exceptions except "classes A and B explosives" and all other restrictions on movements of specified commodities; (2) broadening the commodity description in Sub-No. 81F from electronic calculators, cash resgisters and parts to "machinery and equipment or supplies used in the manufacture and distribution of machinery"; (3) replacing authority to serve named airports or plantsites with authority to serve the county or the city: New York, NY, for LaGuardia Airport and John F. Kennedy International Airport in the lead and Sub-Nos. 3, 6, 13, 14, 17, 22, 28, 29, 30, 41, 43, 47, 50, 57, 58, 61, 70, and 73; Washington, DC, for Washington National Airport in the lead and Sub-Nos. 13, 14, 31, 41, 52-G, 57, and 59; Baltimore, MD, for Friendship International Airport or Baltimore Washington International Airport in the lead and Sub-Nos. 13, 14, 41, 57, and 59; Philadelphia, PA, for Philadelphia International Airport in the lead and Sub-Nos. 3, 13, 28, 29, 41, 43, 57, and 59; Newark, NJ, for Newark Airport in the lead and Sub-Nos. 3, 6, 13, 14, 17, 29, 41, 43, 57, 70, and 73; Erie County, NY, for Greater Buffalo International Airport in Sub-Nos. 13, 47, and 57; Oneida County, NY, for Oneida County Airport in Sub-Nos. 13 and 62; Onondaga County, NY, for Clarence E. Hancock Airport in Sub-Nos. 13 and 47; New Haven County, CT, for Tweed-New Haven Airport in Sub-Nos. 13 and 57; Boston, MA, for Logan International Airport in Sub-Nos. 13, 28, 41, 50, 54, 57, and 73; Hartford County, Ct, for Bradley International Airport in Sub-Nos. 13, 57, and 73; Indianapolis, IN, for Weir-Cook Airport in Sub-Nos. 22, 25, 40 and 52-G; Cleveland, OH, for Cleveland Hopkins International Airport or Hopkins International Airport in Sub-Nos. 13, 22, 32, 40, 42, 52-G, and 57; Dayton, OH, for Vandalia Airport in Sub-Nos. 22, and 42; Chicago, IL, for Chicago-O'Hare International Airport or O'Hare International Airport in Sub-Nos. 25, 30, 32, 40, 47, 52-G, 61, and 70; Miami, FL, for Miami International Airport in Sub-Nos. 29, 31, 41, 52-G, and 53; Atlanta, GA (for Hartsfield International Airport) in Sub-Nos. 29, 31, 41, and 52-G; Detroit, MI, for Detroit Metropolitan Airport in Sub-Nos. 30, 42, 47, and 52-G; Kansas City, MO, for Kansas City International Airport in Sub-Nos. 32, and 66; Pittsburgh PA, for Greater Pittsburgh Airport in Sub-Nos. 40 and 59; Cincinnati, OH, for Greater Cincinnati Airport in Sub-Nos. 40, 42, and 43; Mecklenberg County, NC, for Douglas Muncipal Airport in Sub-Nos. 29, 31, 41, and 52-G; Guilford County, NC for Greensboro-High Point-Winston Salem Airport in Sub-Nos. 31, and 41; Oklahoma City, OK, for Will Rodgers World Airport and Wiley Post Airport in Sub-Nos. 53, 60, and 70; Tulsa, OK, for Tulsa International Airport in Sub-Nos. 53, 66, and 70; Dallas, TX, and Fort Worth, TX, for Dallas-Fort Worth International Airport in Sub-Nos. 53, 58, 66, and 70; Houston, TX, for Houston International Airport in Sub-Nos. 53, 58, 66, and 70; San Antonio, TX, for San Antonio International Airport in Sub-Nos. 53 and 66; Memphis, TN, for Memphis International Airport in Sub-Nos. 61 and 66; Little Rock, AR, for Little Rock Municipal Airport in Sub-Nos. 66 and 70; El Paso, TX, for El Paso International Airport and facilities of Victor Business Products in Sub-Nos. 66, 70, and 81; Monroe County, NY, for Rochester-Monroe County Airport, Albany County, NY, for Albany County Airport, Broome County, NY, for Broome County Airport, Chemung County, NY for Chemung County Airport, Chautaqua County, NY., for Jamestown Municipal Airport, Schenectady County, NY, for Schenectady County Airport and Hampden County, MA, for Bowles Agawam Airport, in Sub-No. 13; Minneapolis, MN, for Minneapolis-St. Paul International Airport in Sub-No. 32; Buncombe County, NC, for Ashville Airport, Wake County, NC, for Raleigh-Durham Airport, Cumberland County, NC for Municipal Airport, Fayetteville, NC, Catawba and Burke Counties, NC, for Municipal Airport Hickory, NC, Onslow County, NC, for Albert J. Ellis Airport Lenoir County, NC, for Stalings Field, Craven County, NC, for Simmon-Nott Airport, New Hanover County, NC, for new Hanover County Airport,

Forsyth County, NC, for Smith-Reynolds Airport, Anderson County, SC, for Anderson County Airport, Florence County, SC, for Municipal Airport, Florence, SC, Greenwood County, SC, for Greenwood County Airport, Greenville County, SC, for Greenville-Spartanburg Airport, Harry County, SC, for Myrtle Beach Airport, Richland County, SC, for Westinghouse Nuclear, Columbia, SC, and Charleston, SC, for Municipal Airport, Charleston, SC, in Sub-No. 41; Bangor, ME, for Bangor International Airport; Wilmington, DE, for Greater Wilmington Airport, Akron, and Canton, OH, for Akron-Canton Regional Airport, Columbus, OH, for Port Columbus International Airport, Dayton, OH, for James M. Cox-Dayton Municipal Airport, Toledo, OH, for Toledo Express Airport, and Youngstown, OH, for Municipal Airport Youngstown, OH in Sub-No. 57; St. Louis, MO, for St. Louis International Airport in Sub-No. 61; Austin, TX, for Austin Municipal Airport and Waco, TX, for Waco Municipal Airport, in Sub-No. 66; Laredo, TX, for Laredo International Airport, New Orleans, LA, for New Orleans International Airport, San Francisco, CA, for San Francisco International Airport, Los Angeles, CA, for Los Angeles International Airport, and Oakland, CA, for Oakland International Airport, in Sub-No. 70; Orange County, NJ, for Stewart Airport, and Providence, RI, for Thomas E. Green Airport in Sub-No 73. Applicant also seeks to (1) remove restrictions which limit service to the transportation of traffic having a prior or subsequent movement by air; (2) eliminate restrictions against intermodal movements; (3) broaden the territorial description from one-way authority to radial authority in the lead and Sub-No. 3 to authorize service between specified cities or counties in the northeastern United States; and (4) remove the restriction which limits services to the surface transportation of shipments originating at or destined to airport at Toronto, Ontario, Windsor, Ontario, Montreal, Quebec, or Quebec city, Quebec, Canada in Sub-No. 47.

MC 128648 (Sub-31)X, filed January 30, 1981. Applicant: TRANS-UNITED, INC., 435 West 152d St., P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1, 10, 16, 17, 18, 22 and 25 permits to (1) broaden commodity descriptions (a) from tractor parts, loader parts, tractor attachments, water heaters and materials, equipment and supplies to "machinery" in Sub-Nos. 1, and 25, (b) from sliding and folding door hardware, locksets and metal articles, to "metal products" in Sub-Nos. 10 and 22, (c) from paper and paper articles to "pulp, paper, and related products" in Sub-No. 17; (2) remove the, "except commodities bulk" restriction in Sub-Nos. 16, 18 and 25, and (4) authorize service "between points in the U.S." under continuing contract(s) with named shippers in all referenced Sub-Nos.

MC 133591 (Sub-131)X, filed February 2, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks removal of restrictions in its Sub-No. 81F certificate, to (1) expand the commodity description from foodstuffs, except frozen, to "foods and related products," (2) remove the restriction limiting service to traffic originating at the origin or destined to the destinations; (3) substitute county-wide authority for the plantsite near Fort Smith, AR, and (4) change from one-way to radial authority between Sebastian County, AR, and points in CA and OR.

MC 133591 (Sub-135)X, filed February 3, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to remove retrictions in its Sub-No. 99F certificate to broaden its territorial description from one-way authority to radial authority between pointsin MO, AR, OK, IA, IL, IN, KS, KY, LA and NE and points in CA and AZ.

MC 133633 (Sub-9)X, filed January 29, 1981. Applicant: HIGHWAY EXPRESS, INC., P.O. Box 1326, Hattiesburg, MS 39401. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 2, 3, 5, and 7, to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A & B explosives) in all referenced authority, (2) authorize service to all intermediate points along a described regular routes in lead certificate and Sub-No. 5, and 6 (3) remove limitation on the irregular portion of its general commodity authority in Sub-No. 5 prohibiting transportation in radial movements (a) between Jackson, MS, and named points and counties in MS, and (b) between New Orleans, LA, and named points in MS.

MC 133926 (Sub-1)X, filed January 30, 1981. Applicant: M & M TRANSFER CO., P.O. Box 129, Sergeant Bluff, IA 51054. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from pulpboard, fiberboard, and pulpboard and fiberboard products, and materials and supplies used in the manufacture and processing of such commodities to "pulp, paper, and related products," (2) delete the restriction against the transportation of commodities in bulk and commodities which because of size or weight require special equipment, (3) broaden the, territorial description to authorize service between points in the U.S., under continuing contract(s) with Champion International Corporation.

MC 136463 (Sub-1)X, filed January 29, 1981. Applicant: DST SPECIAL SERVICES, INC., 34364 Goddard Road, Romulus, MI 48174. Representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. Applicant seeks to remove restrictions in its lead permit to authorize service between points in the U.S., under continuing contract(s) with a named shipper and to eliminate a restriction limiting shipment of prototype vehicles and modified products vehicles, not intended for sale to the public.

MC 138157 (Sub-260)X, filed January 30, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as applicant). Applicant seeks to remove restrictions in MC 134150 Sub-18 permit to (1) authorize service between points in the U.S., under continuing contract(s) with a named shipper, (2) eliminate an in bulk restriction, and (3) broaden the commodity description from paper and paper products, fabricated metal products, waste and scrap materials and equipment, materials and supplies to "Such commodities as are dealt in by manufacturers of paper and paper products".

MC 138627 (Sub-108)X, filed January 27, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove retrictions in its Sub-93F certificate by (1) broadening the commodity description from fabricated metal products and materials, equipment, and supplies used in the manufacture, distribution and installation of fabricated metal products to "metal products and materials, equipment and supplies used in the manufacture, distribution and installation of metal products," and (2) replacing the plantsite limitation at

Franklin Park, IL of its radial service with authority in Chicago, IL.

MC 141367 (Sub-2)X, filed January 29, 1981. Applicant: PUBLIX TRANSPORT, INC., 11740 South Laporte, Worth, IL 60482. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks removal of restrictions in its lead certificate, to (1) expand the commodity authority from pipe and structural steel to "metal and metal products" and (2) eliminate named facility restrictions at Chicago, IL, and authorize radial authority between Chicago, IL, and points in IL, IN, IA, MI, MO, MN, and WI in place of its existing one-way authority from Chicago.

MC 141641 (Sub-14)X, filed January 30, 1981. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-7 and 9F certificates which authorize the transportation of general commodities (with the usual exceptions), by removing all commodity exceptions (except classes A and B explosives), and eliminating the restriction which limits service to the transportation of traffic moving on freight forwarder bills of lading. Applicant also seeks to replace its one-way authority with radial authority and specified cities with county-wide authority: (a) Cranston, RI, with Providence County, RI; New Haven, and Milford, CT, with New Haven County, CT; North Bergen and Secaucus, NJ, with Hudson County, NJ; and Syracuse, NY, with Onandaga County, NY, in Sub-7, and (b) Holyoke, MA, with Hampden County, MA, in Sub-9F.

MC 142508 (Sub-164)X, filed February 5, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465; Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-31F certificate to (1) eliminate an except commodities in bulk restriction on the movement, of various specified commodities, (2) authorize the county of Washoe for Reno, NV, (3) authorize radial authority between Washoe County, NV, and AZ, CA, OR and WA, (4) remove a restriction limiting transportation to traffic moving on bills of lading of a named shippers association at Reno, NV, and (5) eliminate the restriction limiting service to the transportation of traffic originating at and destined to indicated origins and destinations.

MC 143445 (Sub-7)X, filed January 28, 1981. Applicant: MMAR TRANSPORTATION, INC., 128 Pennsylvania Street, Kearney, NJ 07032. Representative: Stephen L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-2 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) remove a restriction which limits the service to transportation of traffic moving on freight forwarders' bills of lading, (3) eliminate restrictions against the transportation between named cities, for example, between Pittsburgh, PA and Cleveland, OH, and (4) expand the territorial description to authorize county-wide authority: Winnebago County, IL for Rockford, IL, Pima County, AZ for Tucson, AZ, Maricopa County, AZ, for Phoenix, AZ, San Joaquin County, CA for Stockton, CA, Fresno County, CA for Fresno, CA, San Diego, County, CA for San Diego, CA, New Haven County, CT, for New Haven, CT, Clark County, NV for Las Vegas, NV, Washoe County, NV for Reno, NV and Spokane County, WA for Spokane, WA.

MC 143803 (Sub-3)X, filed February 3, 1981. Applicant: CONSOLIDATED DISTRIBUTING COMPANY, INC., 750 South Main Street, Tooele, UT 84074. Representative: Irene Warr, 430 Judge Building, Salt lake City, UT 84111. Applicant seeks to remove restrictions in (1) its MC 145937 (Sub-2F) permit to (a) broaden the commodity description from petroleum and petroleum products to "petroleum, natural gas and their products", and (b) broaden its territorial description to be between points in the United States under a continuing contract(s) with named shippers; and (2) its MC 143803 lead certificate to (a) broaden the commodity description from lime, limestone and limestone products, in bulk, to "clay, concrete, glass, or stone products"; and (b) replace the one-way authority with radial authority between points in Elko County, NV and Tooele County, UT and points in WA, OR, CA, ID, NV, UT, AZ, MT, WY, CO, NM, and TX.

MC 145125 (Sub-12)X, filed January 30, 1981. Applicant: LAUREL MOUNTAIN OVERLAND EXPRESS, INC., P.O. Box 547, Milroy, PA 17063. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks removal of restrictions to (1) expand the commodity descriptions from brass, bronze, copper and nickel products to "metal products" in Sub-2F, 3F, 8F, and 10F; from rock crushers, parts, tools and patterns to "machinery and metal products," and from scrap steel to "scrap materials" in Sub-5F; from extruded aluminum products to "metal products" in Sub-11F; (2) expand the territorial descriptions by replacing the named shipper facilities and towns with county-wide authority: between Berks County, PA (Reading and Ontelaunee, PA), and points in CA in Sub-2F; between Berks County, PA (Reading and Ontelaunee, PA, and points in AZ, MN, OR and WA in Sub-3F; between Cumberland County, PA (plantsite near Carlisle, PA), and points in AZ, CA, CO, ID, NE, NM, OR, TX, UT, WA and WY on movement of both commodities in Sub-5F; between Berks County, PA (Reading and Ontelaunee Township, PA), and points in Giles County, TN (plantsite at Pulaski, TN) in Sub-8F; between points in Oneida County, NY (plantsite near Rome, NY), and AZ, CA, CO, NE, OR, UT, and WA in Sub-10F; between points Schuylkill County, PA (plantsite near Cressona, PA), and those points in the United States in and west of MN, IA, MO, AR, and LA in Sub-11F.

MC 146990 (Sub-5)X, filed February 2, 1981. Applicant: J. R. PORTER, INC., Route 5, Box 589, South Point, OH 45680. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-3F certificate to (1) broaden its commodity description from iron and steel products, to "metal products", (2) expand its territorial authority from one-way authority to radial authority, and to replace a specified plantsite and city with county-wide authority to authorize service between Boyd County, KY, and points in WV, OH, NJ, NY, MD, MI, IN, and PA.

MC 147916 (Sub-1)X, filed February 4, 1981. Applicant: GAMPAC EXPRESS, 4103 Second Ave. South, Seattle, WA 98124. Representative: Richard J. Howard, 3201 Bank of California Center, Seattle, WA 98124. Applicant seeks to remove restrictions from its lead permit to authorize service "between points in the US" under continuing contract(s) with named shippers.

MC 148604 (Sub-6)X, filed January 29, 1981. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44306. Representative: Paul A. Englehart (same as above). Applicant seeks to remove restrictions in its Permit MC 136470 (Sub-1), acquired through MC-FC-77959 in which issuance of a certificate is pending. It seeks to (1) broaden the commodity description, (a) from tire fabric to "such commodities as are manufactured, processed, and/or

dealt in by textile mill products manufacturers, and (b) from chemicals to "such commodities as are manufactured, processed and/or dealt in by chemicals and related products manufacturers; (2) eliminate a restriction against the transportation of liquid chemicals in bulk, in tank vehicles, from Akron, OH, to specified destination points; (3) eliminate the commodity description "scrap tires and tubes" and the territorial description which follows inasmuch as it is included in other commodity descriptions and the broadened territorial authority; and (4) broaden the territorial scope to between points in the United States.

MC 151382F (Sub-1)X, filed February 2, 1981. Applicant: LAND TRUCKING COMPANY, 1560 Jessie Street, P.O. Box 2620, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 West Duval Street, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its lead certificate by (a) broadening its commodity description from general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)" between points in FL, (b) removing the restrictive language "restricted to traffic having a prior or subsequent movement by rail or water" in part (1) and, (c) by deleting part (2) of its authority which authorizes movements radially between specified facilities at Tampa, Miami, and Jacksonville, FL, and points in FL.

[FR Doc. 81-5200 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier 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-No. 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 $10.00, 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 6, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-F-14556F, filed January 19, 1981. TIGER TRUCKING SUBSIDIARY, INC. (TTS) (1888 Century Park East, Los Angeles, CA 90067)—control—WARREN TRANSPORT, INC. (Transport) (P.O. Box 420, Waterloo, IA 50704). Representative: John W. Barnum, 1747 Pennsylvania Avenue, NW, Washington, DC 20423. TTS seeks to acquire control of Transport through the purchase of all the outstanding capital stock of Warren MGR., Inc., (P.O. Box 420, Waterloo, IA 50704), of which Transport is a wholly-owned subsidiary. Tiger International, Inc. (Tiger), a non-carrier and publicly-held corporation, is the sole stockholder of TTS and seeks to acquire control of Transport through the transaction. The operating rights of Transport are contained in certificates issued in Docket No. MC-114211 and sub-numbers thereunder and authorized the transportation of various specified commodities, including agricultural, industrial and construction equipment, building material, lumber and forest products, or iron and steel articles and other similar and related commodities, over irregular routes, between points in the United States. Tiger also controls Hall's Motor Transit Company (Hall's), which conducts operations as a motor common carrier, pursuant to certificates issued in MC-67646 and sub-numbers thereunder, over a network of regular and irregular routes, in the states of MN, WI, IL, IN, OH, PA, NY, MA, RI, CT, NJ, DE, MD, WV, VA, KY, MI, and DC. In Docket No. MC-F-14490F, Hall's applied for authority to control and to merge the motor carrier rights and properties of Dohrn Transfer Company (Dohrn) into Hall's. A Notice of Effectiveness was served in that proceeding on January 15, 1981. Under certificates issued in Docket No. MC-43421, and sub-numbers thereunder, Dohrn is authorized to transport general commodities with the usual exceptions over a network of regular and irregular routes extending from Boston, MA, through points in the states of OH, IN, IL, WI, MN, IA, MO, OK, TX, MI, KY, and NY, MA, CT. Conditions: Tiger International, Inc., shall be considered a carrier under 49 U.S.C. 11348, and subject only to filing any special reports that may be required by the Commission under 49 U.S.C. 11145.

MC-F-14558F, filed January 16, 1981. COATS FREIGHTWAYS, INC. (Coats) (601 32nd Avenue, Council Bluffs, IA 51501)—purchase (portion)—GRAND

ISLAND MOVING & STORAGE CO., INC. (Grand Island) (P.O. Box 2122, Grand Island, NE 68801) (YUMA COUNTY TRANSPORTATION CO.—ASSIGNOR). Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Coats seeks to purchase a portion of the operating rights of Grand Island. George N. Coats, who controls Coats through 100% stock ownership, seeks to acquire control of the rights through the transaction. Coats is purchasing that portion of Grand Island's operating rights issued in MC–F–13849, which authorizes the transportation, as a motor common carrier, of *general commodities* (unusual exceptions) between Kearney, NE, and Omaha, NE, serving all intermediate points and serving the Cornhusker Ordnance Plant as an off-route point; from Kearney over U.S. Hwy 30 to junction U.S. Hwy 275, then over U.S. Hwy 275 to Omaha, and return over the same route; serving the facilities of Western Electric Co., Inc., at or near Underwood, IA, in connection with carrier's otherwise authorized regular-route operations from and to Omaha, NE. Coats is authorized to operate as a motor common carrier pursuant to certificates issued in MC–133299 and sub-numbers thereunder. NOTES: (1) An application for temporary authority has been filed. (2) In MC–F–14414F, Yuma County Transportation Co. is purchasing a portion of the interstate operating rights of Grand Island Moving & Storage Co., Inc. In MC–F–14558F, Yuma County Transportation Co., has assigned a portion of said rights to Grand Island Moving & Stroage Co., Inc. Condition: We will condition our approval of the instant transaction upon the deletion of the rights sought to be purchased by Coats Freightways, Inc. from the operating rights which had been authorized to be purchased by Yuma County Transportation Co. in MC–F–14414.

MC–F–14562F, filed February 2, 1981. CONVOY COMPANY (Convoy) (3900 N.W. Yeon Avenue, Portland, OR 97210)—control—G.R.M., INC., d.b.a. PORT TERMINAL TRANSPORT, INC. (Port Terminal) (700 Henry Ford Avenue, Long Beach CA 90801). Representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Convoy seeks authority to acquire control of the interstate operating rights and property of Port Terminal through the purchase by Convoy of all the issued and outstanding capital stock of Port Terminal. Thomas P. Youell, the majority stockholder of Convoy, seeks authority to acquire control of Port Terminal through the transaction. Port Terminal is authorized to operate as a motor common carrier pursuant to Certificate No. MC 129857 (Sub-No. 4F), which authorizes the transportation of (1) *imported automobiles*, in secondary movements, in truckaway service, from points in CA in and south of Santa Barbara, Kern and Inyo Counties, to points in AZ, NV, NM, and UT; and (2) *automobiles* in truckaway service, between points in CA in and south of Santa Barbara, Kern and Inyo Counties; and Certificate No. MC 129857 (Sub.-No. 5), which authorizes the transportation of *new imported trucks*, in secondary movements, in truckaway service, from Long Beach, CA, to St. George, UT, and points in AZ, NV, and NM, restricted to transportation of shipments having an immediate prior movement by water. Convoy is authorized to operate as a motor common carrier, transporting motor vehicles throughout numerous States, pursuant to certificates issued in MC 52858 and sub-numbers thereunder. Convoy is affiliated with Canadian Auto Carriers, Ltd., a motor common carrier pursuant to certificates issued in MC 128080 and sub-numbers thereunder. In MC–F–11998, Convoy was authorized to control T.A.T., Inc., a motor common carrier pursuant to certificates issued in MC 115357 and sub-numbers thereunder. An application is presently pending in MC–F–14497F, in which Convoy seeks authority to merge the interstate operating rights and property of TAT into Convoy.

MC–F–14555F, filed January 14, 1981. ARIZONA EXPRESS, INC. (AZX) (4002 N 31st Ave., Phoenix, AZ 85017)—PURCHASE (PORTION)—CITY DELIVERY, INC. (City) (1315 E. Gibson Lane, Phoenix, AZ 85036). Representative: C. J. Boddington, 4002 N 31st Ave., Phoenix, AZ 85071. AZX seeks authority to purchase a portion of the interstate operating rights of City. C. J. Boddington and R. I. Boddington are joint owners of AZX, and, as a condition to the approval and authorization of this transaction, R. I. Boddington will be required to join in this application as a person in joint control. AZX seeks to purchase the interstate operating rights contained in City's certificate No. MC 120937 (Sub-No. 5), which aurthorizes the transportation as a motor common carrier, over regular routes, of *general commodities* (usual exceptions), (a) between Phoenix, AZ, and Grand Canyon, AZ, serving all intermediate points; from Phoenix over Interstate Hwy 17 to Flagstaff, AZ, then over U.S. Hwy 180 to junction AZ Hwy 64, and then over AZ Hwy 64 to Grand Canyon, and return over the same route, (b) between Flagstaff, AZ, and junction U.S. Hwy 180 and AZ Hwy 64, serving all intermediate points; from Flagstaff over Interstate Hwy 40 to junction AZ Hwy 64, and then over AZ Hwy 64 to junction U.S. Hwy 180, and return over the same route; (c) between Cordes junction, AZ, and junction Interstate Hwy 40 and AZ Hwy 64, serving all intermediate points; from Cordes Junction over AZ Hwy 69 to Prescott, AZ, then over U.S. Hwy 89 to Ashfork, AZ, and then over Interstate Hwy 40 to junction AZ Hwy 64, and return over the same route; and (d) between Phoenix, AZ, and Prescott, AZ, over U.S. Hwy 89, serving all intermediate points and serving Bagdad and Hillside as off-route points. AXS is authorized to operate as a motor common carrier over irregular routes pursuant to certificates issued in MC 144256 and sub-numbers thereunder. Condition: Authorization and approval of this transaction and the issuance of an effective notice is conditioned upon the prior receipt by the Commission of an affidavit signed by R. L. Boodington, stating that he is in joint control along with C. J. Boodington, of Arizona Express, and that he joins in this application.

Note.—An application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5281 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Judgments in Actions To Enjoin Discharge of Air and Water Pollutants at Jones & Laughlin Steel Corp. and Youngstown Sheet and Tube Co. Plants in Pennsylvania, Indiana, and Ohio

In accordance with Department Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States v. Jones & Laughlin Steel Corp.*, Civil Action No. 79–426, 79–1193 had been lodged with the District Court for the Western District of Pennsylvania. The proposed decree requires the defendant to comply with the Clean Air Act and the Clean Water Act at its Pittsburgh and Alliquippa plants. In particular the decree requires Jones & Laughlin to control its coke batteries, its electric arc furnance shops, a basic oxygen furnance shop, several blast furnaces and boilers.

On September 2, 1980, prior to the lodging of this judgment Jones & Laughlin informed EPA that due to recent economic conditions in the steel industry that it would not issue purchase orders for control equipment

for several sources covered in the decree. EPA has agreed to entertain Jones & Laughlin's request for a modification of certain schedules but to date no decision has been made to modify any of the schedules in this decree.

The Department of Justice will receive written comments relating to the proposed judgment for thirty days from the date of publication of this notice. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *"United States v. Jones & Laughlin Steel Corp."*, Ref. No. 90-5-2-1-161, 90-5-2-1-179.

The proposed decree may be examined at the Office of the United States Attorney, United States Courthouse, Pittsburgh, Pennsylvania, at the Region III Office of the Environmental Protection Agency, Enforcement Division, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree and the September 2 letter may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In order to cover the reproduction costs, all requests for copies must be accompanied by a check or a money order made out for $11.30 to the Treasurer of the United States.

In accordance with the aforementioned policy notice also is given that proposed consent decrees have been lodged with the United States District Courts in the Northern District of Indiana and the Northern District of Onio, respectively, in the cases of *United States v. Youngstown Sheet and Tube Company et al.* (N.D. Ind., Civ. No. H79-65) and *United States v. Youngstown Sheet and Tube Company et al.* and *United States v. Jones & Laughlin Steel Corp. et al.* (N.D. Ohio, Civ. Nos. C-77-144-Y and C.81-12; motion to consolidate pending). These decrees require compliance chiefly with the Clean Air Act at Youngstown and Jones & Laughlin plants at Indiana Harbor, Cleveland, and in the Mahoning Valley Area.

The Department of Justice will receive written comments on the proposed settlements for thirty days from the date of publication of this notice. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530. They should refer to the respective cases as captioned above and include Department of Justice reference numbers 90-5-2-3-1011 for the Indiana case or both 90-5-2-3-834 and 90-5-2-1-263 for the Ohio cases.

The proposed Indiana decree may be examined at the Office of the United States Attorney, Federal Building, Room 312, 507 State Street, Hammond, Indiana 46320, and the proposed Ohio decree may be examined at the Office of the United States Attorney, at the United States Courthouse, Room 400, 201 Superior Avenue, N.E., Cleveland, Ohio 44144. Either may be examined at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, or at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Washington, D.C. 20530.

A copy of either proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Room 1254, Land and Natural Resources Division, Washington, D.C. 20530. In order to cover reproduction costs, and such request must be accompanied by a check or money order for $7.60 (Indiana decree) or $7.60 (Ohio decree) made out to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-5252 Filed 2-13-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-1-M]

Sunshine Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Sunshine Mining Company, P.O. Box 1060, Kellogg, Idaho 83837 has filed a petition to modify the application of 30 CFR 57.11-59 (hoist operator protection) to its Sunshine Mine located in Shoshone County, Idaho. 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 an underground hoist operator be provided with a respirable atmosphere completely independent of the mine atmosphere.

2. Petitioner states that an independent ventilation system that converts to a self-contained breathing apparatus is not available.

3. Petitioner currently uses MSA 401 Air Masks for each hoist installation. The unit is fitted with a quick-connect coupling that attaches to a 220 cubic foot tank of compressed air. Petitioner further states that this air supply will last nearly three times as long as required to complete hoisting during a mine evacuation.

4. Petitioner states that the evacuation of the mine can be completed in less than 30 minutes; therefore, the 30 minute air supply is more than adequate to reach a positive source of fresh air after hoisting is completed.

5. Petitioner states that the procedures outlined above will provide the same degree of safety to the miners affected 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 19, 1981. Copies of the petition are available for inspection at that address.

Dated: February 6, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5325 Filed 2-13-81; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Design Arts Panel (Communication and Exploration/Research Section); 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 Design Arts Panel (Communication and Exploration/Research Section) to the National Council on the Arts will be held in March 17-18, 1981, from 9 a.m.-6 p.m. in room 1422, 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 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 subsection (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.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 81-5305 Filed 2-13-81; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Panel (Demonstration Section); 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 Design Arts Panel (Demonstration Section) to the National Council on the Arts will be held on March 26–27, 1981, from 9:00 a.m.–6:00 p.m. in room 1422 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.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5306 Filed 2-13-81; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Panel (Design Fellowships Section); 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 Design Arts Panel (Design Fellowships Section) to the National Council on the Arts will be held on March 10–11, 1981, from 9:00 a.m.–6:00 p.m. in room 1422 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.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5307 Filed 2-13-81; 8:45 am]

BILLING CODE 7537-01-M

Federal Graphics Improvement Evaluation Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Federal Graphics Improvement Evaluation Panel to the National Council on the Arts will be held April 9, 1981, from 9:30–4:30 p.m. in room 1422, of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be Graphic Materials of National Museum of American History (formerly National Museum of History and Technology), a Smithsonian Institution.

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.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5308 Filed 2-13-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Council, Task Group No. 15; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Task Group #15 of the NSF Advisory Council

Place: Room 523, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550

Date: Monday, March 9, 1981

Time: 9:00 a.m. till 5:00 p.m.

Type of meeting: Open

Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550. Telephone: 202/357–9433

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to determine the role of NSF in the science education of the general public. The Task Group will focus on mechanisms to encourage greater interagency cooperation and will suggest mechanisms to foster increased and/or expanded in-school as well as out-of-school programs for education in the sciences and technology.

M. Rebecca Winkler,

Committee Management Coordinator.

February 11, 1981.

[FR Doc. 81-5303 Filed 2-13-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Social And Economic Science; Subcommittee on Political Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Political Science of the Advisory Committee for Social and Economic Science

Date and time: March 5–6, 1981, 9:00 a.m. to 5:00 p.m. each day

Place: Room 730, National Science Foundation, 1800 G St., N.W., Washington, D.C. 20550

Type of meeting: Closed—9:00 a.m. to 5:00 p.m. March 5–6, 1981.

Contact person: Dr. Gerald C. Wright, Jr., Program Director, Political Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–9406.

Purpose of subcommittee: To provide advice and recommendations concerning research in Political Science

Agenda: Closed: to review and evaluate research proposals as part of the selection process for awards

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c). Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

February 11, 1981.

[FR Doc. 81-5321 Filed 2-13-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Radiological Contingency Planning

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Orders to Modify Licenses to Incorporate New or Upgraded Radiological Contingency Plans.

SUMMARY: The Nuclear Regulatory Commission has issued orders to certain fuel cycle and major materials licensees, listed below by States, requiring them to prepare and submit for NRC review certain information that is needed to assure that adequate onsite planning is made to protect against and to respond to nuclear accidents.

The orders provide that the radiological contingency planning information shall be submitted within 120, 180, or 240 days of the effective date of the orders depending upon the perceived relative urgency of need and to facilitate scheduling of agency reviews. The information is to be submitted with an application for license amendment to incorporate the plan as approved as a condition of the NRC license. The orders provide, as an alternative action, that a licensee need not submit a radiological contingency plan if he submits an application to reduce his licensed possession limits for radioactive materials below specified amounts.

The orders provide an opportunity for a hearing if requested. If no hearing is requested, the orders become effective 20 days from the date of the orders. If a hearing is requested, the orders will become effective on the date specified in an order made following the hearing.

	Docket No.	License No.	Days after effective date for submittal
California:			
General Atomic, San Diego, CA 92138.	07000734	SNM-696	180
General Electric, Vallecitos Road, Pleasanton, CA 94566.	07000754	SNM-960	180
Rockwell International, Energy Systems Group, 8900 DeSoto Avenue, Canoga Park, CA 91304.	07000025	SNM-21	180
Connecticut:			
Combustion Engineering, 1000 Prospect Hill Road, Windsor, CT 06095.	070001100	SNM-1067	180
United Nuclear Corporation, 67 Sandy Desert Road, Uncasville, CT 06382.	07000371	SNM-368	180
Florida:			
Pan American World Airways, Inc., Aerospace Service Division, Pan Am 9, OMEHS, Kennedy Space Center, FL 32899.	03003974	09-05634-01	240
Illinois:			
Abbott Laboratories, Radiopharmaceutical Products Division, North Chicago, IL 60064.	03004038	12-00621-03	120
Amersham Corporation, 2636 South Clearbrook Drive, Arlington Heights, IL 60005.	03004261	12-12636-01	120
Allied Chemical Corporation, P.O. Box 8006R, Morristown, NJ 07906 (Metropolis, IL).	04003092	SUB-526	120
University of Illinois, Urbana, IL 61801.	03000652	12-00330-05	240
Maryland:			
National Aeronautics and Space Administration, Goddard Space Flight Center, Greenbelt, MD 20071.	03004538	19-05748-02	240
National Bureau of Standards (Commerce, Dept. of), Washington, D.C. 20234 (Gaithersburg).	70000395	SNM-362	120
National Institutes of Health (Health, Education and Welfare), Bethesda, MD 20014.	03007724	19-00296-11	120
Massachusetts:			
Army, Dept. of, Watertown Arsenal, Watertown, MA 02172.	03004593	20-01010-04	240
Harvard, Cambridge, MA 02138.	03000758	20-00297-53	240
Interox Corporation, 3 Strathmore Road, Natick, MA 01760.	03007725	20-14082-01	120
New England Nuclear Corporation, 549 Albany Street, Boston, MA 02118 (Billerica).	03004561	20-00320-13	120
New England Nuclear Corporation, 575 Albany Street, Boston, MA 02118.	03004579	20-00320-09	120
New England Nuclear Corporation, Medical Diagnostic Division, 575 Albany Street, Boston, MA 02118.	03004579	20-11866-01	120
Stocker & Yale, Inc., Rt. 128 & Brimbal Avenue, Beverly, MA 01915.	03011196	20-16532-01	240
Technical Operations, Inc., South Avenue, Burlington, MA 01813.	03004576	20-00277-03	120
Texas Instruments, Inc., 34 Forest Street, Attleboro, MA 02703.	0700093	SNM-23	180

	Docket No.	License No.	Days after effective date for submittal
Michigan:			
General Motors Corporation, 30800 Mound Road, Warren, MI 48090.	03004779	21-00016-04	240
Michigan State University, East Lansing, MI 48823.	03000806	21-00021-29	240
Minnesota:			
Minnesota Mining & Manufacturing, 3M Center, St. Paul, MN 55101.	03004951	22-00057-06	120
University of Minnesota, 410 Church Street, S.E., Minneapolis, MN 55455.	03013175	22-00187-49	240
Universtily of Minnesota, University Health Services, Minneapolis, MN 55455.	0300842	22-00187-48	240
Missouri: Combustion Engineering, Inc., P.O. Box 500, Windsor, CT 06095 (Hematite, MO).	07000036	SNM-33	180
New Jersey:			
Bell Telephone Laboratories, Murray Hill, NJ 07971.	03005224	29-00170-03	240
E.R. Squibb & Sons, Inc., Georges Road, New Brunswick, NJ 08903.	03005222	29-00139-02	120
Teledyne Isotopes, Inc., 50 Van Buren Avenue, Westwood, NJ.	03008881	29-00055-14	120
Teledyne Isotopes, Inc., 50 Van Buren Avenue, Westwood, NJ 07675.	07000124	SNM-107	240
New York: Union Carbide Corp., Medical Products Division, P.O. Box 324, Tuxedo, New York 10987.	07000687	SNM-639	120
North Carolina: General Electric Co., P.O. Box 780, Wilmington, NC 28401.	07001113	SNM-1097	180
Ohio:			
Battelle Memorial Institute, 505 King Avenue, Columbus, OH 43201.	07000008	SNM-7	180
Monsanto Research Corporation, 1515 Nicholas Road, P.O. Box 8, Dayton, OH 45407.	07000572	SNM-567	120
National Aeronautics and Space Administration, Lewis Research Center, Plum Brook Station, Sandusky, OH 44870.	03009579	34-00293-02	240
Ohio State Universtiy, 190 North Oval Drive, Columbus, OH 43210.	03002640	34-00293-02	240
Oklahoma:			
Isotopic Analysis, Inc., P.O. Box 35622, Tulsa, OK 74105.	07000854	SNM-791	240
Kerr-McGee Nuclear Corporation, Kerr-McGee Center, Oklahoma City, OH 73125 (Cimarron Facility—near Crescent, OK).	07001193	SNM-1174	180
Kerr-McGee Nuclear Corporation, Kerr-McGee Center, Oklahoma City, OH 73125 (Sequoyah Facility—near Gore, OK).	04008027	SUB-1010	120
Oral Roberts University, 7777 South Lewis Avenue, Tulsa, OK 74171.	03014781	35-18282-01	240
Pennsylvania:			
Automation Industries, Inc., Nuclear Encapsulation Facility, Kimberton Road, Rt. 113 South, Phoenixville, PA 19460.	03005998	37-00611-09	120
Babcock & Wilcox Co., 609 N. Warren Avenue, Apollo, PA 15613 (Parks Township).	07000384	SNM-414	180
Babcock & Wilcox Co., 609 N. Warren Avenue, Apollo, PA 15613.	07000135	SNM-145	180
General Electric Co., 3198 Chestnut Street, Philadelphia, PA 19104.	03006047	37-02006-06	240
Micro Display Systems, Inc., 950 Rittenhouse Road, Norristown, PA 19403.	03017293	37-19299-01	240
University of Pittsburgh, Pittsburgh, PA 15261.	03002945	37-00245-02	240
U.S. Radium Corporation, 4150 Old Berwick Road, Bloomsburg, PA 17815.	03005982	37-00030-08	120
Westinghouse Electric Co., P.O. Box 355, Pittsburgh, PA 15230 (Cheswick).	07001143	SNM-1120	180
Westinghouse Electric Co., P.O. Box 355, Pittsburgh, PA 15230 (Waltz Mill).	07000698	SNM-770	180
South Carolina: Westinghouse Electric Co., P.O. Box 355, Pittsburgh, PA 15230 (Columbia, SC).	07001151	SNM-1107	180
Tennessee: Nuclear Fuel Services, Erwin, TN 37650.	07000143	SNM-124	120
Virginia:			
Babcock & Wilcox Co., P.O. Box 785, Lynchburgh, VA 24505.	07000027	SNM-42	180
Babcock & Wilcox Co., P.O. Box 785, Lynchburg, VA 24505.	07001201	SNM-1168	180
Babcock & Wilcox Co., P.O. Box 1260, Lynchburg, VA 24505.	07000824	SNM-778	180
Washington:			
Battelle Memorial Institute, Battelle Boulevard, Richland, WA 99352.	07000984	SNM-942	180

	Docket No.	License No.	Days after effective date for submittal
Exxon Nuclear Co., Inc., 2101 Horn Rapids Road, Richland, WA 99352.	07001257	SNM-1227	180
Washington, D.C.: Navy Dept. of the 4555 Overlook Avenue, S.W., Washington, D.C. 20380.	03003925	80-01393-02	120
Wisconsin: University of Wisconsin, Madison, WI 53706.	03003465	48-09643-18	240
Wyoming: University of Wyoming, Laramie, NY 82071.	03001176	49-09955-10	240

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Fred D. Fisher, or Mr. Ralph G. Page, Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4135 or 427–4309.

SUPPLEMENTARY INFORMATION: The following order is typical of those sent to each of the above listed licensees.

Dated at Silver Spring, Maryland this 11th day of February 1981.

For the Nuclear Regulatory Commission.

Richard E. Cunningham, Director,

Division of Fuel Cycle and Material Safety.

United States of America, Nuclear Regulatory Commission

In the Matter of Allied Chemical Corporation, Nuclear Services Division, P.O. Box 8005R, Morristown, New Jersey 07960; Docket No. 40–3392, Materials License No. SUB–526.

Order To Modify License

I

Allied Chemical Corporation ("the licensee") with facilities in Metropolis, Illinois, is the holder of Materials License No. SUB–526 issued by the Nuclear Regulatory Commission ("the Commission"). The license authorizes the possession and use of up to 50 million pounds of natural uranium and other isotopes in small quantities. The licensee converts uranium ore concentrates into uranium hexafluoride. The current license was issued August 15, 1977, and is due to expire on August 31, 1982.

II

Before issuance of a license to operate, staff review of the application determined that the licensee can operate the facility in a safe manner. Nonetheless, based on the lessons learned from the accident at Three Mile Island and new perspectives on emergency preparedness and planning, the Commission has reevaluated the emergency preparedness requirements for its fuel cycle and materials licensees. The Commission has decided that significant improvements need to be made promptly to ensure that adequate onsite emergency response actions will be taken by licensees with major operations in cases where, even though unlikely, potentially serious radiation accidents could occur. The operations licensed to be carried our pursuant to Materials License No. SUB–526 appear to fall in this category and require the development of a comprehensive onsite radiological contingency plan. Specifically, considerations are needed to ensure (1) that the plant contains adequate engineering safety features and is otherwise designed to limit releases of radioactive materials and radiation exposures in the event of an accident, (2) that a capability exists for measuring and assessing the significance of accidental releases of radioactive materials, (3) that appropriate emergency equipment and planning are provided onsite to protect workers against radiation hazards that might be encountered following an accident, (4) that notifications are made promptly to federal, state, and local government agencies, and (5) that necessary recovery actions are taken in a timely fashion to return the plant to a safe condition following an accident.

The information to be developed and documented is described in the enclosed "Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities" (Enclosure 1). In summary, the information to be submitted to NRC for review includes a (1) description of plant systems important to safety; (2) characterization of classes of credible emergencies that might occur; (3) description of radiological contingency measures for each class of emergency; (4) designation of authorities and responsibilities of key individuals and groups employed by the licensee; and (5) a description of equipment and facilities designated for use during radiation emergencies. The plan is to be directed toward mitigating the consequences of radiological emergencies and providing reasonable assurance that appropriate measures will be taken during an emergency to assure protection of the public and minimize adverse environmental impacts. In preparing the plan, consideration should be given to a set of credible accidents ranging from almost everyday occurrences of small consequence through highly improbable, but not impossible, accidents such as those resulting from severe natural phenomena, human error, and multiple equipment failures, and sabotage.

III

In addition to onsite radiological contingency planning, as discussed in Section II above, offsite emergency response planning is also highly important. Offsite planning requirements for fuel cycle and materials facilities are being developed separately and will be considered in a proposed rulemaking to be published in the coming months. Within the framework of that rulemaking, NRC will carry out extensive coordination with state governments and the Federal Emergency Management Agency (FEMA) concerning applicable requirements.

IV

The Commission believes that it is prudent and necessary to require the licensee to develop and submit within 120 days of the effective date of this Order, or before, an onsite radiological contingency plan, as discussed in Section II above, applicable to operations licensed pursuant to Materials License No. SUB–526. Such a plan can be developed and effectively implemented apart from offsite emergency response planning, which necessarily involves state and local government emergency planning actions. The onsite radiological contingency plan is a necessary extension of protective actions taken by the licensee during normal operations. Such planning is essential to ensure that proper plans are made by the licensee to protect the public from accidents that could result from the licensed operations. A lesson learned from the Three Mile Island accident is that accidents thought to be highly improbable can and will occur, and that proper emergency preparedness is required to mitigate radiological consequences.

The reporting and recordkeeping part of this onsite radiological contingency plan is subject to clearance by the General Accounting Office. GAO review and clearance will not stay the effective date of this Order as regards the requirement that the licensee develop the plan. Unless advised to the contrary, GAO clearance will be effective within 45 days from the date of this Order.

V

Accordingly, pursuant to sections 161b and 161o of the Atomic Energy Act of 1954, as amended, § 40.41(e) of 10 CFR Part 40, and § 2.204 of 10 CFR Part 2, IT IS HEREBY ORDERED THAT within 120 days of the effective date of this Order, the licensee shall submit:

1. A radiological contingency plan in accordance with Enclosure 1 of this Order, "Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities," and an application for license amendment to incorporate such plan as approved as a condition of the license; *or alternatively,*

2. An application for license amendment to reduce the possession limits for radioactive materials below those specified in Enclosure 2 of this Order.

VI

The licensee or any person whose interest may be affected by this Order may, within 20 days of the date of the Order, request a hearing with respect to all or part of the Order. A request for a hearing shall be addressed to the Secretary of the Commission, U.S.N.R.C., Washington, D.C 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a person other than the licensee requests a hearing, that person shall set forth with particularity the nature of his or her interest and the manner in which his or her interest may be affected by this Order in accordance with 10 CFR 2.714(a)(2) of the Commission's Rules of Practice.

If a hearing is requested by the licensee or a person who has an interest affected by this Order, the Commission will issue an order designating the time and place of the hearing.

If no hearing is requested, this Order will become effective 20 days from the date of the Order. If hearing is requested, this Order will become effective on the date specified in an order made following the hearing.

VII

If a hearing is held, the issue to be considered at the hearing shall be whether the licensee (1) shall submit a radiological contingency plan which complies with Enclosure 1 of this Order, "Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities," or (2) if a plan is not submitted as required in Section V(1) of the Order, should an application for a license amendment to reduce its possession limits for radioactive materials below those specified in Enclosure 2 of this Order be submitted.

Dated at Silver Spring, Maryland this 11th day of February, 1981.

For the Nuclear Regulatory Commission.

Richard E. Cunningham,

Director, Division of Fuel Cycle and Material Safety.

Enclosure 1—Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities

January 9, 1981

Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission

Standard Format and Content for Radiological Contingency Plans at NRC Licensed Fuel Cycle and Major Materials Installations

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Introduction

NRC has initiated an extensive program to reevaluate and upgrade the requirements for emergency preparedness planning of its fuel cycle and major materials licensees. In advance of that comprehensive regulatory program which includes rulemaking, a pressing need is believed by the Commission to promptly require radiological contingency planning of those licensed fuel cycle and major materials facilities exhibiting the potential for accidents which could result in: (i) offsite radiation doses exceeding 1 rem to the whole body, 5 rems to the thyroid, or 3 rems to other critical body organs, (ii) chemical exposures which could impact radiological safety, or (iii) potentially serious radiation overexposures of workers from a nuclear criticality incident or release of radioactive materials. Radiation doses of 1 rem to the whole body and 5 rems to the thyroid are the lowest Protective Action Guides (PAG's) established by the Environmental Protection Agency for triggering a protective action in public areas following a radiation accident. The radiological contingency planning requirements addressed in this guide apply only to onsite planning.

Radiological contingency planning is that part of emergency response preparedness contributed by plant operators to assure (1) that plants are properly configured to limit releases of radioactive materials and radiation

exposures in the event of an accident, (2) that a capability exists for measuring and assessing the significance of accidental releases of radioactive materials, (3) that appropriate emergency equipment and procedures are provided onsite to protect workers against radiation hazards that might be encountered following an accident, (4) that notifications are promptly made offsite to Federal, State, and local government agencies, and (5) that necessary recovery actions are taken in a timely fashion to return a plant to a safe condition following an accident. Onsite radiological contingency planning should be sufficiently encompassing to meet the following objectives:

1. Confinement systems for radioactive material provide a proper level of protection against accidental releases, radiation alarms are used to detect accidental releases, and appropriate means exist for limiting accidental releases.

2. The responsibilities of the various supporting organizations are specifically established, and a requisite number of staff is designated to respond initially and continuously throughout any emergency that might occur.

3. On-shift licensee responsibilities for emergency response are unambiguously defined, adequate staffing is provided to assure that key functional areas will continuously operate, and the interfaces among various onsite response activities and any offsite support and response activities are specified.

4. Arrangements are made for requesting and effectively using assistance resources, and other organizations capable of augmenting the planned response are identified.

5. A standard emergency classification and action level scheme is in use by the licensee.

6. Procedures have been established for notification of State and local response organizations and for notification of emergency personnel by the licensee and for assuring that messages concerning emergencies are unambiguously communicated to these individuals.

7. Provisions exist for prompt communications to State and local response organizations, to other organizations, and to emergency personnel.

8. Adequate emergency facilities and equipment to support the emergency response are provided and maintained.

9. Adequate methods, systems, and equipment for assessing and monitoring actual or potential offsite releases of radioactive materials are in use.

10. Means for controlling radiological exposures, in an emergency, are established for emergency workers.

11. Arrangements are made for medical services for injured individuals who are contiminated.

12. General plans for recovery and reentry are developed.

13. Periodic exercises are conducted to evaluate major portions of emergency response capabilities, periodic drills are conducted to develop and maintain key skills, and deficiencies identified as a result of exercises and drills are corrected.

14. Radiological emergency response training is provided to those who may be called on to assist in an emergency.

15. Responsibilities for plan development and review and for distribution of plans are established, and the planners are properly trained.

Licensees who are required to prepare radiological contingency plans must submit them to the Director, Division of Fuel Cycle and Material Safety, NMSS, Nuclear Regulatory Commission, Washington, D.C. 20555, for review and approval. NRC will assess and evaluate the licensee's proposed response and recovery actions and will use the information provided to plan NRC's response activities. For completeness, the plan must include descriptions of (i) facilities, (ii) chemical and physical processes, (iii) types, forms, and quantities of radioactive and other hazardous materials, (iv) distribution of radioactive material inventories, (v) specifications of structures, systems, and components important to safety, and (vi) the elements of emergency planning.

Purpose and Applicability

This Standard Format has been prepared to help assure uniformity and completeness in the preparation and review of Radiological Contingency Plans.

The licensee is encouraged to prepare his Radiological Contingency Plan in accordance with the Standard Format and to provide all information to support the conclusion that his plan is adequate and capable of implementation. The information specified in the Standard Format is the minimum for a Radiological Contingency Plan. Although strict conformance with the Standard Format is not mandatory, presentation of an equivalent level of information is necessary. Additional information may be required for completion of the staff review of a particular plan. The information provided should be up-to-date with respect to the licensee's current radiological contingency planning and should reflect current awareness of the need for preplanning for abnormal occurrences and current state of the art and technology for emergency management. Information requirements which are deemed by the licensee to be not applicable should be explicitly so designated and justification provided unless the nonapplicability is obvious.

Page Numbering

Pages should be numbered by chapter and sequentially within the chapter, e.g., the first page of Chapter 3 would be 3–1, etc. Do not number the entire report sequentially.

Format References

References in the application to this Standard Format should be by chapter, section number, and subsection number.

Procedures for Updating or Revising Pages

The updating or revising of data and text should be on a replacement page basis.

Each changed or revised portion of a page should be highlighted by a vertical line. The line should be on the margin opposite the binding margin at each line changed or added. All pages submitted to update, revise, or add pages to the report should show the date of change. The transmittal letter should include an index page that lists the pages to be inserted and the pages to be removed. Where major changes or additions are made, pages for a revised Table of Contents should be provided.

Number of Copies

The licensee should submit six copies of his Radiological Contingency Plan.

Compatibility

The license should ensure that the Radiological Contingency Plan is compatible with the other sections of his license or license application.

Upon receipt of the prepared plan, the Regulatory staff will perform a preliminary review to determine if the plan provides a reasonably complete presentation of the information needed. The Standard Format will be used by the staff as a guideline to identify the information needed. If the application does not provide a reasonably complete presentation of the necessary information, an additional submission will be requested and further review will be suspended until needed information is provided.

Use of the Standard Format

The licensee should follow the numbering system of the Standard Format at least down to the level of

sections such as Section x.y.z. Under some circumstances, certain sections may not be applicable to a specific plan. In such cases, that should be explicitly stated, and sufficient information should then be provided to support that conclusion.

Style and Composition

A table of contents should be included in each plan.

The plan should strive for clear presentations of the information provided. Confusing or ambiguous statements and general statements of intent should be avoided. Definitions and abbreviations should be consistent throughout the submittal and consistent with generally accepted usage.

The licensee should direct his response to the subject matter of each section. Wherever possible, duplication of information should be avoided. Thus, information already included in other sections of the plan may be covered by specific reference to those sections.

Where numerical values are stated, the number of significant figures should reflect the accuracy or precision to which the number is known. The use of relative values should be indicated clearly.

Drawings, diagrams, and tables should be used where the information may be presented more understandably or more concisely by such means. These should be located in the section in which they are primarily referenced. Due concern should be taken to ensure that all information presented in drawings is legible, symbols are defined, and drawings are not reduced to the extent that they cannot be read by unaided normal eyes.

Physical Specifications of Submittals

All material submitted as part of the license application should conform to the following physical dimensions of page size, quality of paper and inks, and printing and binding specifications:

1. *Paper Size.*

Text pages: 8½ x 11 inches.

Drawings and graphics: 8½ x 11 inches preferred; however, larger size is acceptable provided the finished copy, when folded, does not exceed 8½ x 11 inches.

2. *Paper Stock and Ink.*

Suitable quality in substance, paper color, and ink density for handling and for reproduction by microfilming.

3. *Page margins.*

No less than one inch on the top, bottom, and binding side of all pages submitted.

4. *Printing.*

Composition: text pages should be single spaced.

Type face and style: suitable for microfilming.

Reproduction: may be mechanically or photographically reproduced. All pages of the text may be printed on both sides with the image printed head to head.

5. *Binding.*

Pages should be punched for looseleaf ring binding.

1.0 General Description of the Plant/ Licensed Activity

The information in this section is to provide perspective about the plant and the licensed activity such that the adequacy and appropriateness of the licensee's contingency planning, emergency organization, and emergency equipment can be evaluated. Where this information duplicates information provided elsewhere in the licensee's various applications, it is recommended that it also be repeated here; however, it can be referenced instead if specific sections, paragraphs, and page numbers are cited.

1.1 Licensed Activity Description

Present briefly the principal aspects of the overall licensed activity. The following should be included: a general description of licensed and other activities conducted at the plant site; the location of the plant; the type, form, and quantities (possession limits) of radioactive materials; the types of product; and the wastes produced.

1.2 Site and Facility Description

Include a description of the principal characteristics of the site at which licensee activities are conducted. Indicate the site on a general area map (approximately 10-mile radius) and upon a United States Geographical Survey 7.5' topographical map(s). Provide a site plan or aerial photograph indicating onsite structures and near-site structures (about 1-mile radius). On this photograph or site plan, include the following: (1) location of population centers (office buildings, schools, arenas, stadiums, etc), (2) the location of facilities which could present potential evacuation problems (prisons, nursing homes, and hospitals), (3) identification of primary routes for access of emergency equipment or for evacuation as well as potential impediments to traffic flow (rivers, drawbridges, railroad grade crossings, one way streets, etc.), (4) location of any emergency facilities (fire station, police station, hospital with capability for handling radioactive contamination, etc.), (5) other sites of potential emergency significance (LPG terminals, pipelines, filling stations, etc.) Indicate approximate populations, both commuters and residents, associated with onsite and near-site structures. Provide a detailed site plan and a concise description should include a discussion of the principal design criteria; descriptions of process or manufacturing systems; confinement systems for handling and storage of radioactive and other hazardous materials, the release of which could impact adversely on the safety of licensed operations; auxiliary systems such as ventilation; radioactive waste management system(s); alarms to detect accidental releases; and means for limiting accidental releases when detected. Provide equipment, piping, and instrumentation diagrams of systems pertinent to the processing or confinement of radioactive materials to further describe the functions and interactions of plant systems. The arrangement of structures and major equipment items should be indicated on plan and elevation drawings in sufficient number and detail to provide a reasonable understanding of the general layout of the plant. Any additional features of the plant likely to be of special interest because of their relationship to safety should be identified.

1.3 Process Description

Descriptions of the process(es) used in the facility should be included. Identify reactants, products, and waste streams. Provide sufficient detail, including process flow diagrams, in the discussion to provide an understanding of the processes involved.

2.0 Engineered Provisions for Abnormal Operations

The impacts of radiological contingencies are affected by the nature of a particular event; design of plant facilities, processes, and control operations which contribute to limiting radiation exposure or releases of radioactive materials; implementation of emergency response actions; and recovery actions taken. In this section describe those facility process and control measures which contribute to: (1) promptly detecting accidental releases of radioactive materials and effecting corrective or mitigating responses; (2) limiting releases of radioactive materials and potentially dangerous nonradioactive materials which could adversely affect the safety of licensed operations; and (3) permitting safe and prompt recovery actions to be taken in the event of abnormal operations.

2.1 Criteria for Accommodation of Abnormal Operations

In this section, describe the design criteria for performance of facility systems during abnormal operations and conditions.

2.1.1 Process Systems

Describe the performance criteria for response of process systems to abnormal conditions resulting from operator error or malfunction of process and control equipment.

2.1.2 Alarm Systems and Release Prevention

Specify criteria for detectors and alarms provide to detect and alert operators to accidental releases of radioactive materials and describe the responses anticipated to effectively limit accidental releases and to mitigate the consequences of such releases.

2.1.3 Support Systems

Describe the performance criteria for response of support systems to abnormal conditions such as operator error, malfunctions of equipment or controls, accidents, and severe natural phenomena. Those should include but are not necessarily limited to:

2.1.3.1 Structural Performance vs. Site Environmental Factors.

2.1.3.1.1 Severe Natural Phenomena.

2.1.3.1.2 Accidents at Neighboring Activities.

2.1.3.2 Confinement Barriers and Systems.

2.1.3.3 Access and Egress of Operating Personnel and Emergency Response Teams.

2.1.3.3.1 Onsite.

2.1.3.3.2 Near site.

2.1.3.4 Fire and Explosion Resistance and Suppression.

2.1.3.5 Shielding.

2.1.4 Control Operations

Describe the criteria for controlling and maintaining the capabilities of plant engineered systems to respond as planned to abnormal conditions.

2.2 Demonstration of Engineered Provisions for Abnormal Operation

In this section describe facility systems important to safety and demonstrate that their anticipated performances (regarding the detection and sounding of an alarm for accidental releases of radioactive materials or potentially hazardous nonradioactive materials, which could adversely affect radiological safety, and limiting releases of radioactive materials and exposures of persons to radiation) during and following an abnormal operation or condition are in accordance with the criteria of Section 2.1.

2.2.1 Process Systems

Describe the anticipated performances of process systems under abnormal conditions caused by such things as operator error or malfunctions or process equipment and controls.

2.2.2 Alarm Systems and Release Prevention Capability

Describe detectors, alarms, and other components and the anticipated performance of all effluent alarm systems under abnormal conditions and describe the strengths and weaknesses of the methods planned for limiting releases when such releases are detected.

2.2.3 Support Systems

Describe the anticipated behavior of support systems during abnormal conditions such as malfunctions of equipment or controls, operator error, accidents, and severe natural phenomena.

2.2.4 Control Operations

Describe in this subsection a safety assurance program which includes provisions for monitoring and auditing plant equipment and procedures for continued safety, for detecting deteriorating safety performance, and for identifying where improvements are needed.

3.0 Classes of Radiological Contingencies

3.1 Classification system

The radiological contingency plan should characterize several classes of emergency situations and relate them to response levels. The system of classification used should consist of largely mutually exclusive groupings, and it should cover the entire range of credible emergency situations. Each defined class should be associated with a particular set of immediate response actions that are to be taken to cope with the situations.

Specific implementing procedures should be prepared for each identified class of radiological contingency.

A recommended classification scheme is described in Section 3.2. In it, emergency situations are classified into the four categories specified in Section IV of Appendix E of 10 CFR Part 50 i.e., Notification of Unusual Event, Alert, Site Area Emergency, General Emergency.

The rationale for the notification and alert classes is to provide early and prompt notification of minor events which could lead to more serious consequences given operator error or equipment failure or which might be indicative of more serious conditions which are not yet fully realized. A gradation is provided to assure fuller response preparations for more serious indicators. The site area emergency class reflects conditions where some significant releases are likely or are occurring but where an uncontrolled release situation is not indicated based on current information. In this situation, full mobilization of emergency personnel in the near site environs is indicated as well as dispatch of monitoring teams and associated communications. The general emergency class involves actual or imminent uncontrolled releases of large inventories.

3.2 Recommended Classification Scheme

Class

Notification of Unusual Event

Class Description.—Unusual events are in process or have occurred which indicate a potential degradation of the level of safety of the plant. No releases of radioactive material requiring offsite response or monitoring are expected unless further degradation of safety systems occurs.

Purpose.—Purpose of offsite notification is to (1) assure that the first step in any response later found to be necessary has been carried out, (2) bring the operating staff to a state of readiness, and (3) provide systematic handling of unusual events information and decisionmaking.

License Actions

1. Promptly inform State and/or local offsite authorities of nature of unusual condition as soon as discovered.

2. Augment on-shift resources as needed.

3. Assess and respond.

4. Escalate to a more severe class, if appropriate.

or

5. Close out with verbal summary to offsite authorities, followed by written summary within 24 hours.

Class

Alert

Class Description.—Events are in process or have occurred which involve an actual or potential substantial degradation of the level of safety of the plant. Any releases are expected to be limited to small fractions of the EPA Protective Action Guide exposure levels.

Purpose.— Purpose of offsite alert is to (1) assure that emergency personnel are readily available to respond if

situation becomes more serious or to perform confirmatory radiation monitoring if required and (2) provide offsite authorities current status information.

Licensee Actions

1. Promptly inform State and/or local authorities of alert status and reason for alert as soon as discovered.
2. Augment resources and activate onsite operational support emergency facilities and equipment. Bring key emergency personnel to standby status.
3. Assess and respond.
4. Dispatch onsite monitoring teams and associated communications.
5. Provide periodic plant status updates to offsite authorities.
6. Provide periodic meteorological assessments to offsite authorities and, if any releases are occurring, dose estimates for actual releases.
7. Escalate to a more severe class, if appropriate.

or

8. Close out or recommend reduction in emergency class by verbal summary to offsite authorities followed by written summary within 8 hours.

Class

Site Area Emergency

Class Description.—Events are in process or have occurred which involve actual or likely major failures of plant functions needed for protection of the public. Offsite releases are not expected to exceed EPA Protective Action Guideline exposure levels except near site boundary.

Purpose.—Purpose of the site area emergency declaration is to (1) assure that response centers are manned, (2) assure that monitoring teams are dispatched, (3) assure that personnel required for evacuation of site areas are at duty stations if situation becomes more serious, (4) provide consultation with offsite authorities, and (5) provide updates for the public through offsite authorities.

Licensee Actions

1. Promptly inform State and/or local offsite authorities of site area emergency status and reason for emergency as soon as discovered.
2. Augment resources by activating onsite emergency response organization.
3. Assess and respond.
4. Dispatch onsite and offsite monitoring teams and associated communications.
5. Dedicate an individual for plant status updates to offsite authorities.
6. Make senior technical and management staff available onsite for consultation with NRC and State on a periodic basic.
7. Provide meteorological and dose estimates to offsite authorities for actual releases via a dedicated individual or automated data transmission.
8. Provide release and dose projections based on available plant condition information and foreseeable contingencies.
9. Escalate to *general emergency* class, if appropriate.

or

10. Close out or recommend reduction in emergency class by briefing of offsite authorities followed by written summary within 8 hours of closeout or class reduction.

Class

General Emergency

Class Description.—Events are in process or have occurred which involve actual or imminent loss of confinement integrity. Releases can be reasonably expected to exceed EPA Protective Action Guideline exposure levels offsite for more than the immediate site area.

Purpose.—Purpose of the general emergency declaration is to (1) initiate predetermined protective actions for the public, (2) provide continuous assessment of information from licensee and offsite organization measurements, (3) initiate additional measures as indicated by actual or potential releases, (4) provide consultation with offsite authorities, and (5) provide updates for the public through offsite authorities.

Licensee Actions

1. Promptly inform State and local offsite authorities of general emergency status and reason for emergency as soon as discovered (Parallel notification of State/local).
2. Augment resources by activating onsite emergency response organization.
3. Assess and respond.
4. Dispatch onsite and offsite monitoring teams and associated communications.
5. Dedicate an individual for plant status updates to offsite authorities.
6. Make senior technical and management staff available onsite for consultation with NRC and State personnel on a periodic basis.
7. Provide meteorological and dose estimates to offsite authorities for actual releases via a dedicated individual or automated data transmission.
8. Provide release and dose projections based on available plant condition information and foreseeable contingencies.

or

9. Close out or recommend reduction of emergency class by briefing of offsite authorities followed by written summary within 8 hours of closeout or class reduction.

3.3 Range of Postulated Accidents

Emergency planning is concerned with individual and organizational responses to the continuum of potential accident situations including those accidents that have been hypothesized but have a very low probability of occurrence. The radiological contingency plan should demonstrate how the postulated accidents are encompassed within emergency characterization classes. This section of the plan should describe how the postulated accidents are covered by the plan and should provide a summary analysis of their implication for emergency planning, including assessment of offsite impact, instrumentation capability for prompt detection and continued assessment, and manpower needs in relation to the anticipated sequence and timing of events.

4.0 Organization for Control of Radiological Contingencies

In this chapter, describe the radiological contingency organization to be activated for the possible events onsite and its augmentation and support offsite. Delineate the authorities and responsibilities of key individuals and groups, and identify the communication chain for notifying, alerting, and mobilizing the necessary personnel.

4.1 Normal Plant Organization

Provide a brief description of the plant organization and identify those individuals that have the responsibility and authority to declare an emergency and to initiate the appropriate radiological contingency response.

4.2 Onsite Radiological Contingency Response Organization

Describe the onsite radiological contingency organization for controlling each class of emergency including the times when normal operations are not being conducted. As appropriate, use organization charts, and tables.

4.2.1 Direction and Coordination

Designate the position of the person and his alternate(s) who have the overall responsibility for implementing and directing the radiological contingency procedures. Discuss his duties and authority including control of the situation, termination of the emergency condition, and coordination with the staff and offsite personnel who augment the staff or require information concerning the event.

4.2.2 Plant Staff Radiological Contingency Assignments

Specify the organizational group or groups which are assigned to the following functional areas of emergency activity including the personnel assignment rationale for working and nonworking hours. For each group describe their duties, authority, and interface with other groups and outside assistance.

The functional groups should provide capability in the following areas:

- Plant Systems Operations
- Radiological Survey and Assessment
- Fire Control
- Rescue Operations
- First Aid/Decontamination of Personnel
- Plant Security and Access Control
- Repair and Damage Control
- Recordkeeping
- Personnel Accountability
- Facility Decontamination
- Communications
- Post-Event Assessment

4.3 Offsite Assistance to Facility

Describe provisions and arrangements for assistance to onsite personnel during and after radiological emergency. Identify the services to be performed, means of communication and notification, and type of agreements that are in place for:

- Medical Treatment Facilities
- First Aid Personnel and Ambulance Service
- Services of other Medical Personnel On Site
- Firefighting Backup
- Police Assistance
- Other

4.4 Coordination with Participating Government Agencies

Identify the principal state agency and other government (local, county, state, and federal) agencies or organizations having action responsibilities for radiological emergencies in the area of the facility. For each agency and organization describe:

- Its authority and responsibility in a radiological emergency and its interface with others, if any.
- Its specific response capabilities in terms of personnel and resources available.
- Its location with respect to the facility.

Typical agencies to be included are law enforcement, departments of health or environmental protection, emergency/disaster control agencies, and the Regional Coordinating Offices for Radiological Assistance of the U.S. Department of Energy.

5.0 Radiological Contingency Measures

Specific radiological contingency response measures should be identified for each radiological contingency class and related to action levels or criteria that specify when the measures are to be implemented. Response measures include assessment actions, corrective actions, protective actions, exposure control, and aid to injured persons.

5.1 Activation of Radiological Contingency Response Organization

Describe the means to activate the radiological contingency response personnel for each class of radiological contingency as defined in Section 3.1, including a general description of the message authentication scheme. Identify the action levels selected and relate them to the responsibilities identified in Chapter 4.0. In this section and subsequent sections, attach the specific written procedures to be used.

5.2 Assessment Actions

For each class of emergency discuss the actions to be taken to determine the extent of the problem and to decide what corrective actions may be required.

5.3 Corrective Actions

Discuss the response actions that will be taken for the events identified in Chapter 3.0.

5.4 Protective Actions

The nature of protective actions, the criteria for implementing those actions, the area involved, and the notification procedures to onsite persons should be described in the plan. In order to prevent or minimize exposure to radiation and radioactive materials, the plan should provide for timely relocation of onsite persons, effective use of protective equipment and supplies, and use of appropriate contamination control measures.

5.4.1 Personnel Evacuation from Site and Accountability

This segment of the radiological contingency plan should include the following items:

a. Action criteria,

b. The means and the time required to notify persons involved,

c. Evacuation routes, transportation of personnel, and reassembly areas,

d. Missing persons check,

e. Radiological monitoring of evacuees and decontamination and selection for medical attention, if required.

5.4.2 Use of Protective Equipment and Supplies

Effective use of protective equipment and supplies, including the proper onsite distribution of special equipment, is an important measure for minimizing the effect of radiological exposures or contamination problems. Measures that should be considered include:

1. Individual respirator protection, and
2. Use of protective clothing.

For each measure that might be used, a description should be given of:

1. Criteria for issuance,
2. Locations of items,
3. Means of distribution.

5.4.3 Contamination Control Measures

Describe provisions for preventing further spread of radioactive materials and for minimizing radiation exposures from radioactive materials unshielded or released by abnormal conditions. Onsite protective actions should be described and should include the following items:

1. Isolation and area access control.
2. Criteria for permitting return to normal use.

Action criteria and responsibility for implementation of the measures planned should be described.

5.5 Exposure Control in Radiological Contingencies

Describe means for controlling radiological exposures, in an emergency, for emergency workers. The means for controlling radiological exposures should include exposure guidelines consistent with EPA Emergency Worker and Lifesaving Activity Protective Action Guides, EPA 520/1–75/001, viz. less than 75 rems planned whole body exposures for lifesaving actions and less than 25 rems where it is desirable to enter a hazardous area in order to protect facilities, eliminate further escape of effluents, or to control fires.

5.5.1 Emergency Exposure Control Program

5.5.1.1 Exposure Guidelines.

Specify onsite exposure guidelines consistent with EPA Emergency Worker and Lifesaving Activity Protective Actions guides (EPA 520/1–75/001) for:

a. removal of injured persons;
b. undertakding corrective actions;
c. performing assessment actions;
d. providing first aid;
e. performing personnel decontamination;
f. providing ambulance service; and
g. providing medical treatment services.

5.5.1.2 Radiation Protection Program.

Describe an onsite radiation protection program to be implemented during emergencies, including methods

to implement exposure guidelines. Identify individual(s), by position or title, who can authorize workers to receive emergency doses. Procedures shall be worked out in advance for permitting onsite volunteers to receive radiation doses in the course of carrying out lifesaving and other emergency activities. Procedures should provide for expeditious decisionmaking and a reasonable consideration of relative risks.

5.5.1.3 Monitoring.

Describe provisions for 24-hour-per-day capability to determine the doses and dose commitments from any internally deposited radioisotopes receives by emergency personnel involved in any nuclear accident, including volunteers. Include provisions for distribution of dosimeters, both self-reading and permanent record devices and means for assessing inhalation exposures. Describe provisions for assuring that dose and dose commitment records are maintained for emergency workers involved in any nuclear accident.

5.5.2 Decontamination of Personnel

Specify action levels for determining the need for personnel decontamination. Describe the means for radiological decontamination of emergency personnel, wounds, supplies, instruments, and equipment, and the means for collecting and handling radioactive wastes. Describe provisions for decontaminating relocated onsite personnel, including provisions for extra clothing and decontaminants suitable for the type of contamination expected.

5.6 Medical Transportation

Specify arrangements for transporting injured personnel, who may also be radiologically contaminated, to medical treatment facilities.

5.7 Medical Treatment

Describe arrangements made for local and backup hospital and medical services and their capabilities for the evaluation and treatment of radiation exposure and uptake. For both hospital and medical services, the plan should incorporate assurance not only that the required services are available, but also that persons providing the services are prepared and qualified to handle radiological emergencies.

6.0 Equipment and Facilities

In this chapter, describe the licensees' equipment and facilities designated for use during a radiological emergency. Provide sufficient detail to allow the NRC staff to determine the adequacy of the equipment to perform its function during an emergency.

6.1 Control Point

Describe the principal and, if provided for, alternate onsite location from which emergency control is exercised.

6.2 Communications Equipment

Describe the onsite communication systems that would be required to perform vital functions in transmitting and receiving information throughout the course of an emergency and subsequent recovery.

6.3 Facility for Assessment Teams

Describe the facilities designated for use by staff performing post-accident and recovery assessment and protective action functions.

6.4 Onsite Medical Facilities

Describe the facilities and medical supplies at the site designated for emergency first aid treatment and decontamination of onsite individuals.

6.5 Emergency Monitoring Equipment

List and describe the emergency equipment that will be available for personnel and area monitoring as well as that for assessing the release of radioactive materials to the environment. The description should include the purpose to be served and the capability of the equipment to function properly during an emergency. Operational data for the instrumentation such as sensitivity, range, backup power, calibration frequency as well as any alarm function and associated set point should be included. The location of all monitoring equipment should be described. Include similar descriptions of effluent monitors and meteorological measurement systems. Describe how those are to be used to timely assess the magnitude and likely dispersion of releases.

7.0 Maintenance of Radiological Contingency Preparedness Capability

7.1 Written Procedures

Identify the means for assuring that implementing written procedures clearly state the duties, responsibilities, action levels, and actions to be taken by each group or individual in responding to an emergency condition. Discuss provisions for approval of the procedures and their periodic review for adequacy.

7.2 Training

Describe the programs and procedures used to train the onsite radiological emergency staff and the support offsite personnel. Specify the training afforded to those personnel who prepare, maintain, and implement Radiological Contingency Plans. Include schedules, training lesson plans, and the frequency of retraining and the estimated number of hours of training that will be provided.

7.3 Tests and Drills

Describe provisions for the conduct of periodic drills and exercises to test the adequacy of timing and content of implementing procedures, to test emergency equipment and instrumentation, and to ensure that the radiological emergency personnel are familiar with their duties. Preplanned descriptions of accidents should be used to prepare scenarios appropriate to the objectives of each drill and exercise. When applicable, these exercises should contain provisions for coordination with offsite assistance organization, including testing of procedures and equipment for communication and notification of local and state agencies. The procedures should include a requirement for the use of observers during drills and exercises to evaluate the effectiveness of the personnel, the procedures, and the readiness of equipment and instrumentation and to recommend needed changes. It is recommended that drills and exercises be held by the licensee annually with involvement of outside observers and support agencies at least once every five years.

7.4 Review and Updating of the Plan and Procedures

Discuss the program to be used to annually review the radiological contingency plans and procedures to assure that they are adequate. In addition to the input obtained from the evaluation of tests and drills above, consideration should be given to a defined periodic review time as well as a review whenever changes occur in processes, kinds of material or inventory at risk, and plant organization.

7.5 Maintenance and Inventory of Radiological Emergency Equipment, Instrumentation, and Supplies

Describe the plans for assuring that the equipment and instrumentation are in a working condition and that the stock of supplies is maintained. Provision should be made for periodic checking that the specified inventory is intact and in operating condition, including instrumentation operation and calibration, demand respirators, supplemental lighting, and communications equipment. The procedures should include corrective action to be taken when deficiencies are found during these checks.

8.0 Records and Reports

8.1 Records of Incidents

In this section provide a detailed description of the records that will be kept of radiological contingencies according to the following classification: (1) notification of unusual event, (2) alert, (3) site area emergency, and (4) general emergency. The records should include the cause of the incident, personnel and/or equipment involved, extent of injury and/or damage resulting from the incident, corrective actions taken to terminate the emergency, and the action taken or planned to prevent a recurrence of the incident. The records should also include the onsite and offsite support assistance requested and received for recovery action. The title(s) of the personnel responsible for maintaining the records should be identified. The minimum retention time for each type record should be specified. Those records unique to a radiological contingency, not covered by existing Commission regulations or license conditions, should be retained until the license is terminated.

8.2 Records of Preparedness Assurance

In this section provide a decription of the records that will be kept to confirm the maintenance of preparedness to respond to radiological contingencies. These records include (1) training and retraining, (2) drills, exercises, and related critiques, (3) inventory and locations of emergency equipment and supplies, (4) maintenance, surveillance, and testing of emergency equipment and supplies, (5) agreements with offsite support organizations, and (6) reviews and updates of the radiological contingency plan and notification of all personnel and offsite agencies affected by an update of the plan and procedures.

8.3 Reporting Arrangements

In this section describe the arrangements for reporting accidents and related information offsite. These reports are needed to keep local, state, and federal agencies, corporate management, and the public informed on (1) the occurrence of an emergency condition, (2) its effect on the health and safety of operating personnel, the public and the environment, (3) progress on its control, and (4) recovery from the emergency condition. Responsibility for reporting information should be specified.

9.0 Recovery

9.1 Reentry

This section should discuss the criteria for reentry. Radiological criteria should be as described in Section 5.5.1 of this standard format. Reentry is the first step in recovery after an emergency.

9.2 Plant Restoration

This section should describe the plans for restoring the facility to a safe status. Although it is not possible to detail specific plans for every type of incident, the plans should include the general requirements for (1) assessing the damage to and the status of the facility's capabilities to contain radioactivity, (3) determining the actions necessary to reduce any on-going releases of radioactive or other hazardous material and preventing further incidents, and (3) accomplishing the tasks to meet any required restoration action.

Specifically, the plans should include the requirements for checking and restoring to normal operations all safety-related equipment involved in the incident (e.g., criticality alarms, radiation monitoring instruments, respiratory masks, air filters).

During any plant restoration operations personnel exposures to radiation must be maintained within 10 CFR Part 20 limits and as low as can be reasonably achieved.

9.3 Resumption of Operations

This section should describe the criteria for resumption of operations. Operations should not be resumed until normal facility conditions have been restored, investigation has determined the cause of the incident, and necessary corrective actions have been taken. Any problems identified in the investigation should be resolved prior to resumption of operations.

Enclosure 2—Licensed Possession Limits for Which Licensee Radiological Contingency Plans Are Required

Licensees exhibiting the potential for significant employee exposures from criticality incident or release of radioactive materials and for offsite radiation doses exceeding 1 rem to the whole body, 5 rems to the thyroid or 3 rems to other critical body organs are required to prepare and submit for review Radiological Contingency Plans. It is judged that licenses having possession limits of radionuclides as specified below do exhibit such potentials for employee and/or offsite exposures and, accordingly, shall prepare and submit Radiological Contingency Plans.

Conditions

Where the license authorizes possession of a single radionuclide in forms other than as sealed sources, § 30.4(r), or special form, § 71.4(o), the licensee shall prepare and submit a Radiological Contingency Plan if the authorized possession limit exceeds that quantity specified for that radionuclide in the attached *Schedule Limiting of Possession Limits.*

Where possession of two or more radionuclides, in forms other than as sealed sources, § 30.4(r), or special form, § 71.4(o), is authorized by the license, the licensee shall prepare and submit a Radiological Contingency Plan if the sum of the quotients of the authorized possession limits for individual radionuclides divided by the quantities of those radionuclides specified in the attached *Schedule of Limiting Possession Limits* exceeds unity.

Where the license authorizes possession of a broad range of radionuclides, e.g., any byproduct material of atomic numbers 3 through 83, inclusive, in excess of those quantities specified in Schedule A of § 33.100, e.g. Type A specific Licenses of Broad Scope, and in forms other than as sealed sources, § 30.4(r) or special form, § 71.4(o), the licensee shall prepare and submit a Radiological Contingency Plan if the quantity of any radionuclide authorized, either explicitly or implicitly, exceed that quantity specified in the attached *Schedule of Possession Limits* or if the sums of the quotients of those quantities explicitly or implicitly authorized divided by the quantities of those radionuclides specified in the *Schedule of Limiting Possession Limits* exceeds unity.

Licensees possessing U–235, U–233, or plutonium in such quantities as to require criticality monitors and alarms in accordance with § 70.24 are also required to prepare and submit for review Radiological Contingency Plans. Possession of large quantities of UF_6, even where no criticality hazards exist, shall also require preparation and submittal for review of Radiological

Schedule of Limiting Possession Limits Arranged Alphabetically by Elements

Radionuclide	Group No.	Limiting possession limit	
		Curies	Grams
Americium-241	I	0.30	0.09
Americium-243	I	0.30	1.5
Antimony-124	IV	1000	
Barium-140	V	2000	
Cadmium-113m	V	1500	
Calcium-45	IV	800	
Carbon-14	V	1300	
Californium-252	I	0.30	5.0×10^{-4}
Cesium-134	IV	350	
Cesium-137	IV	600	
Chromium-51	VI	150,000	

Schedule of Limiting Possession Limits Arranged Alphabetically by Elements—Continued

Radionuclide	Group No.	Limiting possession limit	
		Curies	Grams
Cobalt-60	V	4000	
Copper-64	VI	50,000	
Curium-242	II	8.0	2.5×10^{-2}
Curium-244	I	0.50	6.0×10^{-2}
Gold-198	VI	100,000	D
Hydrogen-3	V	6000	
Iodine-125	II	8.0	
Iodine-129	II	1.0	
Iodine-13	II	3.3	
Iridium-192	VI	50,000	
Iron-55	VI	30,000	
Iron-59	V	2400	
Krypton-85	V	7000	
Manganese-54	V	1500	
Manganese-56	VI	120,000	
Molybdenum-99	V	3000	
Neptunium-237	I	0.20	250
Nickel-63	V	5000	
Niobium-95	V	5000	
Phosphorous-32	III	15	
Plutonium-236	I	0.10	6.0×10^{-3}
Plutonium-239	I	0.10	1.5
Polonium-210	II	3.2	
Promethium-147	V	3500	
Ruthenium-103	V	1500	
Ruthenium-105	VI	15,000	
Scandium-46	V	2500	
Selenium-75	IV	500	
Silver-110m	IV	500	
Strontium-90	III	25	
Sulfur-35	IV	500	
Tantalum-182	VI	15,000	
Technetium-99m	VI	200,000	
Thallium-204	VI	30,000	
Thulium-170	IV	1000	
Thorium-228	I	0.30	4.0×10^{-2}
Tin-113	IV	1000	
Tin-123	IV	1000	
Tungsten-187	V	5000	
Uranium-233	II	5	500
Xenon-133	V	10,000	
Zinc-65	V	2500	
Zirconium-93	V	5000	
Zirconium-95	V	1300	

Schedule of Limiting Possession Limits Arranged in Order of Increasing Limiting possession limits

	Radionuclide	Limiting Possession Limit	
		Curies	Grams
Group I, Less than 1 curie.	Pu-236	0.10	6.0×10^{-3}
	Pu-239	.10	1.5
	Np-237	.20	250
	Am-241	.30	0.09
	Th-228	.30	4.0×10^{-2}
	Cf-252	.30	5.0×10^{-4}
	Am-243	.40	1.5
	Cm-244	.50	6.0×10^{-3}
Group II, 1 curie to 10 curies.	I-129	1.0	
	Po-210	3.2	
	I-131	3.3	
	U-233	5.0	500
	I-125	8.0	
	Cm-242	8.0	2.5×10^{-2}
Group III, 10 curies to 100 curies.	P-32	15	
	Sr-90	25	
Group IV, 100 curies to 1,000 curies.	Cs-134	350	
	S-35	500	
	Se-75	500	
	Ag-110m	500	
	CXs-137	600	
	Ca-45	800	
	Sn-113	1000	
	Sn-123	1000	
	Sb-124	1000	
	Tm-170	1000	

Schedule of Limiting Possession Limits Arranged in Order of Increasing Limiting possession limits—Continued

	Radionuclide	Limiting Possession Limit	
		Curies	Grams
Group V, 1,000 to 10,000 curies.	C-14	1300	
	Zr-95	1300	
	Mn-54	1500	
	Ru-103	1500	
	Cd-113m	1500	
	Ba-140	2000	
	Fe-59	2400	
	Sc-46	2500	
	Zn-65	2500	
	Mo-99	3000	
	Pm-147	3500	
	Co-60	4000	
	Ni-63	5000	
	Zr-93	5000	
	Nb-95	5000	
	W-187	6000	
	H-3	6000	
	Kr-85	7000	
	Ta-182	10,000	
	Xe-133	10,000	
Group VI, Over 10,000 curies.	Au-198	11,000	
	W-187	15,000	
	Fe-55	30,000	
	Ir-192	40,000	
	Cu-64	50,000	
	Ru-103	50,000	
	Ru-103	50,000	
	Mn-56	120,000	
	Cr-51	150,000	
	Tc99m	200,000	

[FR Doc. 81-5324 Filed 2-13-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

February 11, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the forms must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have

comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

Reinstatements

Food and Nutrition Service
Food Stamp Program and Budget Summary Statement
FNS–366–A, FNS–366–B
Quarterly
State or local governments, State agencies
SIC: 943
Public assistance and other income supplements, 270 responses, 9,168 hours, $9,400 Federal cost, 2 forms
Charles A. Ellett, 202–395–7340

Provide a standard format for submitting and proposed budget and report of activities during the Federal fiscal year.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• National Oceanic and Atmospheric Administration
Permit form for Foreign Commercial Fishing Vessels
NOAA 88–120
Annually
State or local governments
Foreign fishing vesl. owners operat. vesls. in the U.S. PCZ
SIC: 091
Small businesses or organizations
Other advancement and regulation of commerce, 2,000 responses, 1,000 hours, $22,000 Federal cost, 1 form
William T. Adams, 202–395–4814

To be displayed in the wheel house of all foreign vessels fishing in U.S. fishery conservation zone to aid enforcement efforts and program management general purpose statistics.

• National Oceanic and Atmospheric Administration
Foreign Fishing Vessel Permit Application Approval
Annually
State or local governments
Foreign vesl owners whose vesls oper. in the U.S. etc.
SIC: 091
Small businesses or organizations
Other advancement and regulation of commerce, 2,000 responses, 1,000 hours $50,000 Federal cost, 1 form
Wiliam T. Adams, 202–395–4814

It is mandatory by the Magnuson Fishery Conservation and Management Act that all foreign fishing vessels wishing to fish in the U.S. fishery conservation zone obtain a permit before fishing. Without an authorized permit, foreign vessels are subject to seizure by the U.S. Coast Guard.

• National Oceanic and Atmospheric Administration
Interim Capital Construction Fund Agreement (Family of forms)
88–14
Nonrecurring
Businesses or other institutions
U.S. Fishermen wishing to obtain benefits under program
SIC: 373
Small businesses or organizations
Other natural resources, 500 responses, 1,750 hours $30,000 Federal cost, 1 form
William T. Adams, 202–395–4814

Form is needed to formalize the agreement entered into between the Government and participants in this financial assistance program. Serves also to determine the agreement holder's eligibility to participate in the program and to reduce to writing those objectives that are to be paid for with assets controlled by the agreement.

• National Oceanic and Atmospheric Administration
Certificate of Construction or Reconstruction
Nonrecurring
Businesses or other institutions
U.S. Fishermen wishing to obtain benefits under program
SIC: 373
Small businesses or organizations
Other natural resources, 500 responses, 500 hours $6,000 Federal cost, 1 form
William T. Adams, 202–395–4814

Serves as a format for program participation to provide a showing of the cost of an agreement objective to be paid for with funds controlled by the agreement. This is used in applying for program benefits.

• National Oceanic and Atmospheric Administration
Social and Economic Survey of Fisheries
Annually
Businesses or other institutions
Shrimp Fishermen, charter fishing boat owneres, and reef, etc.
SIC: 091
Small businesses or organizations
Other advancement and regulations of commerce, 938 responses, 185 hours $178 Federal cost, 2 forms
William T. Adams, 202–395–4814

These data are needed to define and assess the economic and social structure of the fishing industry. Data will be used to develop the economic and social impact of fishery management options.

Extensions (Burden Change)

International Trade Administration
Licensing/Joint Venture Proposal
ITA–4036P
On occasion
Businesses or other institutions
Manufacturers
SIC: All
Small businesses or organizations
Other advancement and regulation or commerce, 20 responses, 10 hours $400 Federal cost, 1 form
William T. Adams, 202–395–4814

U.S. companies, usually small or medium size provide their names, addresses and descriptions of goods they want to manufacture in the U.S. under license/joint venture. Special searches are made to identify foreign companies offerring licensed/U.S. production rights of the kinds of goods described.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration National Second Surgical Opinion Program—Reaction to Television's "20/20", Unnecessary Surgery Program
HCFA–248
Nonrecurring
Individuals or households
Callers to the NSSOP "hotline" after airing of 20/20, etc.
Health, 500 responses, 21 hours, $1,500 Federal cost, 1 form
Richard Eisinger, 202–395–6880

The purpose of this special study is to measure the media impact of this "20/20" show on the NSSOP hotline. The airing of the "20/20" represents a unique opportunity for HCFA to record mass media reaction to one of its beneficiary awareness programs.

• Health Care Financing Administration
PIP Quarterly Report for Home Health Agencies
HCFA–243
Quarterly
Businesses or other institutions
Home hlt agen on periodic interim paymt method who serve, etc.
SIC: 808
Small businesses or organizations
Health, 360 responses, 5,040 hours, $72 federal cost, 1 form
Richard Eisinger, 202–395–6880

Medicare intermediaries are required to evaluate quarterly the interim

payment rate for providers receiving payment on the periodic interim payment (PIP) method. The Office of Direct Reimbursement uses this form to determine the medicare utilization and costs of home health agencies which receive PIP and which deal direclty with HCFA through ODR.

Revisions

Social Security Administration
State Contribution Return
SSA-3961
On occasion
State or local governments
State soc. sec. agen (1 agen in ea. st., Puerto Rico, etc.)
SIC: 944
General retirement and disability insurance, 10,032 responses, 502 hours, $5,427 Federal cost, 1 form
Barbara F. Young,

Section 218 of the Social Security Act provides that the States comply with such regulations relating to payments and reports. This form is used for essentially three different purposes, (a) accompanies deposits; (b) accompanies wage reports; and (c) accompanies corrections of previous deposit or wage reports.

DEPARTMENT OF JUSTICE

(Agency Clearance Officer. Donald E. Larue]—202-633-3526

Revisions

•Immigration and Naturalization Service
Request for Asylnm in the United States
I-589
Nonrecurring
Individuals or households
Aliens requesting asylum in the United States
Federal law enforcement activities, 50,000 responses, 50,000 hours, $1,750,000 Federal cost, 1 form
Andy Uscher, 202-395-4814

Data used by N&S and Department of State to Determine eligibility of applicant for asylum in the U.S. as provided for in the reguee Act of 1980. P.L. 96-212.

C. Louis Kincannon,

Assistant Administrator for Reports Management

[FR Doc. 81-5330 Filed 2-13-81, 8:45 am]

FILLING CODE 3110-01-M

Privacy Act; Notice of New Systems

February 10, 1981.

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effects on such proposal on the privacy and other personal or property rights of individuals . . ."

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days before entering any personal information into the new or altered system, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports or new or altered systems were received by OMB between December 15, 1980, and January 31, 1981. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

DEPARTMENT OF DEFENSE

System Name:

Counterintelligence Operations File.

Report Date:

December 18, 1980.

Point-of-Contact:

The Executive Secretary, Defense Privacy Board, Room 818 Pomponio Plaza Building, 1735 N. Lynn Street, Arlington, Virginia 22209.

Summary:

The Department of the Army is proposing to amend an existing system of records which contains records on individuals about whom there is a reasonable basis to believe involvement in theft, destruction or sabotage of weapons, ammunition, equipment, facilities or records belonging to DOD units of installations; possible compromise of classified defense information; subversion of loyalty, discipline or morale of Army military or civilian members; demonstrations on active or reserve Army installations or on areas adjacent to them of such a size or character that they are likely to interfere with the conduct of military activities. The amendment proposed is to convert the present paper files to hybrid manual/automated systems.

System Name:

Aviation Mishap Report.

Report Date:

December 15, 1980.

Point-of-Contact:

The Executive Secretary, Defense Privacy Board, Room 818 Pomponio Plaza Building, 1735 N. Lynn Street, Arlington, Virginia 22209.

Summary:

The Department of the Navy proposes to establish a new automated system of records to contain aircraft accident reports. Data maintained will include name, social security number, flight experience of involved individuals, location, severity cause factors and accident description.

DEPARTMENT OF THE INTERIOR

System Name:

Safety Management Information System—Interior, Mines-6 Personnel Security Files—Interior, Mines-7.

Report Date:

January 13,1981.

Point-of-Contact

Ms. Vivian A. Keado, Chief, Division of Directives and Paperwork Management, Office of Information Resources Management, U.S. Department of the Interior, Washington, D.C. 20240.

Summary:

The Department of the Interior proposes to amend an existing system of records to clarify the categories of records in the system and to expand the routine uses of records in the system. The system contains records about individuals who have been involved in an accident or exposed to a health hazard while working or visiting a Bureau of Mines facility. New routine uses will permit disclosure to a Federal, State or local agency to adjudicate tort and employee claims, and to the Department of Labor information about facilities, disabling injuries and illnesses as required by statute.

The Department of the Interior proposes to amend an existing system of records to include records on employees having ADP access clearances and National Defense Executive Reservists. The system contains records of individuals with national security clearances.

SELECTIVE SERVICE SYSTEM

System Name:

Suspected Violator Inventory Monitoring System (SVIMS)—SSS–8.

Report Date:

January 14, 1981.

Point-of-Contact:

C. E. Boston, Records Manager, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

Summary:

The Selective Service System proposes to amend an existing system of records which contains records about suspected violators of the Military Selective Service Act. The changes proposed include changing the name of the system from "Violator Inventory Monitoring System" to "Suspected Violator Inventory Monitoring System;" the system location from the Computer Service System, Arlington, Virginia, to National Headquarters, Selective Service System, 600 E Street NW., Washington, D.C. 20435; and the categories of records to include the Social Security Number, if known.

DEPARTMENT OF THE TREASURY

System Name:

General Allegations and Investigative Records System.

Report Date:

January 9, 1981.

Point-of-Contact:

Mrs. Carol Jolliffe, Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220.

Summary:

The Department of the Treasury proposes to amend an existing system of records to add new routine uses permitting disclosures to the Merit Systems Protection Board, the GAO Fraud Task Force, State and local licensing boards, and the Intelligence Oversight Board. The Department also proposes to add an automated indexing capability to the system. The system contains records about current and former employees of the Department relating to their alleged violation of the Department's rules of conduct, the Office of Personnel Management's merit system, or any other civil or criminal misconduct.

DEPARTMENT OF AGRICULTURE

System Name:

Farm Production Expenditure Survey, Family Living Expense Section.

Report Date:

January 9, 1981.

Point-of-Contact:

Henry O. Altenberg, USDA/ESS/DAA/ASD, RS&A Branch, Room 1419, South Building, Washington, D.C. 20250.

Summary:

The Department of Agriculture proposes to establish a new system of records to contain survey information obtained from a sample of farmers and ranchers living in the continental U.S. The survey will be voluntary and ask questions about food and household supplies, rent and mortgage payments, non-farm auto expenses, other family living expenses (medical, dental, clothing, etc.), total expenditure for family living expenses.

This data will be used to update the Index of Prices Paid by Farmers for Commodities and Services, Interest, Taxes, and Farm Wage Rates to the current base weight period. The summary data will not contain individual identifiers.

Waiver Requests

OMB procedures permit a waiver of the advance notice requirement when the agency can show that the delay caused by the 60-day advance notice would not be in the public interest. It should be noted that a waiver of the 60-day advance notice a period does not relieve an agency of the obligation to publish notice describing the system and to allow 30 days for public comment on any proposed routine uses of the personal information to be collected. A waiver of the 60-day advance notice provision was requested by agencies for the following reports. Public inquiries or comments on the proposed new or altered systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. Comments on the operation of the waiver procedure should be directed to OMB.

DEPARTMENT OF JUSTICE

System Name:

Security Access Control System (SACS).

Report Date:

January 9, 1981.

Point-of-Contact:

The Administrative Counsel, Justice Management Division, Department of Justice, Room 6315, 10th and Constitution Ave., NW., Washington, D.C. 20530.

Summary:

The Department of Justice proposes to establish a new system of records to contain computerized records of the names, issued badge numbers, dates and times of entry of individuals, including escorted visitors, who were issued access badges to the J. Edgar Hoover Building, Washington, D.C. The information will be used to determine the status of individuals entering the building and to maintain control of badges issued to individuals requiring access. The system has no routine uses for disclosure outside the agency.

Waiver Status:

Pending as of January 29, 1981.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

System Name:

Evaluation of Home Dialysis Aide Demonstration.

Report Date:

January 16, 1981.

Point-of-Contact:

Mr. Bruce Steinhardt, Director, Evaluation Studies Staff, Office of Research, Demonstrations and Statistics, Room 1–E–6, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207.

Summary:

The Health Care Financing Administration proposes to establish a new system of records to contain surveys of participants in paid home dialysis aide demonstrations. The Administration will survey patients, physicians and nurses to evaluate three different demonstrations. The purpose of the survey is to determine whether home dialysis can be found to be cheaper and at the same time not adversely affect the quality of care. The survey will be conducted by the Orkland Corporation under contract to the Administration.

Waiver Status:

Pending as of January 30, 1981.

System Name:

Medicare/Medicaid Hospice Demonstration.

Report Date:

January 16, 1981.

Point-of-Contact:

Dr. Thoman M. Kickham, Chief, Long Term Care Reimbursement Branch, Office of Research, Demonstrations and Statistics, Room 1–E–3, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207.

Summary:

The Health Care Financing Administration proposes to establish a new system of records to provide billing, cost, and service data necessary to reimburse and evaluate the care received by terminally ill Medicare beneficiaries, Medicaid recipients, and their families from hospice organizations selected to participate in the demonstration. HCFA will also gather comparable data on other terminally ill patients from conventional medical care facilities for comparison purposes.

Waiver Status:

Pending as of January 30, 1981.

Daniel F. Mann,

Budget and Management Officer.

[FR Doc. 81-5250 Filed 2-13-81; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 10, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Collins Foods International, Inc. (Del.), Common Stock, $.10 Par Value (File No. 7-5860)

James River Corporation of Virginia, Common Stock, $.10 Par Value (File No. 7-5861)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 4, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-5284 Filed 2-13-81; 8:45 am]

BILLING CODE 8010-01-M

Ferrovanadium Corp. N. L.; Order of Suspension of Trading

February 10, 1981.

It appearing to the Securities and Exchange Commission that Ferrovanadium Corporation N. L. ("Ferrovandium") has failed to comply with Sections 12(g) and 13(a) of the Exchange Act and Rules 13a-1, 13a-11 and 12b-20 thereunder by filing with the Commission a Form 10 on or about August 17, 1979 and an annual report on Form 10-K on or about January 21, 1981 which Forms, among other things, appear to contain untrue statements of material facts and omissions to state material facts regarding the nature and extent of Ferrovanadium's mineral reserves; and which Forms include financial statements which fail to meet applicable requirements; and by failing to timely file a required Form 8-K and by being approximately for months delinquent in filing its most recent annual report on Form 10-K, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of and the American Depositary Receipts (ADRs) issued against the securities of Ferrovanadium.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of and the ADRs issued against the securities of Ferrovanadium is suspended, for the period from 3:15 p.m. on Febraury 10, 1981 through midnight (FST) of February 19, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-5280 Filed 2-13-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21914 (70-6540)]

Indiana & Michigan Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

February 9, 1981.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell up to $120,000,000 aggregate principal amount of its first mortgage bonds, in one or more new series, having a maturity of not less than 5 years and not more than 30 years. The interest rate on the bonds which will be expressed in a multiple of ⅛ of 1%) and the price to be paid to the company for the bonds (which shall not be less than 100% of the principal amount, unless the company shall authorize a lower percentage not less than 99%, and shall not exceed 102¾%) will be determined by competitive bidding. The boards will be issued under I&M's Mortgage and Deed of Trust, dated as of June 1, 1939 to Irving Trust Company and Frederick G. Herbst (D. W. May, successor Individual Trustee), as Trustees, as supplemented and as proposed to be further supplemented by an Indenture Supplemental ("Supplemental Indenture") dated March 1, 1981. It is expected that the terms of the bonds will preclude I&M from redeeming any such bonds prior to a date five years subsequent to the first day of the month in which the bonds are first authenticated and delivered. If such redemption is for the purpose of refunding such bonds through the use, directly or indirectly, of borrowed funds at an effective interest cost less than the effective interest cost to I&M of such bonds. It is expected that the successful bidders for the bonds will make a public offering of the same.

It is difficult to determine, under present market conditions, whether it would be more advantageous to I&M to sell bonds with a 30-year or some shorter maturity. To afford I&M the necessary flexibility to adjust its financing program to developments in the markets for long-term debt securities when and as they occur, I&M will decide at a later time, prior to the submission of bids for the bonds, on the maturity of the bonds. I&M will notify prospective bidders of its decision reasonably in advance of, but not less than 72 hours prior to, the bidding.

I&M proposes to publish its invitation for bids for the bonds on or about March 10, 1981, and to have bids submitted on or as soon after March 18, 1981 as bond

market conditions make appropriate. The issuance of the bonds will be affected in compliance with I&M's applicable indenture, charter and other standards relating to such securities and capitalization ratios.

If market conditions should not be propitious for the sale of the bonds on a competitive bidding basis, I&M proposes, subject to further authorization by the Commission, either to place the bonds privately with institutional investors or to negotiate with underwriters for the sale of the bonds with the interest rate and price to be determined by negotiation.

The proposed sale of bonds is part of an overall financing program of I&M. Under this program AEP will make capital contributions in an aggregate amount of up to $40,000,000 between January 1, 1981 and June 30, 1981 as previously authorized by this Commission's order dated December 9, 1980 (HCAR No. 21832). Furthermore, in accordance with authority granted by a Commission order dated June 13, 1980 (HCAR No. 21623), I&M expects to issue up to $100,000,000 aggregate principal amount of unsecured loans under a revolving credit agreement from time to time prior to June 30, 1983. Such notes may be issued in lieu of bonds and be subsequently repaid from bond proceeds as bond market conditions warrant.

Proceeds from bond sales, cash capital contributions and other sources, to the extent not used to repay notes under the revolving credit agreement, will be used to eliminate I&M's unsecured short-term indebtedness and for other corporate purposes. As of December 11, 1980, I&M had approximately $139,125,000 principal amount of outstanding unsecured short-term debt in the form of bank notes and commercial paper.

A statement of fees and expenses incurred in connection with the proposed transactions will be provided by amendment.

It is stated that the Public Service Commission of Indiana and the Michigan Public Service Commission have jurisdiction over the proposed transaction. It is stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 4, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-5287 Filed 2-13-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 10, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Transco Companies, Inc., Common Stock, $.50 Par Value (File No. 7-5855)
Texas International Company, Common Stock, $.10 Par Value (File No. 7-5856)
Baker International, Common Stock, $1 Par Value (File No. 7-5857)
Prime Computer, Inc., Common Stock, $.125 Par Value (File No. 7-5858)
Golden Nugget, Inc., Common Stock, $.833 Par Value (File No. 7-5859)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 4, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George F. Fitzsimmons,

Secretary.

[FR Doc. 81-5285 Filed 2-13-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11616; (811-120)]

Fundamental Trust Shares, Series B, Proposal To Terminate registration Pursuant to Section 8(f) of the Investment Company Act of 1940

February 10, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Fundamental Trust Shares, Series B ("Fund"), 206-7 Bank of America Building, 111South E1 Camino Real, San Clemente, California 92672 registered under the Act as a unit investment trust, has ceased to be an investment company as defined in the Act.

Information contained in the Fund's Form N-8A on file with the Commission indicates that, *inter alia*, the Fund was organized under the laws of the State of New York on July 1, 1930, and registered under the Act on November 1, 1940. The Fund's Sponsor, Fundamental Group Corporation ("Sponsor"), was organized under the laws of the State of New York on September 17, 1930. Further, the Fund's Form N-8A indicates that the Fund's initial and most current offering of its securities to the pubvlic directly or through an underwriter took place on July 15, 1933.

Documentation contained in the Commission's files shows that the most recent distribution of income to the Fund's shareholders took place on June 30, 1940. The Fund has at no time filed with the Commission an annual report pursuant to Form N-30A-2. The files further indicate that the last correspondence between the staff of the Commission and the Fund was on March 28, 1942. The Secretary of State of New York has advised the staff of the Commission that the Sponsor was dissolved by proclamation on December

15, 1955, for failing to pay the necessary New York State franchise taxes. Thus, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 9, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communciation should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Divison of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-5342 Filed 2-13-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1900; Amdt. No. 7]

Texas; Declaration of Disaster Loan Area

The above number Declaration (See 45 FR 56489), amendment No. 1 (See 45 FR 62599), amendment No. 2 (See 45 FR 79216), amendment No. 3 (See 45 FR 85242), amendent No. 4 (See 46 FR 3711), amendment No. 5 (See 46 FR 8819), and amendment No. 6 (See 46 FR 11647), are amended by extending the filing date for physical damage until the close of business on April 13, 1981, and for economic injury until the close of business on July 13, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 4, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-5249 Filed 2-13-81 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/366]

National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on February 24, 1981 at 10:00 a.m. in Room 1912, Department of State, 2201 C Street, N.W., Washington, D.C.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities; provides advice on matters of policy and positions in the preparation for CCITT Plenary Assemblies and meetings of the International Study Groups; provides advice and recommendations in regard to the work of the U.S. CCITT Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCITT which are submitted to the Committee for consideration.

Members of the general public may attend the meeting and join the discussion subject to instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to February 24, 1981 members of the general public who plan to attend the meeting inform Mr. Richard H. Howarth, Office of International Communications Policy, Department of State, telephone (202) 632–1007, of their intention. All non-Governmental attendees must use the C Street entrance to the building.

The purpose of the meeting on February 24 will be to discuss the results of the VIIth Plenary Assembly of the CCITT held in Geneva, Switzerland in November, 1980, to discuss the organization of the CCITT for the 1980–84 study period, and to discuss the organization of U.S. participation in this study period.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

January 30, 1981.

[FR Doc. 81-5346 Filed 2-13-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice 742]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its January 1981 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV (c) (4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: February 4, 1981.

John W. Kimball,

Director, Office of International.

United States Delegation to the Twenty-Second Session of the Subcommittee on Containers and Cargoes, Intergovernmental Maritime Consultative Organization (IMCO), London, January 26–30, 1981

Representative

Donald L. Ewing, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Charles H. Hochman, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

John F. McAnulty, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

John F. Simmons, Jr., Shipping Attaché, American Embassy, London

Private Sector Advisers

Eward H. Middleton, Maritime Institute for Research and Industrial Development, Washington, D.C.

Donald L. Monroe, American Bureau of Shipping, New York, New York

S. Fraser Sammis, President, National Cargo Bureau, Inc., New York, New York

United States Delegation to the Group of Experts on Standardization Policies, Economic Commission for Europe (ECE), Gottwaldov (Czechoslovakia), January 26–28, 1981

Representative

Howard I. Forman, Deputy Assistant Secretary for Product Standards, Department of Commerce

Adviser

Allen J. Farrar, Legal Adviser, National Bureau of Standards, Department of Commerce

Private Sector Adviser

Donald C. Fleckenstein, Director of Standards, General Electric Company, Fairfield, Connecticut

United States Delegation to the First Meeting of the Parties to the Agreement on the Conservation of Polar Bears, Oslo, January 20–22, 1981

Representative

Richard J. Myshak, Associate Director, Wildlife Resources, U.S. Fish and Wildlife Service, Department of the Interior

Advisers

Skip Ladd, Alaska Area Office, U.S. Fish and Wildlife Service, Anchorage, Alaska, Department of the Interior
Jack Lentfer, Alaska Department of Fish and Game, State of Alaska, Juneau, Alaska
Anne Wickham, Office of Food and Natural Resources, Department of State

Private Sector Adviser

Dr. Samuel Harbo, Professor of Wildlife Management, University of Alaska, Fairbanks, Alaska

United States Delegation to the Ad Hoc Group on Transborder Data Barriers and to the Extended Bureau, Committee on Scientific and Technological Policy, Organization for Economic Cooperation and Development (OECD), Paris, January 20–21 and January 22, 1981

Representative

William H. Edgar, Office of International Trade, Bureau of Economic and Business Affairs, Department of State

Adviser

Kenneth Leeson, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Charles Micoleau, Thaxter, Lipez, Stevens, Broder and Micoleau, Portland, Maine
Charles O'Leary, President, Maine AFL/CIO, Brewer, Maine

United States Delegation to the VIIIth Meeting of the Working Group on Radiobroadcasting, Organization of American States (OAS/CITEL), Fortaleza, Brazil, January 19–23, 1981

Representative

Wilson A. LaFollette, Broadcast Bureau, Federal Communications Commission

Advisers

Douglas Crombie, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado
William H. Jahn, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State
Steven Selwyn, Office of Science and Technology, Federal Communications Commission
Louis C. Stephens, Broadcast Bureau, Federal Communications Commission

Private Sector Adviser

Wallace Johnson, Executive Director, Association for Broadcast Engineering Standards, Washington, D.C.

United States Delegation to the Fourteenth Session, Subcommittee on Standards of Training and Watchkeeping, Intergovernmental Maritime Consultative Organization (IMCO), London, January 19–23, 1981

Representative

Richard A. Sutherland, Captain, USCG, Chief, Merchant Vessel Personnel Division, United States Coast Guard, Department of Transportation

Alternate Representative

Scott D. McCowen, Commander, USCG, Chief, Merchant Vessel Manning Branch, United States Coast Guard, Department of Transportation

Advisers

Arthur W. Friedberg, Director, Ofice of Maritime Labor and Training, Maritime Administration, Department of Commerce
John J. Hartke III, Chief, Great Lakes Pilotage Branch, United States Coast Guard, Department of Transportation
John F. Simmons, Jr., Shipping Attache, American Embassy, London

Private Sector Advisers

John F. Fay, Assistant Secretary-Treasurer, Seafarers International Union of North America, AFL/CIO, New York, New York
Paul M. Hammer, Director of Maritime Affairs, American Institute of Merchant Shipping, Washington, D.C.
William A. Mayberry, Captain, USCG (Ret.), Executive Director, Offshore Marine Service Association, New Orleans, Louisiana
Julian H. Singman, President, Maritime Institute for Research and Industrial Development, Washington, D.C.

United States Delegation to the Meeting of Group B of the Preparatory Intergovernmental Committee for the Revision of the Paris Convention, World Intellectual Property Organization (WIPO), Munich, January 19–22, 1981

Representative

Michael K. Kirk, Director, Office of Legislation and International Affairs, Department of Commerce

Alternate Representative

Harvey J. Winter, Director, Office of Business Practices, Department of State

Adviser

Lee J. Schroeder, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Private Sector Advisers

George R. Clark, Vice President, Sunbeam Corporation
Donald W. Banner, Schuyler, Banner, Birch, McKie and Beckett, Washington, D.C.

United States Delegation to the Meeting of Group B of the Preparatory Intergovernmental Committee for the Revision of the Paris Convention, World Intellectual Property Organization (WIPO), Munich, January 19–22, 1981

Representative

Sidney A. Diamond, Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, Department of Commerce

Alternative Representative

Michael K. Kirk, Director, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Advisers

Harvey J. Winter, Director, Office of Business Practices, Department of State
Lee J. Schroeder, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Private Sector Advisers

George R. Clark, Vice President, Sunbeam Corporation
Donald W. Banner, Schuyler, Banner, Birch, McKie and Beckett, Washington, D.C.

United States Delegation to the Steel Committee, Working Party, Organization for Economic Cooperation and Development (OECD), Paris, January 13–14, 1981

Representative

John D. Darroch, Director, Office of Basic Industries, Department of Commerce

Advisers

Diane Cook, Office of International Trade, Department of the Treasury
Dennis Finnerty, Special Trade Activities Division, Bureau of Economic and Business Affairs, Department of State
Joseph Papovich, Office of Foreign Economic Policy, Department of Labor

Private Sector Advisers

Frank Fenton, Vice President, American Iron and Steel Institute, Washington, D.C.

David Schryver, Director, International Trade and Legislation, Republic Steel Corporation, Cleveland, Ohio
John Sheehan, Director, Legislative Affairs, United Steelworkers of America, Washington, D.C.

United States Delegation to the Twenty-Third Session, Subcommittee on Ship Design and Equipment, Maritime Safety Committee (MSC), Intergovernmental Maritime Consultative Organization (IMCO), London, January 12–16, 1981

Representative

Richard L. Brown, Captain, USCG, Chief, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

James C. Card, Commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

J. W. Calhoun, Lieutenant Commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
Howard L. Hime, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
John C. Maxham, commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
John F. Simmons, Jr., Shipping Attaché, American Embassy, London

Private Sector Adviser

William A. Mayberry, Captain, USCG (Reg.), Executive Director, Offshore Marine Service Association, New Orleans, Louisiana

[FR Doc. 81-5254 Filed 2-13-81; 8:45 am]
BILLING CODE 4710-19-M

[Public Notice CM-8/367]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on February 25, 1981, at 10:00 a.m. in Room 1205, of the Department of State, 2201 C Street, N.W., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT meetings. In particular, this meeting of Study Group A will not only examine the questions and contributions relating to the upcoming meeting of CCITT Study Group I but develop its organizational methods for the upcoming Plenary Period of the CCITT.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to February 25, 1981 members of the general public who plan to attend the meeting inform Mr. Richard H. Howarth, Office of International Communications Policy, Department of State, telephone (202) 632–1007, of their intention. All non-Government attendees must use the C Street entrance to the building.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

January 30, 1981.

[FR Doc. 81-5249 Filed 2-13-81; 8:45 am]
BILLING CODE 4710-07-M

[Public Notice CM-8/368]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 4, 1981 at 9:30 a.m. in the Forum Room, National Telecommunications and Information Administration, Department of Commerce, 1325 G Street, N.W., Washington, D.C.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be the consideratioin of documents for the international meeting of Study Group 1 in October.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520; telephone (202) 632–2592.

Dated: February 2, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-5243 Filed 2-13-81; 8:45 am]
BILLING CODE 4710-07-M

[Public Notice CM-8/369]

Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet February 26, 1981 at the COMSAT Laboratories Building, Clarksburg, Maryland. The meeting will open at 9:00 a.m.

Study Goup 6 deals with matters relating to the propagation of radio waves by and through the ionosphere. The purpose of the meeting will be to review the documents of U.S. Study Group 6 proposed for submission to the international meeting of Study Group 6 scheduled for the Fall, 1981.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for futher information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: January 30, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-5244 Filed 2-13-81; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Canadair Model CL-600-1A11; Aircraft Certification and Availability of Documents

Formal certification of the Canadair Model CL-600-1A11 airplane has taken four years and three months. Certification was requested by Canadair Limited, Montreal, Quebec, Canada, under Federal Aviation Regulations 21.29 which permits, in accordance with conditions of a specific bilateral agreement, issuance of a type certificate for an aircraft manufactured in a foreign country and destined for import into the United States. The FAA, in accordance with the provisions of the U.S./Canadian Bilateral Airworthiness Agreement, has determined that the Canadair CL-600-1A11 airplane, in the configuration required for U.S. certification, is in compliance with the airworthiness design standards applicable to U.S. type certification of the aircraft.

The Director of the FAA Eastern Region has conducted a thorough review of (1) the issues involved in the Canadair CL-600-1A11 type certification program, and (2) the findings of an FAA Special Certification Review Team, composed of specialists from the Washington Headquarters Aircraft Engineering Division and the Transport Aircraft Lead Region office located in the FAA Northwest Region. He has also reviewed and discussed with his senior staff a document entitled, "Decision Basis for Type Certification of the Canadair Model CL-600 Airplane".

Based on a review of the entire certification process, and the recommendation of the Eastern Region Staff, the Director, Eastern Region, approved issuance of Type Certificate No. A21EA, dated November 7, 1980, for the Canadair CL-600-A11 airplane.

A copy of the "Decision Basis for Type Certification of the Canadair CL-600 Airplane" is on file in the FAA Rules Dockets. The "Decision Basis" reviews the purpose, structure, conduct, and significant issues of the certification program wherein Canadair, in accordance with the provisions of the U.S./Canadian Bilateral Airworthiness Agreement, was required to demonstrate compliance with the applicable Federal Aviation Regulations and Special Conditions.

The "Decision Basis" report is available for examination and copying at the FAA Rules Dockets, Room 916, 800 Independence Avenue, S.W., Washington, D.C. Copies of the report may be purchased by remitting $11.25 to the office of the Director, FAA Eastern Region, Federal Building, JFK International Airpost, Jamaica, New York 11430, Attention: AEA-210.

Issued in Jamaica, New York on February 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-6240 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-4]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: March 9, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 9, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21256	Mr. Gordon D. Lingle	14 CFR 65.91(c) (1) and (2)	To allow the Petitioner to become eligible for an Inspection Authorization without fully complying with the specified requirements.
21267	Navajo Aviation	14 CFR 141.35(b)(4), 141.35(c)(5)(i), and 141.35(d)(4)(ii).	To allow Mr. Torrance to be designated the assistant chief flight instructor for private, commercial, instrument, multiengine, and airline transport pilot courses of training conducted in airplanes without meeting the specified requirements.
21253	Flight Safety International	Various sections of 61 and 135	To permit petitioner's trainees to accomplish the maneuvers required in a Bell 222 simulator in lieu of an aircraft.
20080	Sierra Academy of Aeronautics	14 CFR 61.157 and 61.63(d) (2) and (3)	Extension and amendment of Exemption No. 2963. The present exemption allows petitioner's trainees to complete portions of a practical aeronautics test for a type rating in a flight simulator. The petitioner requests the exemption be amended to allow them to have the same privileges for pilot certification as a Part 121 certificate holder.
18871	Sierra Academy of Aeronautics	14 CFR 141.91(a)	Extension of Exemption No. 2744. The present exemption allows petitioner to conduct flight instruction in an approved course of training at a satellite base more than 25 nautical miles from its main base of operation.
21147	Air U.S.	14 CFR 121.61(c)(1)	To employ Mr. John M. Martin, Jr., as their Director of Maintenance although he lacks part of the requirement to have at least 5 years of experience in maintenance of large aircraft.
21279	Alaska Airlines	14 CFR 121.291	To allow introduction of newly acquired Boeing 737-200 aircraft into passenger and cargo service without first conducting a full-seating capacity emergency evacuation demonstration.
21266	Thomas O. Miller, Inc	Part 91, subpart D	To permit the company's clients to place all airplanes operated by its clients under Subpart D in its entirety.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20453	Hudson Air Service	14 CFR 91.14(a)(3)	To allow petitioner to carry passengers seated on their baggage using a floor mounted safety belt. *Denied 1/28/81.*
21069	Air Express International	14 CFR 121.360	30-day extension of Exemption No. 3072. The exemption permits operation of petitioner's CL44D4 aircraft without the required ground proximity warning system (GPWS) being installed until 1/31/81. *Granted 1/30/81.*
11575	Altair Airlines, Inc	14 CFR 135.261(b)	Extension of the February 1, 1981, termination date of Exemption No. 1512E. The present exemption permits assignment of a flight crewmember and permits a flight crewmember to accept an assignment without compliance with the 10-consecutive-hour rest period under certain specified conditions. *Granted 1/30/81.*
19742	Philippine Airlines	Portions 14 CFR parts 21, 61, 63, and 91	Amendment to Exemption No. 2688C to reflect the change of the lessor of B-747 aircraft N742PR and N743PR to the Bank of New York. The present exemption allows the operation of U.S.-registered aircraft leased from Bankers Trust Co. using a FAA-approved MMEL, a continuous airworthiness maintenance program, and PAL crewmembers. *Granted 1/30/81.*
20463	Wabash Enterprises, Inc	14 CFR 135.89(b)(3)	To permit operation of Learjet Model 35A aircraft above FL350 and up to FL410 under the provisions of § 121.333. § 135.89(b)(3) requires one pilot to wear and use an oxygen mask at all times above FL350. *Partial Grant 2/2/81.*
20319	Eagle Aviation, Inc	14 CFR 135.89(b)(3)	To permit operation of its Learjet models 24B, 25B, and 25D aircraft up to and including FL410 without requiring one pilot to wear and use an oxygen mask at all times above FL350. *Partial Grant 2/3/81.*
20336	Executive Air Fleet Corp	14 CFR 135.89(b)(3) and 121.333(c)(2)	To allow petitioner to operate its Sabreliner aircraft up to 41,000 feet MSL without requiring at least one pilot to wear an oxygen mask. *Partial Grant 2/3/81.*
18614	American Airlines	14 CFR 121.543(b)(3)	To permit a required flight crewmember to leave the assigned duty station if the crewmember is taking a rest period and relief is provided. *Granted 2/3/81.*
20470	Mayo Aviation, Inc	14 CFR 135.89(b)(3)	To permit operation of Learjet Models 24 and 25 aircraft above FL 350 up to and including FL350410 under the provisions of Section 121.333 of the FAR. § 135.89(b)(3) requires one pilot to wear and use an oxygen mask at all times above FL350. *Partial Grant 2/4/81.*
21095	Transamerica Airlines	14 CFR 121.578(b)	To exclude petitioner's L-382 and 1-188 all-cargo aircraft from compliance with the Ozone elimination system installation and maintenance requirements. *Not required as covered by grant to ATA.*
20369	World Jet Charter Corp	14 CFR 135.89(b)(3)	To permit operation of Learjet Model 25D aircraft up to and including FL410 without requiring one pilot to wear and use an oxygen mask at all times above FL350. *Partial Grant 2/3/81.*
21149	United Airlines, Inc	14 CFR 121.291(a)(2)(i)	To permit United Airlines to operate a Boeing 727-222A aircraft with not more than 149 passenger seats without conducting another emergency evacuation demonstration. *Granted 2/5/81.*
21339	Air New England	14 CFR 121.538	To permit the petitioner to operate aircraft with less than 61 seats without complying with the screening or other security safeguards presently required. *Granted 2/5/81.*
21181	Sun Land Airlines, Inc	14 CFR 121.291	To permit petitioner to initially introduce its B-737-200 aircraft, with a seating capacity of 122 passengers without first conducting a full-scale emergency evacuation and ditching demonstration. *Granted 2/5/81.*

[FR Doc. 81-5241 Filed 2-13-81; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL AVIATION ADMINISTRATION

Enstrom Models F-28F and 280F; Rotorcraft Certification and Availability of Documents

The formal certification process for the Enstrom Models F-28F and 280F initiated in June of 1978 was completed December 31, 1980.

The Director of the FAA Great Lakes Region has reviewed a document entitled "Decision Basis for the Type Certification of the Enstrom Models F-28F and 280F Helicopter". Based on this summary of the certification process the Director has approved issuance of Type Certificate H1CE amended December 31, 1980 to include the F-28F and 280F models.

A copy of the "Decision Basis for the Type Certification of the Enstrom Models F-28F and 280F Helicopters" is on file in the FAA Rules Dockets. The "Decision Basis" includes a copy of amended Type Certificate H1CE, the minutes of the certification Board Meetings, and the Type Inspection Authorization which outlines the ground inspections and flight tests conducted for certification. The report is available for examination and copying at the FAA Rules Docket, Room 616, 800 Independence Avenue, S.W., Washington, D.C. Copies of the report may be obtained from the Office of the Director, FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, IL 60018.

Issued in Des Plaines, Illinois on January 29, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-5247 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 31
Tuesday, February 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, February 17, 1981.

PLACE: Commission Conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTER TO BE DISCUSSED:

1. Freedom of Information Act Appeal No. 80-11-FOIA-557 concerning a request for consolidated EEO-1 reports.
2. Freedom of Information Act Appeal No. 80-12-FOIA-5-AT concerning material in an Age Discrimination in Employment Act charge file.
3. Proposed Contract for Procurement of Expert Witness Services.
4. Mission and Functions: Revision of EEOC Order 110 Change in Office of Administration.
5. Mission and Function Statement, EEOC Order 110, Revision to reflect Changes in Structure of the Office of Field Services.
6. A report on Commission Operations by the Executive Director.

Closed to the Public

1. *Litigation Authorization: General Recommendations.*
2. *Title VII Charge Nos.* TB15-0188 et al.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 643-6748.

This Notice Issued February 11, 1981.

[S-245-80 Filed 2-12-81; 8:45 am]

BILLING CODE 6570-06-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:30 p.m. on Wednesday, February 11, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,631-SR—American Bank & Trust Company, New York, New York.

Case No. 44,674-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Recommendations regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania (two memorandums).

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" [5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)].

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) thereof (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: February 11, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-247-80 Filed 2-12-81; 11:46 am]

BILLING CODE 6714-01-M

3

February 11, 1981.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 18, 1981, 10 a.m.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—480th Meeting, February 18, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 2114, Public Utility District No. 2 of Grant County, Washington. Project Nos. 943 and 2145, Public Utility District No. 1 of Chelan County, Washington. Project No. 2149, Public Utility District No. 1 of Douglas County, Washington. Docket No. E-9569, State of Washington Department of Fisheries v. Public Utility District No. 2 of Grant County, Washington.

CAP-2. Docket No. ER81-198-000, Puget Sound Power & Light Co.

CAP-3. Docket No. ER80-181, Northern States Power Co.

CAP-4. Docket No. ER80-368, Boston Edison Co.

CAP-5. Docket No. EL80-12, Boston Edison Co.

Miscellaneous Agenda—480th Meeting, February 18, 1981, Regular Meeting

CAM-1. Docket No. RM81-9, Rule adopting revised alternative fuel price ceilings for the State of Kentucky.

CAM–2. Docket No. RM79–76 (Colorado), high-cost gas produced from tight formations.
CAM–3. Docket No. GP81–4–000, United States Geological Survey (New Mexico), section 108 NGPA determination, El Paso Natural Gas Co., Huerfanito Unit No. 75 Well, JD80–36472, USGS Docket No. NM4274–79

Gas Agenda—480th Meeting; February 18, 1981, Regular Meeting

CAG–1. Docket Nos. RP75–96 and RP76–100, Michigan Wisconsin Pipe Line Co.
CAG–2. Docket Nos. RP77–98 and RP78–78, Natural Gas Pipeline Co. of America.
CAG–3. Continental Pipe Line Co.—Preservation of Records.
CAG–4. Docket Nos. AR61–2, AR67–1 and AR69–1, et al., G–13258, G–18512, G–20509 & RP60–15, RP64–31, RP70–5 & RP70–16, RP70–38, et al., & RP72–91, et al., Southern Natural Gas Co.
CAG–5. Docket No. RP80–88, Northern Natural Gas Co.
CAG–6. Docket Nos. RP74–20, et al. (Interest reimbursement (remand)), United Gas Pipe Line Co. Docket Nos. RP74–20, RP74–83, RP75–30, RP75–109, RP76–84, RP77–107 and RP78–68, United Gas Pipe Line Co.
CAG–7. Docket Nos. RP74–48 and RP75–3, Transcontinental Gas Pipe Line Corp. Docket Nos. RP74–48 and RP75–3 (AP76–1), et al., Transcontinental Gas Pipe Line Corp. Docket No. RP77–108 (advance payments), Transcontinental Gas Pipe Line Corp.
CAG–8. FERC Gas Rate Schedule No. 81, The Superior Oil Co.
CAG–9. Docket No. CP80–390, Columbia Gas Transmission Corp.
CAG–10. Docket No. CP80–488, Louisiana-Nevada Transit Co.
CAG–11. Docket No. CP80–489, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co. Docket No. CP80–579, Northern Natural Gas Co., Division of Internorth, Inc.
CAG–12. Docket No. CP80–531, Southern Natural Gas Co.
CAG–13. Docket No. CP80–580, Zenith Natural Gas Co.

Power Agenda—480th Meeting, February 18, 1981, Regular Meeting

I. Licensed Project Matters

P–1. Reserved.

II. Electric Rate Matters

ER–1. Docket No. ER80–678, Union Electric Co.
ER–2. Docket No. ER81–179–000, Arizona Public Service Co.
ER–3. Docket No. ER81–187–000, Public Service Co. of New Mexico.
ER–4. Docket No. ER81–188–000, Central Maine Power Co.
ER–5. Docket No. ER81–199–000, Central Telephone & Utilities Corp., Western Power Division
ER–6. Docket No. EL81–2–000, Electric Cooperatives of Kansas
ER–7. Docket No. ER76–320, Connecticut Light & Power
ER–8. Docket No. ER79–121, Utah Power & Light Co.
ER–9. Docket Nos. E–7578, IN–989 and IN–991, Commonwealth Edison Co., et al.
ER–10. Docket No. ER79–3021, Southeastern Power Administration, Cumberland Basin Projects.

Miscellaneous Agenda—480th Meeting, February 18, 1981, Regular Meeting

M–1. Reserved.
M–2. Reserved.

Gas Agenda—480th Meeting, February 18, 1981, Regular Meeting

I. Pipeline Rate Matters

RP–1. Reserved.

II. Producer Matters

CI–1. Reserved.

III. Pipeline Certificate Matters

CP–1. Docket No. CP80–550, Trunkline Gas Co., Docket No. CP80–562, United Gas Pipeline Co.
CP–2. Docket No. CP77–659, Southern Natural Gas Co., Docket No. CI77–854, Sonat Exploration Co.

Kenneth F. Plumb,

Secretary.

[S–246–80 Filed 2–12–81; 9:56 am]

BILLING CODE 6450–85–M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

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 following items have been added to the open portion of the bank board meeting scheduled for Thursday, February 19, 1981.

Consumer Program

Elimination of Reports on Security Devices.
Delegation of Authority Regarding Merger Approvals.

[S–251–80 Filed 2–12–81; 3:14 pm]

BILLING CODE 6720–01–M

5

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, February 13, 1981.

PLACE: 1700 G. St. 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 following items have been added to the open portion of the bank board meeting scheduled for Friday, February 13, 1981.

Most Favored Lender Interpretation.
Amendment Concerning Borrowing.

[S–250–80 Filed 2–12–81; 3:14 pm]

BILLING CODE 6720–01–M

6

February 11, 1981.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 18, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C. 20005.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will consider and act upon the following:

1. Oliver M. Elam, Jr., Co., Inc., Docket Nos. VINC 78–447–P, etc. (Petition for Discretionary Review; issues include whether the operation cited constituted a facility engaged in the work of preparing coal within the meaning of sections 3(h)(1) and 3(i) of the 1977 Mine Act.)
2. Quarto Mining Company, Docket No. LAKE 80–385 (Petition for Discretionary Review; issues include interpretation and application of 30 CFR § 75.316)
3. Consolidation Coal Company, Docket No. WEVA 80–333–R. (Issues include whether failure to file as a representative of miners under 30 CFR Part 40 prevents the non-filing person from being entitled to participate in the inspections under section 103(f) of the 1977 Mine Act.)
4. Old Ben Coal Company, Docket No. VINC 74–157, IBMA 76–90. (Issues include whether judge properly vacated an order under section 104(c) of the 1969 Coal Act.)

CONTACT PERSON FOR MORE INFORMATION:

Jean Ellen, 202–653–5632.

[S–248–80 Filed 2–12–81; 2:29 pm]

BILLING CODE 6820–12–M

7

[Meeting No. 1261]

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 7 p.m. (EST), Thursday, February 19, 1981.

PLACE: Holston Electric Cooperative Auditorium; 1200 West Main Street; Rogersville, Tennessee.

STATUS: Open.

Discussion Items

1. Preliminary rate review.

Action Items

B—Purchase Awards

1. Rejection of bids received in response to Invitation No. 827366 for induced-draft fans for Paradise Steam Plant, Unit 3.[1]

C—Power Items

1. Contract with Massachusetts Institute of Technology of Cambridge, Massachusetts, covering arrangements for cooperation in an experimental program in atmospheric fluidized bed combustion technology.[1]

2. Deed conveying to Gibson County Electric Membership Corporation a 0.69-acre portion of TVA's Union City 161-kV Substation site located in Union City, Tennessee.

3. Bill of sale and quitclaim deed covering the conveyance of a 9.8-mile section of TVA's deenergized Shoals-Russellville 46-kV transmission line to the Franklin Electric Cooperative.

4. Bill of sale and quitclaim deed covering conveyance of separate sections of TVA's 7.5-mile deenergized Savannah-Adamsville 46-kV line to Pickwick Electric Cooperative and Tennessee Valley Electric Cooperative.

D—Personnel Items

1. Change of status for John G. Getsinger, Chief, Development Branch, Division of Chemical Development, Office of Agricultural and Chemical Development, Muscle Shoals, Alabama.[1]

2. Renewal of consulting contract with Sheppard T. Powell Associates, Baltimore, Maryland, for advice and assistance in the field of chemical engineering and other related work associated with power generating plants. Requested by the Office of Engineering Design and Construction.

E—Real Property Transactions

1. Sale of permanent easement to the Mississippi State Highway Department for construction of a highway ramp affecting approximately 0.12 acre of the Sandhill Substation site located in Rankin County, Mississippi—Tract No. XSHMSS–1H.

2. Grant of permanent easement to the city of Scottsboro, Alabama for the construction, operation, and maintenance of a fire station affecting approximately 1.7 acres of Guntersville Reservoir land, located in Jackson County, Alabama—Tract No. XTGR–134FS.

3. Filing of condemnation suits.

F—Unclassified

1. Designated of James E. DeFord and Sue Ellen Rowland as Certifying Officers to certify vouchers.

2. Revised budget plan for fiscal year 1981.

[1] Items approved by individual Board members. This would give formal ratification to the Board's action.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: February 12, 1981.

[S-249-80 Filed 2-12-81; 2:38 pm]

BILLING CODE 8120-01-M

federal register

Tuesday
February 17, 1981

Part II

Administrative Committee of the Federal Register

Federal Register Thesaurus of Indexing Terms

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

Federal Register Thesaurus of Indexing Terms

AGENCY: Administrative Committee of the Federal Register (ACFR).

ACTION: Publication of Thesaurus.

SUMMARY: The Administrative Committee of the Federal Register published a final rule in the **Federal Register** of January 22, 1981 (46 FR 7162). This rule, 1 CFR 18.20, requires agencies to identify major topics and categories of persons affected in their regulations in standard terms from the Federal Register Thesaurus of Indexing Terms. The Federal Register Thesaurus is published today for use by agencies and for public information.

FOR FURTHER INFORMATION CONTACT: Carol Mahoney, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, Telephone (202) 523–5266.

SUPPLEMENTARY INFORMATION:

Thesaurus

As stated in the final rule document published January 22, 1981, the requirement for agencies to identify the subjects in their regulations in standard terms from the Thesaurus will help **Federal Register** readers to locate more easily those regulations that affect or are of interest to them. It will also help the Office of the Federal Register expand its information services to the public directly and through published finding aids.

This first edition of the Thesaurus is the beginning of a basic vocabulary for identifying major areas subject to Federal regulation. The Thesaurus is intended to be a dynamic document that will expand and change through use and with the suggestion of terms by agencies and **Federal Register** users.

How To Use the Thesaurus

There are two sections to the Thesaurus. The first is an alphabetical list of all terms with a series of notations under each term to refer users to preferred or related terms. The second is a grouping of terms under 19 broad subject categories, allowing the user to determine quickly the existing Thesaurus terms for that broad subject. Copies of the Thesaurus are available from the Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

Training

Training and consultation to help agencies comply with the final rule published January 22, 1981, will be provided by the Office of the Federal Register. Training will include information on how to use the Thesaurus and how to analyze and apply the terms to specific agency regulations. To allow **Federal Register** staff sufficient time to respond to all training requests, we encourage agencies to decide who in the agency needs training and to make arrangements and schedule training well in advance of the December 31, 1981, date for complying with the final rule.

To arrange for training agencies should call: Carol Mahoney, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, Telephone (202) 523–5266.

John E. Byrne,

Secretary, Administrative Committee of the Federal Register.

Accidents
see Safety

Accountants (02, 13)

Accounting (02, 08)
sa Uniform System of Accounts
xx Business and industry

Acreage allotments (01)
xx Agricultural commodities

Additives
see Color additives
Food additives
Fuel additives

Adhesives

Adjustment assistance
see Trade adjustment assistance

Administrative practice and procedure (08)
(Use for hearing, appeal, petition, rulemaking, etc., procedures)
sa Freedom of information
Privacy
Sunshine Act
x Hearing and appeal procedures
Practice and procedure

Adult education (04)
x Continuing education
Extension and continuing education
xx Education

Advertising (02)
xx Business and industry

Advisory committees (08)
(Use for documents on the management of advisory committees within an agency)
x Committees

AFDC
see Aid to Families with Dependent Children

Affirmative action plans
see Equal employment opportunity

Aged (13)
sa Medicaid
Medicare
Old-age, Survivors and Disability Insurance
Public assistance programs
Supplemental Security Income (SSI)
x Discrimination against aged
Elderly
Senior citizens

Agricultural commodities (01)
(The names of specific agricultural commodities, e.g. Corn, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific commmodities*
Acreage allotments
Commodities exchanges
Crop insurance
Fruits
Grains
Marketing agreements
Marketing quotas
Nuts
Oilseeds
Price support programs
Surplus agricultural commodities
Vegetables
x Commodities
Crops
xx Agriculture

Agricultural research (01, 17)
xx Agriculture
Research

Agriculture (01)
sa Agricultural commodities
Agricultural research
Fertilizers
Food assistance programs
Foods
Forests and forest products
Irrigation
Migrant labor
Pesticides and pests
Range management
Rural areas
x Farmers

Aid to Families with Dependent Children (18)
sa Public assistance programs
Work Incentive Programs (WIN)
x AFDC
xx Child welfare
Infants and children
Public assistance programs
Social security

Air carriers (19)
(Organizations operating passenger or cargo carrying aircraft)
sa Air rates and fares
Air taxis
Charter flights
x Airlines
Foreign air carriers
Shipping
xx Air transportation
Common carriers

Air fares
see Air rates and fares

Air pollution control (06)
sa Motor vehicle pollution
x Clean Air Act
xx Environmental protection

Air rates and fares (19)
x Air fares
Air tariffs
Rates and fares
xx Air carriers
Air transportation

Air safety
see Aviation safety

Air tariffs
see Air rates and fares

Air taxis (19)
xx Air carriers
Air transportation

Air traffic control (19)
xx Air transportation

Air transportation (19)
sa Air carriers
Air rates and fares
Air taxis
Air traffic control
Aircraft
Airmen
Airports
Airspace
Aviation safety
Charter flights
Military air transportation
Navigation (air)
xx Transportation

Aircraft (19)
x Airplanes
Airworthiness directives and standards
Balloons
Helicopters
Kites
Parachutes
Rockets
Rotorcraft
Seaplanes
xx Air transportation

Aircraft pilots
see Airmen

Airlines
see Air carriers

Airmen (13, 19)
x Aircraft pilots
Pilots
xx Air transportation

Airplanes
see Aircraft

Airports (19)
x Heliports
xx Air transportation

Airspace (19)
x Airways
xx Air transportation

Airways
see Airspace

Airworthiness directives and standards
see Aircraft

Alaska natives
see Indians

Alcohol and alcoholic beverages (01)
sa Beer
Gasohol
Liquors
Wine
xx Beverages

Alcoholism (09)
xx Drug abuse

Alien property (07)
Aliens (07, 13)
sa Citizenship and naturalization
Immigration
Refugees
x Deportation
Foreign persons
xx Citizenship and naturalization
Immigration
Refugees

Alimony (12)
Amateur radio service
see Radio

American Indians
see Indians

American Revolution bicentennial (08)
x Bicentennial

Ammunition
see Arms and munitions

Anchorage grounds (19)
sa Harbors
x Water transportation
xx Vessels

Animal diseases (01, 09)
x Diseases
xx Animals

Animal drugs (01, 09)
xx Animal feeds
Animals
Drugs

Animal feeds (01)
sa Animal drugs
xx Animals

Animal foods (01)
xx Animals
Foods

Animals (01)
sa Animal diseases
Animal drugs
Animal feeds
Animal foods
Livestock
Pets
Wildlife

Antennas
see Communications equipment

Antibiotics (09)
xx Drugs

Antidumping (02, 07)
(Prohibition on sales of imports at less than fair value)
xx Foreign trade
Imports

Antiquities
see Historic preservation

Antitrust (02)
x Interlocking directorates
xx Business and industry

Appliances
see Household appliances

Apprenticeship programs
see Manpower training programs

Archaeology
see Historic preservation

Architects (13)
Architectural barriers
see Handicapped

Archives and records (08)
sa Classified information
x Historical records
Information
Records

Armed forces (14)
(Use for general regulations applicable to all services)
sa *Specific military departments*
Armed forces reserves
Conscientious objectors
Military academies
Military law
Military personnel
Selective service system
xx National defense

Armed forces reserves (14)
x National guard
Reserve forces
xx Armed forces
Military personnel

Armed services procurement regulations
see Government procurement

Arms and munitions (14)
x Ammunition
Firearms
Guns
Military arms sales
Munitions
Weapons
xx National defense

Arms control (07, 14)
x Disarmament
xx Foreign relations
National defense

Art (04)
Arts and crafts (04)
sa Indians–arts and crafts
x Crafts
Handicrafts

Asbestos
Asylum
see Immigration

Atomic energy
see Nuclear energy

Attorneys
see Lawyers

Authority delegations (Government agencies) (08)
xx Organization and functions (Government agencies)

Automatic data processing
see Computer technology

Automobiles
see Motor vehicles

Aviation safety (09, 19)
x Air safety
xx Air transportation
Safety

Awards
see Decorations, medals, awards

Baggage
see Freight

Bakery products (01)
x Bread
xx Foods

Balloons
see Aircraft

Bankruptcy (02)
xx Business and industry

Banks, banking (02)
sa Credit
Electronic funds transfers
Federal home loan banks
Federal Reserve System
Foreign banking
National banks
Savings and loan associations
Trusts and trustees
x Checks
Finance
xx Credit

Barrels
see Packaging and containers

Beaches
see Seashores

Beef
see Meat and meat products

Beer (01)
xx Alcohol and alcoholic beverages

Bees (01)
Beverages (01)
sa Alcohol and alcoholic beverages
Coffee
Fruit juices
Tea
Vegetable juices
xx Foods

Bicentennial
see American Revolution bicentennial

Bicycles (16, 19)
Bilingual education (04)
xx Education

Biologics (09)
(Viruses, serums, toxins, etc., used in disease treatment)
sa Blood
x Serums
Toxins
Vaccines
Viruses
xx Drugs

Birds
see Wildlife

Birth control
see Family planning

Black lung benefits (09)
x Pneumoconiosis
xx Health insurance
Lung diseases

Blind (09, 13)
sa Medicaid
Public assistance programs
Supplemental Security Income (SSI)
xx Handicapped

Blood (09)
xx Biologics

Blood diseases (09)
x Hemophilia

Boats and boating safety
see Marine safety
Navigation (water)

Bonding
see Surety bonds

Bonds (02)
x Savings bonds
xx Government securities
Securities

Borders
see International boundaries

Boycotts (07)
Bread
see Bakery products

Bridges (19)
x Drawbridges
xx Highways and roads
Transportation
Waterways

Broadcasting
see Broadcasting facilities
Radio
Television

Broadcasting facilities (03)
x Broadcasting

Brokers (02, 13)
xx Investments

Buildings (10)
sa Federal buildings and facilities

Buses (19)
sa Motor carriers
Motor vehicles
x Charter buses
xx Motor carriers
Motor vehicles

Business and industry (02)
(The names of specific industries, e.g. Construction industry, are not listed in this Thesaurus but may be used as indexing terms. For a standard list of industry names we recommend using the *Standard Industrial Classification Manual*.)
sa *Specific industries*
Accounting
Advertising
Antitrust
Bankruptcy
Concessions
Holding companies
Indians-business and finance
Labeling
Labor
Minority businesses
Packaging and containers
Relocation assistance
Small businesses
Taxes
Trade adjustment assistance
Trade names
Trade practices
Trademarks
Warranties
x Corporations
Industry

Butter (01)
sa Margarine

Cable television (03)
x CATV
Community antenna television systems
xx Television

Cacao products (01)
x Chocolate
Cocoa
xx Foods

Campaign funds (08)
x Election finance
xx Elections
Political candidates

Cancer (09)
Candy (01)
x Confectionery
xx Foods

Cargo
see Freight

Cargo vessels (19)
sa Maritime carriers
x Tank vessels
xx Maritime carriers
Vessels

Carpets and rugs
x Rugs

Carpools (19)
xx Highways and roads
Motor vehicles

CATV
see Cable television

Cemeteries
x National cemeteries

Census data (08)
x Population census
xx Statistics

Cereals (commodity)
see Grains

Cereals (food) (01)
xx Foods

Chaplains (13)

Charter buses
see Buses

Charter flights (19)
xx Air carriers
Air transportation

Checks
see Banks, banking

Chemicals (01, 09)
(The names of specific chemicals are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific chemicals*
Drugs
Fertilizers
Hazardous materials
Pesticides and pests

Child abuse
see Child welfare

Child health
see Maternal and child health

Child labor (11, 13)
xx Child welfare
Labor

Child support
see Child welfare

Child welfare (18)
sa Aid to Families with Dependent Children
Child labor
Day care
Maternal and child health
x Child abuse
Child support
xx Infants and children
Public assistance programs
Social security

Children
see Infants and children

Chocolate
see Cacao products

Cigars and cigarettes (01)
sa Smoking
xx Tobacco

Citizens band radio service
see Radio

Citizenship and naturalization (07)
sa Aliens
Immigration
x Nationality
Naturalization
Repatriation
xx Aliens
Foreign relations
Immigration

Citrus fruits (01)
sa *Specific fruits*
xx Fruits

Civil defense (14)
sa Disaster assistance
x Emergency mobilization
xx Disaster assistance
National defense

Civil disorders (12)

Civil rights (12)
sa Equal educational opportunity
Equal employment opportunity
Fair housing
Religious discrimination
Sex discrimination
Voting rights
x Discrimination
Minority groups
Nondiscrimination

Civil service system
see Government employees

Claims (12)
sa Foreign claims
Indians-claims
Tort claims
War claims

Classified information (14)
x Information
Intelligence
National security information
Security information
xx Archives and records
National defense
Security measures

Clean Air Act
see Air pollution control

Clemency (12)
x Pardon

Clothing (02)
sa Footwear

Coal (05)
sa Coal allocation
Coal conversion program
xx Energy
Mineral resources

Coal allocation (05)
xx Coal

Coal conversion program (05)
xx Coal

Coal miners
see Miners

Coal mines
see Mine safety and health
Mines
Surface mining
Underground mining

Coastal zone (15)
sa Flood plains
Seashores
x Estuaries
Wetlands
xx Natural resources
Seashores

Cocoa
see Cacao products

Coffee (01)
xx Beverages

Coin operated machines

Coins
see Currency

Collective bargaining
see Labor management relations

Colleges and universities (04)
sa Medical and dental schools
Military academies
Student aid
x Community colleges
Higher education
Universities
xx Education
Schools

Color additives (01, 09)
x Additives
xx Food additives

Commercial fisheries
see Fisheries

Committees
see Advisory committees

Commodities
see Agricultural commodities

Commodities exchanges (01, 02)
xx Agricultural commodities
Investments

Commodity futures (01, 02)

Common carriers (02, 19)
sa Air carriers
Communications common carriers
Freight forwarders
Maritime carriers
Motor carriers
Railroads
xx Transportation

Communicable diseases (09)
x Contagious diseases

Communications (03)
sa Communications common carriers
Communications equipment
Defense communications
Motion pictures
News media
Recordings
Telecommunications

Communications common carriers (02, 03)
x Rates and fares
xx Common carriers
Communications

Communications equipment (03)
x Antennas
xx Communications

Communist countries (07)
sa *Specific countries*

Community action programs (18)
(Financial assistance to local communities to provide basic antipoverty services)
x Poverty
xx Community development

Community antenna television systems
see Cable television

Community colleges
see Colleges and universities

Community development (10)
(Economic development of deprived areas, emphasizing improved living conditions and participation of the local population.)
sa Community action programs
Urban renewal
x Economic development
Unemployment
xx Urban renewal

Community development block grants (10)

Community facilities (10)
sa Health facilities
x Public works

Compensation
see Indemnity payments
Unemployment compensation
Wages
Workers' compensation

Comprehensive Employment and Training Act
see Manpower training programs

Computer technology (17)
x Automatic data processing
Data processing
Electronic data processing

Concessions (02)
xx Business and industry

Condominiums (10)
xx Housing

Conduct standards
see Conflict of interests

Confectionery
see Candy

Conflict of interests (08)
sa Political activities (Government employees)
x Conduct standards
Ethical conduct
Financial disclosure
xx Government employees

Congressional elections
see Elections

Conscientious objectors (13, 14)
xx Armed forces

Conservation
see Natural resources

Consular services
see Foreign Service

Consultants (13)

Consumer protection (02)
sa Trade practices
Truth in lending
xx Safety

Contagious diseases
see Communicable diseases

Containers
see Packaging and containers

Continental shelf (15)
x Outer continental shelf
xx Natural resources

Continuing education
see Adult education

Contracts
see Government contracts

Controlled substances
see Drug traffic control

Cooperative agreements
see Grant programs

Cooperatives
x Farmers

Copyright (12)
x Royalties

Corporations
see Business and industry

Cosmetics (09)
x Toiletries

Cottonseeds (01)
xx Oilseeds

Counterfeiting (12)
xx Crime

Countervailing duties
see Customs duties and inspection

Courts (12)

Crafts
see Arts and crafts

Credit (02)
sa Banks, banking
Credit unions
Truth in lending
x Debts
Finance
xx Banks, banking

Credit unions (02)
xx Credit

Crime (12)
sa Counterfeiting
Drug abuse
Forgery
Fraud
Juvenile delinquency

Crime insurance (02)
xx Insurance

Crop insurance (01, 02)
xx Agricultural commodities
Insurance

Crops
see Agricultural commodities

Crude oil
see Petroleum

Cultural exchange programs (04, 07)
x Exchange visitor program
xx Foreign relations

Currency (02)
sa Foreign currencies
Gold
Silver
x Coins
Finance
Foreign exchange
Money

Customs duties and inspection (02, 07)
sa Imports
x Countervailing duties
Tariffs
xx Foreign trade
Imports
Taxes

Dairy products (01)
(The names of specific dairy products, e.g. Cheese, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific dairy products*
xx Foods

Dams (15)
xx Water supply

Dangerous cargo
see Hazardous materials transportation

Data processing
see Computer technology

Day care (18)
xx Child welfare

Deaf
see Handicapped

Debts
see Credit

Decorations, medals, awards (08)
x Awards
Medals

Defense
see National defense

Defense communications (03, 14)
xx Communications
National defense

Defense contracts
see Government contracts
Government procurement

Deliquency
see Juvenile delinquency

Dental health (09)
xx Health

Dental schools
see Medical and dental schools

Deportation
see Aliens

Desegregation in education
see Equal educational opportunity

Dietary foods (01)
xx Foods

Disabled
see Handicapped

Disarmament
see Arms control

Disaster assistance (08)
sa Civil defense
Emergency medical services
Flood assistance
x Drought assistance
xx Civil defense

Discrimination
see Civil rights

Discrimination against aged
see Aged

Discrimination against handicapped
see Handicapped

Discrimination in education
see Equal educational opportunity

Discrimination in employment
see Equal employment opportunity

Discrimination in housing
see Fair housing

Diseases
(The names of specific diseases, with some exceptions, are not listed in this Thesaurus but may be used as indexing terms.)
see *Specific diseases*
Animal diseases

Distilled spirits
see Liquors

Diving

Doctors
see Health professions

Domestic animals
see Livestock

Draft
see Selective service system

Drawbridges
see Bridges

Drinking water
see Water supply

Drought assistance
see Disaster assistance

Drug abuse (09)
sa Alcoholism
xx Crime
Health

Drug traffic control (12)
x Controlled substances
Narcotics
xx Law enforcement

Drugs (09)
(The names of specific drugs are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific drugs*
Animal drugs
Antibiotics
Biologics
Over-the-counter drugs
Prescription drugs
xx Chemicals
Health

Eavesdropping
see Wiretapping and electronic surveillance

Ecology
see Environmental protection

Economic development
see Community development
National economic development

Economic statistics (02)
x Economics
xx Statistics

Economics
see Economic statistics
Wage and price controls

Education (04)
sa Adult education
Bilingual education
Colleges and universities
Education of disadvantaged
Education of handicapped
Educational facilities
Educational research
Educational study programs
Elementary and secondary education
Equal educational opportunity
Indians-education
Libraries
School breakfast and lunch programs
School construction
Schools
Student aid
Students
Teachers
Vocational education

Education of disadvantaged (04)
x Follow Through Program
Head Start Program
Upward Bound Program
xx Education

Education of handicapped (04)
xx Education
Handicapped

Educational facilities (04)
xx Education
Schools

Educational research (04, 17)
xx Education
Research

Educational study programs (04)
(Use for particular areas of study, e.g. Reading, Foreign languages)
xx Education

Elderly
see Aged

Election finance
see Campaign funds

Elections (08)
sa Campaign funds
Political activities (Government employees)
Political candidates
Political committees and parties
Voting rights
x Congressional elections
Presidential elections

Electric power (05)
sa Electric power plants
Electric power rates
Electric utilities
x Hydroelectric power
xx Energy

Electric power plants (05)
xx Electric power

Electric power rates (05)
x Rates and fares
xx Electric power

Electric utilities (05)
x Public utilities
xx Electric power
Utilities

Electronic data processing
see Computer technology

Electronic funds transfers (02)
xx Banks, banking

Electronic products (17)

Electronic surveillance
see Wiretapping and electronic surveillance

Elementary and secondary education (04)
x Secondary education
xx Education

Emergency medical services (09)
xx Disaster assistance
Health care

Emergency mobilization
see Civil defense

Emergency powers (08, 14)
(Extraordinary authority delegated to the Executive in time of national emergency)
xx National defense

Employee benefit plans (11)
(Various plans established by employers to provide financial protection to employees against accidents, illness, death; or to provide certain services such as training, day care, etc.)
sa Pensions
x Fringe benefits
xx Labor
Wages

Employee management relations
see Labor management relations

Employee Retirement Income Security Act
see Pensions

Employment (11)
sa Equal employment opportunity
Government employees
Manpower
xx Labor

Employment taxes (02)
xx Taxes

Endangered and threatened wildlife (15)
xx Wildlife

Energy (05)
sa Coal
Electric power
Energy conservation
Geothermal energy
Natural gas
Nuclear energy
Petroleum
Pipelines
Solar energy
x Fuel
Power resources
xx Natural resources

Energy conservation (05)
xx Energy

Engineers (13)

Environmental impact statements (06)
xx Environmental protection

Environmental protection (06)
sa Air pollution control
Environmental impact statements
Natural resources
Noise control
Pesticides and pests
Reclamation
Waste treatment and disposal
Water pollution control
x Ecology
Pollution
xx Natural resources

Equal educational opportunity (04, 12)
x Desegregation in education
Discrimination in education
School integration
Segregation in education
xx Civil rights
Education

Equal employment opportunity (11, 12)
x Affirmative action plans
Discrimination in employment
xx Civil rights
Employment
Labor

Eskimos
see Indians

Estate taxes (02)
xx Taxes

Estates (02)

Estuaries
see Coastal zone

Ethical conduct
see Conflict of interests

Exchange visitor program
see Cultural exchange programs

Excise taxes (02)
x Stamp taxes
xx Taxes

Executive orders (08)
xx Presidential documents

Explosives (09)
sa Hazardous materials
Hazardous materials transportation
xx Hazardous materials

Exports (02, 07)
xx Foreign trade

Expositions
see Fairs and expositions

Extension and continuing education
see Adult education

Fabrics
see Textiles

Fair housing (10, 12)
x Discrimination in housing
xx Civil rights
Housing

Fairs and expositions (02, 07)
x Expositions
International expositions
Trade fairs
xx Foreign trade

Fallout shelters (14)

Family health
see Maternal and child health

Family planning (09, 18)
x Birth control
Population control
Sterilization
xx Health

Farmers
see Agriculture
Cooperatives

Fats and oils
see Oils and fats

Federal aid programs
see Grant programs
Indemnity payments
Loan programs
Price support programs
Technical assistance

Federal buildings and facilities (08)
x Government buildings
Military installations
Public buildings
xx Buildings
Government property

Federal employees
see Government employees

Federal home loan banks (02)
xx Banks, banking

Federal Prison Industries (12)
xx Prisons

Federal procurement regulations
see Government procurement

Federal property management regulations
see Government property management

Federal Reserve System (02)
xx Banks, banking

Federal–State relations
see Intergovernmental relations

Federally affected areas (08)
(Use for local jurisdictions, especially school districts, financially burdened by serving Federal installations in the area)
x Impacted areas programs

Feed grains (01)
xx Grains

Fellowships
see Scholarships and fellowships

Fertilizers (01)
xx Agriculture
Chemicals

Films
see Motion pictures

Finance
see Banks, banking
Credit
Currency
Indians-business and finance
Investments
Loan programs
Mortgages
Revenue sharing
Trusts and trustees

Financial disclosure
see Conflict of interests

Fines and penalties
see Penalties

Fire prevention (09)
xx Safety

Firearms
see Arms and munitions

Firefighters (13)

Fish (15)
(Use for documents on the conservation, etc., of fish as marine life. Use Seafood for documents on fish as food)
sa Fisheries
Seafood
xx Natural resources
Seafood

Fisheries (15)
(Use for documents on commercial fishing)
x Commercial fisheries
xx Fish
Seafood

Fishing (16)
(Use for documents on sport fishing)
xx Recreation

Fishing vessels (19)
xx Vessels

Flags (08)

Flammable materials (09)
xx Hazardous materials

Flavorings
see Spices and flavorings

Flaxseeds
see Oilseeds

Flood assistance (08)
xx Disaster assistance

Flood insurance (02)
xx Insurance

Flood plains (15)
x Wetlands
xx Coastal zone

Fluoridation (09)

Follow Through Program
see Education of disadvantaged

Food additives (01)
sa Color additives
x Additives
xx Foods

Food assistance programs (01, 16)
sa Food stamps
School breakfast and lunch programs
xx Agriculture
Foods
Nutrition

Food grades and standards (01)
sa Meat inspection
x Food inspection
xx Foods

Food inspection
see Food grades and standards

Food labeling (01)
xx Foods
Labeling

Food stamps (01, 16)
xx Food assistance programs

Foods (01)
(The names of specific foods are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific foods*
Animal foods
Bakery products
Beverages
Cacao products
Candy
Cereals (food)
Dairy products
Dietary foods
Food additives
Food assistance programs
Food grades and standards
Food labeling
Frozen foods
Fruits
Meat and meat products
Nutrition
Nuts
Oils and fats
Poultry and poultry products
Seafood
Spices and flavorings
Sugar
Vegetables
xx Agriculture
Nutrition

Footwear (02)
x Shoes
xx Clothing

Foreign aid (07)
xx Foreign relations

Foreign air carriers
see Air carriers

Foreign banking (02)
xx Banks and banking

Foreign claims (07, 12)
sa War claims
xx Claims
Foreign relations

Foreign currencies (02)
x Foreign exchange
xx Currency

Foreign exchange
see Currency
Foreign currencies

Foreign investments in U. S. (02)
xx Investments

Foreign officials (07, 13)

Foreign persons
see Aliens

Foreign relations (07)
sa *Specific countries*
Arms control
Citizenship and naturalization
Cultural exchange programs
Foreign aid
Foreign claims
Foreign Service
Foreign trade
Immigration
International boundaries
Passports and visas
Treaties

Foreign Service (07)
x Consular services
xx Foreign relations
Government employees

Foreign trade (02, 07)
sa Antidumping
Customs duties and inspection
Exports
Fairs and expositions
Imports
Maritime carriers
Trade adjustment assistance
Trade agreements
x International trade
xx Foreign relations

Foreign trade zones (02, 07)
Forests and forest products (01, 15)
sa National forests
x Lumber
Naval stores
Timber
Turpentine
Wood
xx Agriculture
Natural resources

Forfeitures
see Seizures and forfeitures

Forgery (12)
xx Crime

Foundations (13)
Fraud (12)
xx Crime

Freedom of information (08)
x Information
Records
xx Administrative practice and procedure

Freight (19)
sa Hazardous materials transportation
x Baggage
Cargo
xx Transportation

Freight forwarders (19)
x Shipping
xx Common carriers

Fringe benefits
see Employee benefit plans

Frozen foods (01)
xx Foods

Fruit juices (01)
xx Beverages

Fruits (01)
(The names of specific fruits, e.g. Apples, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific fruits*
Citrus fruits
xx Agricultural commodities
Foods

Fuel
see Energy

Fuel additives (05)
x Additives
Gasoline additives
xx Petroleum

Furs
Gambling (12)
sa Lotteries

Garnishment of wages
see Wages

Gas exploration
see Oil and gas exploration

Gas reserves
see Oil and gas reserves

Gas utilities
see Natural gas

Gases (15)
sa Helium
Natural gas

Gasohol (05)
xx Alcohol and alcoholic beverages
Gasoline

Gasoline (05)
sa Gasohol
xx Petroleum

Gasoline additives
see Fuel additives

Genetic diseases (09)
Geothermal energy (05)
xx Energy

Gift taxes (02)
xx Taxes

Gifts to Government
see Government property

Glass and mirrors (02)
x Mirrors

Gold (02)
xx Currency
Metals

Government buildings
see Federal buildings and facilities

Government contracts (08)
(Use for contracts for services in operating or researching specific government programs. Use Government procurement for contracting for supplies, equipment or related services.)
sa Government procurement
x Contracts
Defense contracts
National defense contracts
xx Government procurement

Government employees (08, 11, 13)
sa Conflict of interests
Foreign Service
Military personnel
Political activities (Government employees)
x Civil service system
Federal employees
xx Employment

Government in the Sunshine Act
see Sunshine Act

Government procurement (08)
(See note under Government contracts.)
sa Government contracts
x Armed services procurement regulations
Defense contracts
Federal procurement regulations
National defense contracts
Procurement
xx Government contracts

Government property (08)
sa Federal buildings and facilities
Surplus Government property
x Gifts to Government

Government property management (08)
x Federal property management regulations

Government securities (02, 08)
sa Bonds
xx Securities

Grain sorghum (01)
Grains (01)
(The names of specific grains, e.g. Wheat, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific grains*
Feed grains
x Cereals (commodity)
xx Agricultural commodities

Grant programs (08)
(Use for programs involving financial aid without repayment by the Federal Government. Divide by the following categories to indicate broad subject area of grant: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Indians, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation. e.g. Grant programs-agriculture)
x Cooperative agreements
Federal aid programs
Subsidies
xx Intergovernmental relations

Grants administration (08)

Grazing lands (15)
x Land
xx Public lands

Guarantees
see Warranties

Guns
see Arms and munitions

Handicapped (09, 13)
sa Blind
Education of handicapped
Medicaid
Medicare
Old-age, Survivors and Disability Insurance
Public assistance programs
Railroad retirement
Supplemental Security Income (SSI)
Vocational rehabilitation
Workers' compensation
x Architectural barriers
Deaf
Disabled
Discrimination against handicapped
Physically handicapped
xx Health

Handicrafts
see Arts and crafts

Hansen's disease
see Leprosy

Harbors (19)
x Ports
Water transportation
xx Anchorage grounds
Waterways

Hatch Act
see Political activities (Government employees)

Hazardous materials (09)
sa Explosives
Flammable materials
Hazardous materials transportation
Poison prevention
Radioactive materials
x Toxic substances
xx Chemicals
Explosives
Safety

Hazardous materials transportation (19)
sa Pipeline safety
x Dangerous cargo
xx Explosives
Freight
Hazardous materials

Head Start Program
see Education of disadvantaged

Health (09)
sa *Specific diseases*
Dental health
Drug abuse
Drugs
Family planning
Handicapped
Health care
Health facilities
Health insurance
Health maintenance organizations (HMO)
Health professions
Health records
Health statistics
Maternal and child health
Medical and dental schools
Medical devices
Medical research
Mental health programs
Nutrition
Occupational safety and health
Public health
Quarantine
Radiation protection
Safety

Health care (09)
sa Emergency medical services
Health planning
Medicaid
x Medical care
xx Health

Health facilities (09)
sa Hospitals
Mental health centers
Nursing homes
x Medical facilities
xx Community facilities
Health
Nursing homes

Health insurance (02, 09)
sa Black lung benefits
Medicare
xx Health
Insurance

Health insurance for aged
see Medicare

Health maintenance organizations (HMO) (09)
(Prepaid group medical practice)
xx Health

Health planning (09)
xx Health care

Health professions (09, 13)
sa Veterinarians
x Doctors
Medical personnel
Physicians
xx Health

Health records (09)
x Medical records
Records
xx Health

Health statistics (09)
xx Health
Statistics

Hearing and appeal procedures
see Administrative practice and procedure

Heart diseases (09)

Helicopters
see Aircraft

Heliports
see Airports

Helium (15)
xx Gases

Hemophilia
see Blood diseases

Herbicides
see Pesticides and pests

Higher education
see Colleges and universities

Highway safety (09, 19)
xx Highways and roads
Safety

Highways and roads (19)
sa Bridges
Carpools
Highway safety
Motor carriers
Motor vehicle safety
Motor vehicles
Parking
x Roads
xx Transportation

Historic places
see Historic preservation

Historic preservation (15)
sa Monuments and memorials
x Antiquities
Archaeology
Historic places
National Register of Historic Places

Historical records
see Archives and records

Hobbies (16)

Hogs (01)
x Swine

Holding companies (02)
xx Business and industry

Holidays (08)

Home improvement (10)
xx Housing

Homesteads (15)
xx Public lands

Hospitals (09)
xx Health facilities

Hours of work
see Wages

Household appliances (02)
x Appliances

Household goods
see Moving of household goods

Housing (10)
sa Condominiums
Fair housing
Home improvement
Housing standards
Low and moderate income housing
Mobile homes
Mortgage insurance
Mortgages
New communities
Public housing
Relocation assistance

Housing assistance payments
see Mortgages
Rent subsidies

Housing standards (10)
xx Housing

Human research subjects
see Research

Hunting (16)
xx Recreation

Hydroelectric power
see Electric power

Immigration (07)
sa Aliens
Citizenship and naturalization
x Asylum
xx Aliens
Citizenship and naturalization
Foreign relations

Immunization (09)
xx Public health

Impacted areas programs
see Federally affected areas

Imports (02, 07)
sa Antidumping
Customs duties and inspection
Oil imports
Trade adjustment assistance
xx Customs duties and inspection
Foreign trade

Income taxes (02)
sa Tax treaties
xx Taxes

Indemnity payments (08)
x Compensation
Federal aid programs

Indians (13)
x Alaska natives
American Indians
Eskimos
Native Americans

Indians–arts and crafts (04)
xx Arts and crafts

Indians–business and finance (02)
x Finance
xx Business and industry

Indians–claims (12)
xx Claims

Indians–education (04)
xx Education

Indians–enrollment (12)

Indians–lands (15)
x Land

Indians–law (12)

Industrial safety
see Occupational safety and health

Industry
see Business and industry

Infants and children (13)
sa Aid to Families with Dependent Children
Child welfare
Youth
x Children
xx Youth

Influenza (09)

Information
see Archives and records
Classified information
Freedom of information
Privacy
Sunshine Act

Inland waters
see Waterways

Insecticides
see Pesticides and pests

Insignia
see Seals and insignia

Insulation

Insurance (02)
sa Crime insurance
Crop insurance
Flood insurance
Health insurance
Insurance companies
Life insurance
Mortgage insurance
Old-age, Survivors and Disability Insurance
Surety bonds
Unemployment compensation
War risk insurance
Workers' compensation

Insurance companies (02)
xx Insurance

Intelligence
see Classified information

Interest equalization tax (02)
xx Taxes

Intergovernmental relations (08)
sa Grant programs
Revenue sharing
x Federal–State relations
State–Federal relations

Interlocking directorates
see Antitrust

Intermodal transportation (19)
xx Transportation

International agreements
see Treaties

International boundaries (07)
x Borders
xx Foreign relations

International expositions
see Fairs and expositions

International organizations (07)

International trade
see Foreign trade

Inventions and patents (17)
x Patents

Investigations (08, 12)
Investment advisers
see Securities

Investment companies (02)
xx Investments

Investments (02)
sa Brokers
Commodities exchanges
Foreign investments in U. S.
Investment companies
Securities
United States investments abroad
x Finance

Irrigation (01)
xx Agriculture
Water supply

Jewelry
see Watches and jewelry

Job Corps (11)
Jukeboxes
Juvenile delinquency (12)
x Delinquency
xx Crime
Youth

Kidney diseases (09)
x Renal diseases

Kites
see Aircraft

Labeling (02)
sa Food labeling
Packaging and containers
xx Business and industry
Packaging and containers

Labor (11)
sa Child labor
Employee benefit plans
Employment
Equal employment opportunity
Labor management relations
Manpower
Migrant labor
Occupational safety and health
Retirement
Unemployment compensation
Wages
xx Business and industry

Labor management relations (11)
sa Labor unions
x Collective bargaining
Employee management relations
xx Labor

Labor unions (11)
x Trade unions
Unions
xx Labor management relations

Laboratories (17)
Land
see Grazing lands
Indians–lands
Public lands
Rights-of-way

Land sales (10)
sa Public lands–sale

Lasers (17)
xx Scientific equipment

Law (12)
Law enforcement (12)
sa Drug traffic control
Wiretapping and electronic surveillance

Law enforcement officers (12, 13)
x Police

Lawyers (12, 13)
sa Legal services
x Attorneys

Lead poisoning (09)
x Paint
xx Poison prevention

Legal services (12)
xx Lawyers

Leprosy (09)
x Hansen's disease

Libraries (04)
xx Education

Life insurance (02)
xx Insurance

Linseeds
see Oilseeds

Liquors (01)
x Distilled spirits
xx Alcohol and alcoholic beverages

Livestock (01)
(The names of specific animals, e.g. Cattle, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific animals*
Meat and meat products
Meat inspection
x Domestic animals
xx Animals

Loan programs (02, 08)
(Use for Federal Government loan and loan guaranty programs. Divide by the following categories to indicate broad subject area of loan: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Indians, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation, Veterans, e.g. Loan programs–labor)
x Federal aid programs
Finance

Longshoremen (13, 19)
Lotteries (12)
xx Gambling

Low and moderate income housing (10)
sa Public housing
Rent subsidies
xx Housing
Public housing

Lumber
see Forests and forest products

Lung diseases (09)
sa Black lung benefits
Tuberculosis
x Respiratory and pulmonary diseases

Magazines
see Newspapers and magazines

Mail
see Postal Service

Manpower (11)
sa Manpower training programs
xx Employment
Labor

Manpower training programs (11)
(Use for occupational or on-the-job training, distinguished from vocational education within a school curriculum)
sa Vocational education
Work Incentive Programs (WIN)
x Apprenticeship programs
Comprehensive Employment and Training Act
Occupational training
Training programs
Unemployment
xx Manpower
Vocational education

Margarine (01)
x Oleomargarine
xx Butter

Marine engineering
see Vessels

Marine mammals (15)
x Seals
Whales

Marine pollution
see Water pollution control

Marine resources (15)
x Ocean resources
xx Natural resources

Marine safety (09, 19)
sa Vessels
x Boats and boating safety
Water transportation
xx Safety
Vessels

Marital status discrimination (12)

Maritime carriers (19)
(Organizations operating passenger or cargo carrying vessels)
sa Cargo vessels
Passenger vessels
Seamen
Vessels
x Merchant marine
Rates and fares
Shipping
Water carriers
Water transportation
xx Cargo vessels
Common carriers
Foreign trade
Passenger vessels
Vessels

Marketing agreements (01)
sa Milk marketing orders
xx Agricultural commodities

Marketing quotas (01)
xx Agricultural commodities

Mass transportation (19)
xx Transportation

Maternal and child health (09)
x Child health
Family health
xx Child welfare
Health

Measurement standards (17)
sa Metric system
x Weights and measures

Meat and meat products (01)
sa Meat inspection
Stockyards
x Beef
xx Foods
Livestock

Meat inspection (01)
xx Food grades and standards
Livestock
Meat and meat products

Medals
see Decorations, medals, awards

Medicaid (09, 18)
sa Professional Standards Review Organizations (PSRO)
Public assistance programs
x Medical assistance program
xx Aged
Blind
Handicapped
Health care
Public assistance programs
Social security

Medical and dental schools (04, 09)
x Dental schools
Nursing schools
xx Colleges and universities
Health

Medical assistance program
see Medicaid

Medical care
see Health care

Medical devices (09)
x Prosthetic devices
xx Health
Scientific equipment

Medical facilities
see Health facilities

Medical personnel
see Health professions

Medical records
see Health records

Medical research (09, 17)
xx Health
Research

Medicare (09)
sa Professional Standards Review Organizations (PSRO)
x Health insurance for aged
xx Aged
Handicapped
Health insurance
Social security

Memorials
see Monuments and memorials

Mental health centers (09)
xx Health facilities

Mental health programs (09)
xx Health

Merchant marine
see Maritime carriers
Seamen

Metals (15)
(The names of specific metals, e.g. Copper, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific metals*
xx Mineral resources

Metric system (17)
xx Measurement standards

Micrographics (17)

Migrant labor (01, 11, 13)
xx Agriculture
Labor

Migratory birds
see Wildlife

Military academies (04, 14)
xx Armed forces
Colleges and universities

Military air transportation (14, 19)
xx Air transportation
National defense

Military arms sales
see Arms and munitions

Military installations
see Federal buildings and facilities

Military law (12, 14)
x Uniform Code of Military Justice
xx Armed forces

Military personnel (13, 14)
sa Armed forces reserves
xx Armed forces
Government employees

Milk (01)
sa Milk marketing orders

Milk marketing orders (01)
xx Marketing agreements
Milk

Mine safety and health (09)
x Coal mines
xx Miners
Mines
Occupational safety and health
Safety

Mineral resources (15)
sa Coal
Metals
Oil and gas reserves
Public lands–mineral resources
xx Natural resources

Mineral royalties (15)
x Royalties

Miners (13)
sa Mine safety and health
x Coal miners
xx Mines

Mines (15)
sa Mine safety and health
Miners
Surface mining
Underground mining
x Coal mines
xx Reclamation

Minimum wages (11)
xx Wages

Minority businesses (02)
x Minority groups
xx Business and industry
Small businesses
Women

Minority groups
see Civil rights
Minority businesses

Mirrors
see Glass and mirrors

Mobile homes (10)
xx Housing

Money
see Currency

Monuments and memorials (15)
x Memorials
xx Historic preservation

Mortgage insurance (02, 10)
xx Housing
Insurance
Mortgages

Mortgages (02, 10)
sa Mortgage insurance
x Finance
Housing assistance payments
xx Housing

Motion pictures (03)
x Films
xx Communications

Motor carriers (19)
(Organizations operating passenger or cargo carrying motor vehicles)
sa Buses
x Rates and fares
Shipping
Trucks
xx Buses
Common carriers
Highways and roads
Motor vehicles

Motor vehicle pollution (06, 19)
xx Air pollution control
Motor vehicles

Motor vehicle safety (09, 19)
xx Highways and roads
Motor vehicles
Safety

Motor vehicles (19)
sa Buses
Carpools
Motor carriers
Motor vehicle pollution
Motor vehicle safety
Traffic regulations
x Automobiles
Motorcycles
Trucks
xx Buses
Highways and roads

Motorcycles
see Motor vehicles

Moving of household goods (19)
x Household goods

Munitions
see Arms and munitions

Museums (04)
Music (04)
Narcotics
see Drug traffic control

National banks (02)
xx Banks, banking

National cemeteries
see Cemeteries

National defense (14)
sa Armed forces
Arms and munitions
Arms control
Civil defense
Classified information
Defense communications
Emergency powers
Military air transportation
Strategic and critical materials
x Defense

National defense contracts
see Government contracts
Government procurement

National economic development (02)
x Economic development

National forests (15)
xx Forests and forest products
Natural resources
Public lands
Recreation areas

National guard
see Armed forces reserves

National parks (15)
x Parks
xx Public lands
Recreation areas

National Register of Historic Places
see Historic preservation

National seashores
see Seashores

National security information
see Classified information

National trails system (16)
x Trails
xx Recreation areas

National wild and scenic rivers system (16)
xx Rivers

National Wildlife Refuge System
see Wildlife refuges

Nationality
see Citizenship and naturalization

Native Americans
see Indians

Natural gas (05)
sa Oil and gas exploration
Oil and gas reserves
Pipelines
x Gas utilities
Public utilities
Rates and fares
xx Energy
Gases
Pipelines
Utilities

Natural resources (15)
sa Coastal zone
Continental shelf
Energy
Environmental protection
Fish
Forests and forest products
Marine resources
Mineral resources
National forests
Open Space Land Program
Public lands
Reclamation
Recreation
Soil conservation
Water resources
Wildlife
x Conservation
xx Environmental protection

Naturalization
see Citizenship and naturalization

Naval stores
see Forests and forest products

Navigation (air) (19)
xx Air transportation

Navigation (water) (19)
x Boats and boating safety
Water transportation
xx Vessels

New communities (10)
x Planned communities
xx Housing

News media (03)
sa Newspapers and magazines
Radio
Television
xx Communications

Newspapers and magazines (03)
x Magazines
xx News media

Noise control (06, 19)
xx Environmental protection
Transportation

Nondiscrimination
see Civil rights

Nonprofit organizations (13)
Nuclear energy (05)
sa Nuclear materials
Nuclear power plants and reactors
x Atomic energy
xx Energy

Nuclear materials (05)
xx Nuclear energy
Radioactive materials

Nuclear power plants and reactors (05)
xx Nuclear energy

Nuclear safety
see Radiation protection

Nuclear vessels (19)
xx Vessels

Nursery stock (01)
sa Plants (agriculture)

Nursing homes (09)
sa Health facilities
xx Health facilities

Nursing schools
see Medical and dental schools

Nutrition (09)
sa Food assistance programs
Foods
xx Foods
Health

Nuts (01)
xx Agricultural commodities
Foods

Occupational safety and health (09, 11)
sa Mine safety and health
Workers' compensation
x Industrial safety
xx Health
Labor
Safety

Occupational training
see Manpower training programs
Vocational education

Ocean dumping
see Water pollution control

Ocean resources
see Marine resources

Oceanographic vessels (19)
xx Vessels

Off-road vehicles
see Traffic regulations

Oil
see Oils and fats
Petroleum

Oil and gas exploration (05)
x Gas exploration
xx Natural gas
Petroleum

Oil and gas reserves (05, 15)
x Gas reserves
xx Mineral resources
Natural gas
Petroleum

Oil imports (02, 05, 07)
xx Imports
Petroleum

Oil pollution (06)
xx Vessels
Water pollution control

Oils and fats (01)
sa Oilseeds
x Fats and oils
Oil
xx Foods

Oilseeds (01)
sa Cottonseeds
x Flaxseeds
Linseeds
Tung nuts
xx Agricultural commodities
Oils and fats

Old-age, Survivors and Disability Insurance (11, 18)
xx Aged
Handicapped
Insurance
Social security

Oleomargarine
see Margarine

Open Space Land Program (10, 15)
xx Natural resources
Urban renewal

Ophthalmic goods and services
Organization and functions (Government agencies) (08)
sa Authority delegations (Government agencies)

Outer continental shelf
see Continental shelf

Over-the-counter drugs (09)
xx Drugs

Overseas private investment
see United States investments abroad

Overtime pay
see Wages

Packaging and containers (02)
sa Labeling
x Barrels
Containers
xx Business and industry
Labeling

Paint
see Lead poisoning

Parachutes
see Aircraft

Pardon
see Clemency

Parking (19)
xx Highways and roads

Parks
see National parks

Parole
see Probation and parole

Passenger vessels (19)
sa Maritime carriers
xx Maritime carriers
Vessels

Passports and visas (07, 19)
x Visas
xx Foreign relations
Travel

Patents
see Inventions and patents

Pay
see Wages

Penalties (12)
sa Seizures and forfeitures
x Fines and penalties

Pensions (11)
sa Railroad retirement
Social security
x Employee Retirement Income Security Act
xx Employee benefit plans
Retirement

Pesticides and pests (01, 06)
x Herbicides
Insecticides
Rodenticides
xx Agriculture
Chemicals
Environmental protection

Petroleum (05)
- sa Fuel additives
- Gasoline
- Oil and gas exploration
- Oil and gas reserves
- Oil imports
- Petroleum allocation
- Petroleum price regulations
- Pipelines
- x Crude oil
- Oil
- xx Energy

Petroleum allocation (05)
- xx Petroleum

Petroleum price regulations (02, 05)
- xx Petroleum
- Wage and price controls

Pets (01)
- xx Animals

Photography
Physically handicapped
- see Handicapped

Physicians
- see Health professions

Pilots
- see Airmen

Pipeline safety (09, 19)
- xx Hazardous materials transportation
- Pipelines
- Safety

Pipelines (05, 19)
- sa Natural gas
- Pipeline safety
- xx Energy
- Natural gas
- Petroleum
- Transportation

Planned communities
- see New communities

Plants (agriculture) (01)
- xx Nursery stock

Plastic and plastic products (02)
Pneumoconiosis
- see Black lung benefits

Poison prevention (09)
- sa Lead poisoning
- x Toxic substances
- xx Hazardous materials
- Safety

Police
- see Law enforcement officers

Political activities (Government employees) (08)
- x Hatch Act
- xx Conflict of interests
- Elections
- Government employees

Political affiliation discrimination (12)
Political candidates (08)
- sa Campaign funds
- xx Elections

Political committees and parties (08)
- xx Elections

Pollution
- see Environmental protection

Population census
- see Census data

Population control
- see Family planning

Ports
- see Harbors

Postal Service (03)
- x Mail

Posters
- see Signs and symbols

Poultry and poultry products (01)
- xx Foods

Poverty
- see Community action programs
- Public assistance programs

Power resources
- see Energy

Practice and procedure
- see Administrative practice and procedure

Prescription drugs (09)
- xx Drugs

Presidential documents (08)
- sa Executive orders
- Proclamations

Presidential elections
- see Elections

Price controls
- see Wage and price controls

Price support programs (01)
- x Federal aid programs
- xx Agricultural commodities

Prisoners (12, 13)
Prisoners of war (13, 14)
Prisons (12)
- sa Federal Prison Industries
- Probation and parole

Privacy (08, 12)
- x Information
- Records
- xx Administrative practice and procedure

Private schools (04)
- xx Schools

Probation and parole (12)
- x Parole
- xx Prisons

Proclamations (08)
- xx Presidential documents

Procurement
- see Government procurement

Professional Standards Review Organizations (PSRO) (09)
- xx Medicaid
- Medicare

Prosthetic devices
- see Medical devices

Public assistance programs (18)
(Cash assistance programs under the Social Security Act)
- sa Aid to Families with Dependent Children
- Child welfare
- Medicaid
- Supplemental Security Income (SSI)
- x Poverty
- Welfare programs
- xx Aged
- Aid to Families with Dependent Children
- Blind
- Handicapped
- Medicaid
- Social security

Public buildings
- see Federal buildings and facilities

Public health (09)
- sa Immunization
- Quarantine
- Waste treatment and disposal
- x Sanitation
- xx Health

Public housing (10)
- sa Low and moderate income housing
- Rent subsidies
- xx Housing
- Low and moderate income housing

Public lands (15)
- sa Grazing lands
- Homesteads
- National forests
- National parks
- Public lands–classification
- Public lands–grants
- Public lands–mineral resources
- Public lands–rights-of-way
- Public lands–sales
- Public lands–withdrawal
- Reclamation
- x Land
- xx Natural resources

Public lands–classification (15)
- xx Public lands

Public lands–grants (15)
xx Public lands

Public lands–mineral resources (15)
xx Mineral resources
Public lands

Public lands–rights–of–way (15)
xx Rights–of–way
Public lands

Public lands–sale (15)
xx Land sales
Public lands

Public lands–withdrawal (15)
xx Public lands

Public utilities
see Electric utilities
Natural gas
Utilities
Water supply

Public works
see Community facilities

Quarantine (09)
xx Health
Public health

Radiation protection (09)
sa Radioactive materials
x Nuclear safety
xx Health
Radioactive materials
Safety

Radio (03)
x Amateur radio service
Broadcasting
Citizens band radio service
xx News media
Telecommunications

Radioactive materials (09)
sa Nuclear materials
Radiation protection
xx Hazardous materials
Radiation protection

Railroad employees (13, 19)
sa Railroad retirement
Railroad unemployment insurance
xx Railroads

Railroad retirement (11)
xx Handicapped
Pensions
Railroad employees
Railroads
Retirement

Railroad safety (09, 19)
xx Railroads
Safety

Railroad unemployment insurance (11)
xx Railroad employees
Railroads
Unemployment compensation

Railroads (19)
sa Railroad employees
Railroad retirement
Railroad safety
Railroad unemployment insurance
x Rates and fares
Shipping
xx Common carriers
Transportation

Range management (01)
xx Agriculture

Rates and fares
see Air rates and fares
Communications common carriers
Electric power rates
Maritime carriers
Motor carriers
Natural gas
Railroads

Rationing (05)
Reclamation (15)
sa Mines
Surface mining
xx Environmental protection
Natural resources
Public lands

Recordings (03)
xx Communications

Records
see Archives and records
Freedom of information
Health records
Privacy

Recreation (16)
sa Fishing
Hunting
Recreation areas
xx Natural resources

Recreation areas (16)
sa National forests
National parks
National trails system
Rivers
Seashores
Wilderness areas
xx Recreation

Recycling (06)
xx Waste treatment and disposal

Refugees (07, 13)
sa Aliens
xx Aliens

Religious discrimination (12)
xx Civil rights

Relocation assistance (10)
xx Business and industry
Housing

Renal diseases
see Kidney diseases

Rent subsidies (10)
x Housing assistance payments
Subsidies
xx Low and moderate income housing
Public housing

Repatriation
see Citizenship and naturalization

Reporting requirements (08)
Research (17)
sa Agricultural research
Educational research
Medical research
x Human research subjects

Reserve forces
see Armed forces reserves

Reservoirs (15)
xx Water supply

Respiratory and pulmonary diseases
see Lung diseases

Retirement (11)
sa Pensions
Railroad retirement
Social security
xx Labor

Revenue sharing (02, 08)
x Finance
xx Intergovernmental relations

Rights–of–way (12)
sa Public lands–rights–of–way
x Land

Rivers (16, 19)
sa National wild and scenic rivers system
xx Recreation areas
Waterways

Roads
see Highways and roads

Rockets
see Aircraft

Rodenticides
see Pesticides and pests

Rotorcraft
see Aircraft

Royalties
see Copyright
Mineral royalties

Rubber and rubber products (02)
sa Tires

Rugs
see Carpets and rugs

Rural areas (01)
xx Agriculture

Safety (09)
- sa Aviation safety
- Consumer protection
- Fire prevention
- Hazardous materials
- Highway safety
- Marine safety
- Mine safety and health
- Motor vehicle safety
- Occupational safety and health
- Pipeline safety
- Poison prevention
- Radiation protection
- Railroad safety
- x Accidents
- xx Health

Salaries
- see Wages

Sanitation
- see Public health
- Waste treatment and disposal

Satellites (17)
- sa Space transportation and exploration
- xx Telecommunications

Savings and loan associations (02)
- xx Banks, banking

Savings bonds
- see Bonds

Scholarships and fellowships (04)
- x Fellowships
- xx Student aid

School breakfast and lunch programs (01, 04, 18)
- xx Education
- Food assistance programs

School construction (04)
- xx Education
- Schools

School integration
- see Equal educational opportunity

Schools (04)
- sa Colleges and universities
- Educational facilities
- Private schools
- School construction
- xx Education

Science and technology (17)
- x Technology

Scientific equipment (17)
- sa Lasers
- Medical devices

Scientists (13, 17)

Seafood (01)
- (Use for documents on fish as food. Use Fish for documents on conservation, etc., of fish as marine life)
- sa Fish
- Fisheries
- xx Fish
- Foods

Seals
- see Marine mammals

Seals and insignia (08)
- x Insignia

Seamen (13, 19)
- x Merchant marine
- xx Maritime carriers

Seaplanes
- see Aircraft

Search warrants (12)

Seashores (16)
- sa Coastal zone
- x Beaches
- National seashores
- xx Coastal zones
- Recreation areas

Secondary education
- see Elementary and secondary education

Securities (02)
- sa Bonds
- Government securities
- x Investment advisers
- Stocks
- xx Investments

Security information
- see Classified information

Security measures (08)
- sa Classified information

Segregation in education
- see Equal educational opportunity

Seizures and forfeitures (12)
- x Forfeitures
- xx Penalties

Selective service system (14)
- x Draft
- xx Armed forces

Senior citizens
- see Aged

Serums
- see Biologics

Sewage disposal (06)
- xx Waste treatment and disposal

Sex discrimination (12)
- xx Civil rights
- Women

Shipping
- see Air carriers
- Freight forwarders
- Maritime carriers
- Motor carriers
- Railroads

Ships
- see Vessels

Shoes
- see Footwear

Signs and symbols (03)
- x Posters
- Symbols

Silver (02)
- xx Currency
- Metals

Sirup
- see Sugar

Slum clearance
- see Urban renewal

Small businesses (02)
- sa Minority businesses
- xx Business and industry

Smoking (09)
- xx Cigars and cigarettes

Social security (11, 18)
- sa Aid to Families with Dependent Children
- Child welfare
- Medicaid
- Medicare
- Old-age, Survivors and Disability Insurance
- Public assistance programs
- Supplemental Security Income (SSI)
- Unemployment compensation
- xx Pensions
- Retirement

Soil conservation (01,15)
- xx Natural resources

Solar energy (05)
- xx Energy

Solid waste disposal
- see Waste treatment and disposal

Space transportation and exploration (17, 19)
- xx Satellites
- Transportation

Spices and flavorings (01)
- x Flavorings
- xx Foods

Stamp taxes
see Excise taxes

State-Federal relations
see Intergovernmental relations

Statistics (08)
sa Census data
Economic statistics
Health statistics

Sterilization
see Family planning

Stockpiling
see Strategic and critical materials

Stocks
see Securities

Stockyards (01)
xx Meat and meat products

Strategic and critical materials (14)
x Stockpiling
xx National defense

Strip mining
see Surface mining

Student aid (04)
sa Scholarships and fellowships
xx Colleges and universities
Education

Students (04, 13)
xx Education

Subsidies
see Grant programs
Rent subsidies

Sudden Infant Death Syndrome (09)

Sugar (01)
x Sirup
Syrup
xx Foods

Sunshine Act (08)
x Government in the Sunshine Act
Information
xx Administrative practice and procedure

Supplemental Security Income (SSI) (18)
(Assistance to aged, blind and handicapped)
xx Aged
Blind
Handicapped
Public assistance programs
Social Security

Surety bonds (02)
x Bonding
xx Insurance

Surface mining (15)
x Coal mines
Strip mining
xx Mines
Reclamation

Surplus agricultural commodities (01)
xx Agricultural commodities

Surplus Government property (08)
xx Government property

Swine
see Hogs

Symbols
see Signs and symbols

Syrup
see Sugar

Tank vessels
see Cargo vessels

Tariffs
see Customs duties and inspection

Tax treaties (02, 07)
xx Income taxes
Taxes
Treaties

Taxes (02)
sa Customs duties and inspection
Employment taxes
Estate taxes
Excise taxes
Gift taxes
Income taxes
Interest equalization tax
Tax treaties
xx Business and industry

Tea (01)
xx Beverages

Teachers (04, 13)
xx Education

Technical assistance (08)
x Federal aid programs

Technical education
see Vocational education

Technology
see Science and technology

Telecommunications (03)
sa Radio
Satellites
Telegraph
Telephone
Television
xx Communications

Telegraph (03)
xx Telecommunications

Telephone (03)
xx Telecommunications

Television (03)
sa Cable television
x Broadcasting
xx News media
Telecommunications

Textiles (02)
x Fabrics

Timber
see Forests and forest products

Time (08)

Tires
xx Rubber and rubber products

Tobacco (01)
sa Cigars and cigarettes

Toiletries
see Cosmetics

Tort claims (08, 12)
xx Claims

Tourist trade
see Travel

Toxic substances
see Hazardous materials
Poison prevention

Toxins
see Biologics

Toys

Trade adjustment assistance (02, 07)
(Aid to domestic industries or workers injured by competition from imported products)
x Adjustment assistance
xx Business and industry
Foreign trade
Imports

Trade agreements (02, 07)
xx Foreign trade
Treaties

Trade fairs
see Fairs and expositions

Trade names (02)
xx Business and industry

Trade practices (02)
xx Business and industry
Consumer protection

Trade unions
see Labor unions

Trademarks (02)
xx Business and industry

Traffic regulations (19)
x Off-road vehicles
xx Motor vehicles

Trails
see National trails system

Training programs
see Manpower training programs

Transportation (19)
sa Air transportation
Bridges
Common carriers
Freight
Highways and roads
Intermodal transportation
Mass transportation
Noise control
Pipelines
Railroads
Space transportation and exploration
Vessels

Travel (19)
sa Passports and visas
Travel and transportation expenses
Travel restrictions
x Tourist trade

Travel and transportation expenses (19)
xx Travel

Travel restrictions (19)
xx Travel

Treaties (07)
sa Tax treaties
Trade agreements
x International agreements
xx Foreign relations

Trucks
see Motor carriers
Motor vehicles

Trusts and trustees (02)
x Finance
xx Banks, banking

Truth in lending (02)
xx Consumer protection
Credit

Tuberculosis (09)
xx Lung diseases

Tung nuts
see Oilseeds

Turpentine
see Forests and forest products

Underground mining (15)
x Coal mines
xx Mines

Unemployment
see Community development
Manpower training programs
Unemployment compensation

Unemployment compensation (11)
sa Railroad unemployment insurance
x Compensation
Unemployment
xx Insurance
Labor
Social security

Uniform Code of Military Justice
see Military law

Uniform System of Accounts (02, 08)
(Use for uniform financial reporting requirements for common carriers.)
xx Accounting

Unions
see Labor unions

United States investments abroad (02)
x Overseas private investments
xx Investments

Universities
see Colleges and universities

Upward Bound Program
see Education of disadvantaged

Uranium

Urban renewal (10)
sa Community development
Open Space Land Program
x Slum clearance
xx Community development

Utilities (02, 05, 15)
sa Electric utilities
Natural gas
Water supply
x Public utilities

Vaccines
see Biologics

Vegetable juices (01)
xx Beverages

Vegetables (01)
(The names of specific vegetables, e.g. Potatoes, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific vegetables*
xx Agricultural commodities
Foods

Venereal diseases (09)

Vessels (19)
sa Anchorage grounds
Cargo vessels
Fishing vessels
Marine safety
Maritime carriers
Navigation (water)
Nuclear vessels
Oceanographic vessels
Oil pollution
Passenger vessels
x Marine engineering
Ships
Water transportation
xx Marine safety
Maritime carriers
Transportation

Veterans (13)

Veterinarians (01, 13)
xx Health professions

Viruses
see Biologics

Visas
see Passports and visas

Vocational education (04)
(Use for vocational instruction within a school curriculum. Distinguish from manpower training programs for on-the-job training)
sa Manpower training programs
x Occupational training
Technical education
xx Education
Manpower training programs

Vocational rehabilitation (18)
(Training of the handicapped for employment)
xx Handicapped

Volunteers (13)

Voting rights (08, 12)
xx Civil rights
Elections

Wage and price controls (02, 11)
sa Petroleum price regulations
x Economics
Price controls
xx Wages

Wages (11)
sa Employee benefit plans
Minimum wages
Wage and price controls
x Compensation
Garnishment of wages
Hours of work
Overtime pay
Pay
Salaries
xx Labor

War claims (07, 12)
xx Claims
Foreign claims

War risk insurance (02)
xx Insurance

Warehouses (02)
Warranties (02)
x Guarantees
xx Business and industry

Waste treatment and disposal (06)
sa Recycling
Sewage disposal
x Sanitation
Solid waste disposal
xx Environmental protection
Public health
Water pollution control

Watches and jewelry
x Jewelry

Water bank program (15)
xx Water resources

Water carriers
see Maritime carriers

Water pollution control (06)
sa Oil pollution
Waste treatment and disposal
x Marine pollution
Ocean dumping
xx Environmental protection

Water resources (15)
sa Water bank program
Water supply
Watersheds
xx Natural resources

Water supply (15)
sa Dams
Irrigation
Reservoirs
x Drinking water
Public utilities
xx Utilities
Water resources

Water transportation
see Anchorage grounds
Harbors
Marine safety
Maritime carriers
Navigation (water)
Vessels
Waterways

Waterfowl
see Wildlife

Watersheds (15)
xx Water resources

Waterways (19)
sa Bridges
Harbors
Rivers
x Inland waters
Water transportation

Weapons
see Arms and munitions

Weather (17)
Weights and measures
see Measurement standards

Welfare programs
see Public assistance programs

Wetlands
see Coastal zone
Flood plains

Whales
see Marine mammals

Wilderness areas (16)
xx Recreation areas

Wildlife (15)
sa Endangered and threatened wildlife
Wildlife refuges
x Birds
Migratory birds
Waterfowl
xx Animals
Natural resources

Wildlife refuges (15)
x National Wildlife Refuge System
xx Wildlife

Wine (01)
xx Alcohol and alcoholic beverages

Wiretapping and electronic surveillance (12)
x Eavesdropping
Electronic surveillance
xx Law enforcement

Women (13)
sa Minority businesses
Sex discrimination

Wood
see Forests and forest products

Work Incentive Programs (WIN) (11)
xx Aid to Families with Dependent Children
Manpower training programs

Workers' compensation (11)
x Compensation
xx Handicapped
Insurance
Occupational safety and health

X-rays (17)
Youth (13)
sa Infants and children
Juvenile delinquency
xx Infants and children

Zoning (10)

1

AGRICULTURE AND FOOD

Acreage allotments
Agricultural commodities
Agricultural research
Agriculture
Alcohol and alcoholic beverages
Animal diseases
Animal drugs
Animal feeds
Animal foods
Animals
Bakery products
Beer
Bees
Beverages
Butter
Cacao products
Candy
Cereals (food)
Chemicals
Cigars and cigarettes
Citrus fruits
Coffee
Color additives
Commodities exchanges
Commodity futures
Cottonseeds
Crop insurance
Dairy products
Dietary foods
Feed grains
Fertilizers
Food additives
Food assistance programs
Food grades and standards
Food labeling
Food stamps
Foods
Forests and forest products
Frozen foods
Fruit juices
Fruits
Grain sorghum
Grains
Hogs
Irrigation
Liquors
Livestock
Margarine
Marketing agreements
Marketing quotas
Meat and meat products
Meat inspection
Migrant labor
Milk
Milk marketing orders
Nursery stock
Nuts
Oils and fats
Oilseeds
Pesticides and pests
Pets
Plants (agriculture)
Poultry and poultry products
Price support programs
Range management
Rural areas
School breakfast and lunch programs
Seafood
Soil conservation
Spices and flavorings
Stockyards
Sugar
Surplus agricultural commodities
Tea
Tobacco
Vegetable juices
Vegetables
Veterinarians
Wine

2

COMMERCE

Accountants
Accounting
Advertising
Antidumping
Antitrust
Bankruptcy
Banks, banking
Bonds
Brokers
Business and industry
Clothing
Commodities exchanges
Commodity futures
Common carriers
Communications common carriers
Concessions
Consumer protection
Credit
Credit unions
Crime insurance
Crop insurance
Currency
Customs duties and inspection
Economic statistics
Electronic funds transfers
Employment taxes
Estate taxes
Estates
Excise taxes
Exports
Fairs and expositions
Federal home loan banks
Federal Reserve System
Flood insurance
Footwear
Foreign banking
Foreign currencies
Foreign investments in U. S.
Foreign trade
Foreign trade zones
Gift taxes
Glass and mirrors
Gold
Government securities
Health insurance
Holding companies
Household appliances
Imports
Income taxes
Indians–business and finance
Insurance
Insurance companies
Interest equalization tax
Investment companies
Investments
Labeling
Life insurance
Loan programs
Minority businesses
Mortgage insurance
Mortgages
National banks
National economic development
Oil imports
Packaging and containers
Petroleum price regulations
Plastic and plastic products
Revenue sharing
Rubber and rubber products
Savings and loan associations
Securities
Silver
Small businesses
Surety bonds
Tax treaties
Taxes
Textiles
Trade adjustment assistance
Trade agreements
Trade names
Trade practices
Trademarks
Trusts and trustees
Truth in lending
Uniform System of Accounts
United States investments abroad
Utilities
Wage and price controls
War risk insurance
Warehouses
Warranties

3

COMMUNICATIONS

Broadcasting facilities
Cable television
Communications
Communications common carriers
Communications equipment
Defense communications
Motion pictures
News media
Newspapers and magazines
Postal Service
Radio
Recordings
Signs and symbols
Telecommunications
Telegraph
Telephone
Television

4

EDUCATION

Adult education
Art
Arts and crafts
Bilingual education
Colleges and universities
Cultural exchange programs
Education
Education of disadvantaged
Education of handicapped
Educational facilities
Educational research
Educational study programs
Elementary and secondary education
Equal educational opportunity
Indians–arts and crafts
Indians–education
Libraries
Medical and dental schools
Military academies

Museums
Music
Private schools
Scholarships and fellowships
School breakfast and lunch programs
School construction
Schools
Student aid
Students
Teachers
Vocational education

5

ENERGY

Coal
Coal allocation
Coal conversion program
Electric power
Electric power plants
Electric power rates
Electric utilities
Energy
Energy conservation
Fuel additives
Gasohol
Gasoline
Geothermal energy
Natural gas
Nuclear energy
Nuclear materials
Nuclear power plants and reactors
Oil and gas exploration
Oil and gas reserves
Oil imports
Petroleum
Petroleum allocation
Petroleum price regulations
Pipelines
Rationing
Solar energy
Utilities

6

ENVIRONMENTAL PROTECTION

Air pollution control
Environmental impact statements
Environmental protection
Motor vehicle pollution
Noise control
Oil pollution
Pesticides and pests
Recycling
Sewage disposal
Waste treatment and disposal
Water pollution control

7

FOREIGN RELATIONS

Alien property
Aliens
Antidumping
Arms control
Boycotts
Citizenship and naturalization
Communist countries
Cultural exchange programs
Customs duties and inspection
Exports
Fairs and expositions
Foreign aid
Foreign claims
Foreign officials
Foreign relations
Foreign Service
Foreign trade
Foreign trade zones
Immigration
Imports
International boundaries
International organizations
Oil imports
Passports and visas
Refugees
Tax treaties
Trade adjustment assistance
Trade agreements
Treaties
War claims

8

GOVERNMENT

Accounting
Administrative practice and procedure
Advisory committees
American Revolution Bicentennial
Archives and records
Authority delegations (Government agencies)
Campaign funds
Census data
Conflict of interests
Decorations, medals, awards
Disaster assistance
Elections
Emergency powers
Executive orders
Federal buildings and facilities
Federally affected areas
Flags
Flood assistance
Freedom of information
Government contracts
Government employees
Government procurement
Government property
Government property management
Government securities
Grant programs
Grants administration
Holidays
Indemnity payments
Intergovernmental relations
Investigations
Loan programs
Organization and functions (Government agencies)
Political activities (Government employees)
Political candidates
Political committees and parties
Presidential documents
Privacy
Proclamations
Reporting requirements
Revenue sharing
Seals and insignia
Security measures
Statistics
Sunshine Act
Surplus government property
Technical assistance
Time
Tort claims
Uniform System of Accounts
Voting rights

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HEALTH AND SAFETY

Alcoholism
Animal diseases
Animal drugs
Antibiotics
Aviation safety
Biologics
Black lung benefits
Blind
Blood
Blood diseases
Cancer
Chemicals
Color additives
Communicable diseases
Cosmetics
Dental health
Drug abuse
Drugs
Emergency medical services
Explosives
Family planning
Fire prevention
Flammable materials
Fluoridation
Genetic diseases
Handicapped
Hazardous materials
Health
Health care
Health facilities
Health insurance
Health maintenance organizations (HMO)
Health planning
Health professions
Health records
Health statistics
Heart diseases
Highway safety
Hospitals
Immunization
Influenza
Kidney diseases
Lead poisoning
Leprosy
Lung diseases
Marine safety
Maternal and child health
Medicaid
Medical and dental schools
Medical devices
Medical research
Medicare
Mental health centers
Mental health programs
Mine safety and health
Motor vehicle safety
Nursing homes
Nutrition
Occupational safety and health
Over-the-counter drugs
Pipeline safety
Poison prevention
Prescription drugs
Professional Standards Review Organizations (PSRO)
Public health
Quarantine

Radiation protection
Radioactive materials
Railroad safety
Safety
Smoking
Sudden Infant Death Syndrome
Tuberculosis
Venereal diseases
Veterinarians

10

HOUSING AND COMMUNITY DEVELOPMENT

Buildings
Community development
Community development block grants
Community facilities
Condominiums
Fair housing
Home improvement
Housing
Housing standards
Land sales
Low and moderate income housing
Mobile homes
Mortgage insurance
Mortgages
New communities
Open Space Land Program
Public housing
Relocation assistance
Rent subsidies
Urban renewal
Zoning

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LABOR

Child labor
Employee benefit plans
Employment
Equal employment opportunity
Government employees
Job Corps
Labor
Labor management relations
Labor unions
Manpower
Manpower training programs
Migrant labor
Minimum wages
Occupational safety and health
Old-age, Survivors and Disability Insurance
Pensions
Railroad retirement
Railroad unemployment insurance
Retirement
Social security
Unemployment compensation
Wage and price controls
Wages
Work Incentive Programs (WIN)
Workers' compensation

12

LAW

Alimony
Civil disorders
Civil rights
Claims
Clemency
Copyright
Counterfeiting
Courts
Crime
Drug traffic control
Equal educational opportunity
Equal employment opportunity
Fair housing
Federal Prison Industries
Foreign claims
Forgery
Fraud
Gambling
Indians–claims
Indians–enrollment
Indians–law
Investigations
Juvenile delinquency
Law
Law enforcement
Law enforcement officers
Lawyers
Legal services
Lotteries
Marital status discrimination
Military law
Penalties
Political affiliation discrimination
Prisoners
Prisons
Privacy
Probation and parole
Religious discrimination
Rights-of-way
Search warrants
Seizures and forfeitures
Sex discrimination
Tort claims
Voting rights
War claims
Wiretapping and electronic surveillance

13

NAMED GROUPS

Accountants
Aged
Airmen
Aliens
Architects
Blind
Brokers
Chaplains
Child labor
Conscientious objectors
Consultants
Engineers
Firefighters
Foreign officials
Foundations
Government employees
Handicapped
Health professions
Indians
Infants and children
Law enforcement officers
Lawyers
Longshoremen
Migrant labor
Military personnel
Miners
Nonprofit organizations
Prisoners
Prisoners of war
Railroad employees
Refugees
Scientists
Seamen
Students
Teachers
Veterans
Veterinarians
Volunteers
Women
Youth

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NATIONAL DEFENSE

Armed forces
Armed forces reserves
Arms and munitions
Arms control
Civil defense
Classified information
Conscientious objectors
Defense communications
Emergency powers
Fallout shelters
Military academies
Military air transportation
Military law
Military personnel
National defense
Prisoners of war
Selective service system
Strategic and critical materials
Veterans

15

NATURAL RESOURCES

Coastal zone
Continental shelf
Dams
Endangered and threatened wildlife
Fish
Fisheries
Flood plains
Forests and forest products
Gases
Grazing lands
Helium
Historic preservation
Homesteads
Indians–lands
Marine mammals
Marine resources
Metals
Mineral resources
Mineral royalties
Mines
Monuments and memorials
National forests
National parks
Natural resources
Oil and gas reserves
Open Space Land Program
Public lands
Public lands–classification
Public lands–grants
Public lands–mineral resources

Public lands–rights-of-way
Public lands–sales
Public lands–withdrawals
Reclamation
Reservoirs
Soil conservation
Surface mining
Underground mining
Utilities
Water bank program
Water resources
Water supply
Watersheds
Wildlife
Wildlife refuges

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RECREATION

Bicycles
Fishing
Hobbies
Hunting
National trails system
National wild and scenic rivers system
Recreation
Recreation areas
Rivers
Seashores
Wilderness areas

17

SCIENCE AND TECHNOLOGY

Agricultural research
Computer technology
Educational research
Electronic products
Inventions and patents
Laboratories
Lasers
Measurement standards
Medical research
Metric system
Micrographics
Research
Satellites
Science and technology
Scientific equipment
Scientists
Space transportation and exploration
Weather
X-rays

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SOCIAL PROGRAMS

Aid to Families with Dependent Children
Child welfare
Community action programs
Day care
Family planning
Food assistance programs
Food stamps
Medicaid
Old-age, Survivors and Disability Insurance
Public Assistance Programs
School breakfast and lunch programs
Social security
Supplemental Security Income (SSI)
Vocational rehabilitation

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TRANSPORTATION

Air carriers
Air rates and fares
Air taxis
Air traffic control
Air transportation
Aircraft
Airmen
Airports
Airspace
Anchorage grounds
Aviation safety
Bicycles
Bridges
Buses
Cargo vessels
Carpools
Charter flights
Common carriers
Fishing vessels
Freight
Freight forwarders
Harbors
Hazardous materials transportation
Highway safety
Highways and roads
Intermodal transportation
Longshoremen
Marine safety
Maritime carriers
Mass transportation
Military air transportation
Motor carriers
Motor vehicle pollution
Motor vehicle safety
Motor vehicles
Moving of household goods
Navigation (air)
Navigation (water)
Noise control
Nuclear vessels
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Parking
Passenger vessels
Passports and visas
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Railroad safety
Railroads
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Traffic regulations
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Tuesday
February 17, 1981

Part III

Department of Energy

Proposed Amendments to the DOE Procurement Regulations

DEPARTMENT OF ENERGY

41 CFR Part 9

Proposed Amendments to the DOE Procurement Regulations

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The proposed rule adds incentive clauses for fixed-price incentive, cost-plus-incentive fee and cost-plus-award fee contracts; adds a new subpart, Multiple Awards—Phased Procurements; reduces the level at which waivers of audit of proposals which exceed the stipulated thresholds may be granted; deletes the requirement for approval by the Senior Procurement Official, Headquarters in order to use FPR Clause 1-3.802-1; deletes references to the renegotiation board; describes circumstances under which Contractor Procurement System Reviews of a subcontractor are to be conducted; lowers the level at which findings and recommendations of the Contractor Procurement System Review Team are reviewed and adds a requirement that the plan for surveillance of the contractors approved procurement system must provide for review of a representative sample of the largest and most complex subcontracts being issued each year; permits authorization of selected contractors to determine specific items nonavailability from domestic sources in their application of the Buy American Act procedures. Other minor changes are also made.

DATE: Comments must be received on or before March 19, 1981 to be considered.

ADDRESS: Comments should be addressed to the Department of Energy, Procurement Policy Branch (PR-211), Mail Stop 1J-009, Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Langston, Procurement Policy Branch (PR-211), Policy and Procedures Division, Procurement and Assistance Management Directorate, Department of Energy, Mail Stop 1J-009, Forrestal Building, Washington, D.C. 20585, Telephone 202/252-8188. G. L. Allen, Procurement Policy Pricing Branch (PR-222) for award incentive fee only or Mr. Barclay Van Doren, AGC for Procurement Office of General Counsel, Department of Energy, Washington, D.C. 20585, Telephone 202/252-6902.

SUPPLEMENTARY INFORMATION:

I. Background
II. Statutory and Regulatory Requirements
III. Public Comments

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as the Act) (Pub. L. 95-91, 91 Stat. 565, 41 U.S.C. 7254), the Secretary for the Department is authorized to prescribe such procedural rules and regulations as he may deem necessary or appropriate to effectuate the functions vested in him. Accordingly, the Department of Energy Procurement Regulations (DOE-PR) were promulgated with an effective date of June 30, 1979 (see 44 FR 34434).

II. Statutory and Regulatory Requirements

Pursuant to Section 501 of the Act (42 U.S.C. 7191) relating to the opportunity for oral presentations on proposed regulations, the Department has determined that no substantial issue of fact of law exists and that this proposed amendment is unlikely to have a substantial impact on the Nation's economy, or large numbers of individuals or businesses. Accordingly, public hearings relating to this DOE-PR regulation will not be held. However, all written comments received by the Department in response to this proposed amendment will be carefully assessed and fully considered in the formulation of the final rule.

Note.—The Department has determined that the regulation will not affect the quality of the environment and that the requirements of section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, do not apply.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DOE-PR amendments set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with a designation "Proposed Amendments—Department of Energy Procurement Regulations." All written comments received will be carefully assessed and fully considered prior to publication of the amendment as a final regulation.

Dated: January 26, 1981.

For the Department of Energy.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

(Sec. 633 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7254))

It is proposed to amend 41 CFR Chapter 9 as follows:

PART 9—REGULATION SYSTEM

§ 9-1.051-1 [Amended]

By revising paragraph (c) of 9-1.051-1 to read as follows:

* * * * *

(c) "Acquisition Letters—to provide guidance to DOE personnel or internal procedures which are not suitable for publication in this regulation."

By revising § 9-1.051-4 to read as follows:

§ 9-1.051-4 [Amended]

Acquisition Letters (AL).

"(a) In accordance with the authority in Section 9-1.051-1 above, the Senior Procurement Official, Headquarters, or designee, may issue Acquisition Letters from time to time. They will remain in effect until cancelled.

"(b) Acquisition Letters will be identified by the prefix letters 'AL' followed by the last two digits of the calendar year in which issued and will be numbered consecutively. For example, the control number of the first letter issued in calendar year 1979 will be AL 79-1. When appropriate, the applicable subpart of the DOE-PR will be identified in the subject line."

§ 9-1.1003 [Amended]

By amending § 9-1.1003 by adding "(a)" at the beginning of the first paragraph and by adding the following paragraph:

"(b) The file shall contain a reference to the applicable exceptions of FPR 1-1.1003-2(a)(1)-(10) when a proposed procurement is not synopsized pursuant to one of the FPR exceptions."

§ 9-1.1203-2 [Amended]

By adding the following as the first sentence in paragraph (d) of 9-1.1203-2:

* * * * *

(d) "Have adequate financial resources."

§ 9-1.5408-2 [Amended]

In paragraph (b) by amending the clause title to read "Organizational Conflicts of Interest—Special Clause."

By amending paragraph (d) of the clause by setting forth the entire text following the heading "Subcontracts" as subparagraph (1) and by adding the following as a new subparagraph (2):

(d) * * *

"(2) The contractor shall obtain for the Department a disclosure statement or representation, in accordance with DOE regulations in effect at the time, from each intended subcontractor or consultant and shall not enter into any subcontract nor engage any consultant unless the Contracting Officer shall have first notified the contractor that

any organizational conflicts of interest requirements applicable to the subcontractor or consultant have been met. The requirements of this paragraph (d)(2) shall not apply to subcontracts which are solely for the furnishing of maintenance or supplies."

§ 9-1.5409 [Amended]

By amending 9-1.5409(a) by adding the following sentence immediately after the second sentence: "When formal source evaluation board procedures are applicable, the finding shall be made by the Source Selection Official."

PART 9-3—PROCUREMENT OF NEGOTIATION

§ 9-3.405 [Amended]

By amending § 9-3.405-50 to add the following additional paragraph (h):

* * * * *

"(h) Contract coverage and provisions."

(1) The required FPR and DOE-PR cost reimbursement clauses set forth in Section 9-7.2 and Section 7-7.3 are required for Award Fee Contracts. Modifications however should be made in the Allowable Cost, Fee and Payment clause, the Limitations of Funds clause and Changes clause as follows:

(i) The words "base fee and award fee" should be substituted for the term "fixed-fee" where it appears in paragraph (a) of the clause entitled Changes. (FPR 1-7.202-2).

(ii) The words "base fee and award fee" should be substituted for the word "fee" in paragraph (g) of the clause entitled "Limitation of Funds." (FPR 1-9.202-3(b)) and "Limitation of Costs" (FPR 1-9.20202(a)).

(iii) The term "base fee" should be substituted for the term "fixed fee" or "fee" wherever they appear in the clause entitled "Allowable Cost, Fee, and Payment," except in (a)(2) which should be changed to read "such base fee, if any, and such additional fee as may be awarded as provided for in the schedule." (FPR 1-7.202-4, as modified by DOE-PR 9-7.202-4).

(2) In addition to the changes in the general provisions as required in paragraph (1) above, the ARTICLES shown below should be included in the schedule of award fee contracts. Modifications to these provisions may be made to meet individual situations and any ARTICLE or specific requirement therein should be deleted when it is not applicable to a given contract. If substantial changes are believed appropriate, consultation with the Office of Procurement Policy—DOE Headquarters, is advisable.

ARTICLE —ESTIMATED COST, BASE FEE, AND AWARD FEE

The estimated cost of this contract is $. A base fee of $ is payable in accordance with the ARTICLE entitled "Payment of Base and Award Fee". In addition a maximum Award Fee of $ is available for payment in accordance with the ARTICLE entitled "Payment of Base and Award Fee".

ARTICLE —PAYMENT OF BASE AND AWARD

Base Fee. The government will make payment of the base fee in —— increments. The amount payable shall be based on the progress (percentage of completion of the Statement of Work) as determined by the Contracting Officer and shall be subject to any withholdings as may be provided for elsewhere in this contract.

Award Fee. The government will promptly make payment of any Award Fee upon the submission, by the contractor to the contracting officer or his authorized representative, of a public voucher or invoice in the amount of the total fee earned for the period evaluated. Payment shall be made without the need for a contract modification.

ARTICLE —DETERMINATION OF AWARD FEE EARNED

A. The government shall at the conclusion of each specified evaluation period(s) evaluate the contractor's performance for a determination of award fee earned. The contractor agrees that the determination as to the amount of award fee earned will be made by the government Fee Determination Official (FDO) and such determination concerning the amount of award fee earned are binding on both parties and shall not be subject to appeal under the "Disputes" clause or to any other appeal clause.

B. It is agreed that the evaluation of contractor performance shall be in accordance with the Performance Evaluation Plan referenced in the ARTICLE entitled "Performance Evaluation Plan" and that the contractor shall be promptly advised in writing of the determination, and the reasons why or why it was not earned. It is further agreed that the contractor may submit a self-evaluation of performance for each period under consideration. While it is recognized that the basis for determination of the fee shall be the evaluation by the government, any self-evaluation which is received within —— days after the end of the period being evaluated, may be given such consideration, if any, as the FDO shall find appropriate.

C. The FDO may, in his sole discretion, specify in any fee determination that fee not earned during the period evaluated may be accumulated and be available for allocation and/or award in future evaluation periods. When such a determination is made the Article entitled "Distribution of Award" fee shall be adjusted to reflect such allocations.

ARTICLE —PERFORMANCE EVALUATION PLAN

A. A contractor Performance Evaluation Plan upon which the determination of award fee shall be based, including the criteria to be considered under each area evaluated and the percentage of award fee, if any, available for each area, will be unilaterally established by the government. A copy of the plan shall be provided to the contractors calendar days prior to the start of the first evaluation period.

B. The Performance Evaluation Plan shall set forth the criteria upon which the contractor will be evaluated for performance relating to any (1) Technical, (2) Management, and (3) Cost Functions selected for evaluation.

C. The Performance Evaluation Plan may, consistent with the contract, be revised unilaterally by the government at any time during the period of performance. Notification of such changes shall be provided to the contractor calendar days prior to the start of the evaluation period to which the change will apply.

ARTICLE —DISTRIBUTION OF AWARD FEE

A. The total amount of award fee available under this contract is assigned to the following evaluation periods in the following amounts:

Evaluation Period and Available Award Fee

B. In the event of contract termination, either in whole or part, the amount of award fee available shall represent a pro rata distribution associated with evaluation period activities or events as determined by the Fee Determination Official.

§ 9-3.605-3 [Amended]

By amending 9-3.605-3 by removing the title and contents of this section and substituting the following title: "Standard Form 147, Order for Supplies or Services" and the following text: "Standard Form 147 shall be used for purchases or delivery orders in accordance with FPR 1-2.605-2."

§ 9-3.805-1 [Amended]

By removing the entire text of 9-3.805-1 and substituting the following therefore:

(a) The process by which one offer is selected from among all competing offers for negotiation and award of a contract generally starts with a request for proposals (RFP). The RFP describes the requirement to be satisfied by the procurement, usually provides a model contract instrument, and sets forth the technical, business and management, and cost evaluation criteria for the selection. The RFP should list the criteria in descending order of importance and state their relative importance. Where considered beneficial, a preproposal conference may be held after issuance of the RFP so that potential offerors may gain a clearer understanding of the requirements and objectives of the procurement. FPR 1-1.12 and Section 9-1.12 prescribe policies concerning the responsibility of prospective contractors.

(b) After proposals have been received and evaluated in accordance with criteria in the RFP, written and/or

oral discussions shall be conducted with all offerors in the competitive range, except as provided in FPR 1–3.805–1(a). A proposal is in the competitive range unless there is no real possibility that it may be improved as a result of discussions to the point where it becomes the most acceptable. The initial number of proposals considered as within the competitive range may be reduced whenever, as a result of written and/or oral discussions, any such proposal is determined to no longer have a reasonable chance of being selected for award.

(c) Discussions shall be conducted and revised proposals obtained following the procedure best suited to the procurement considering the items or services to be procured, the type of contract, selection criteria, and other pertinent factors. The procedure utilizing full discussions and best and final offers leads to selection from proposals which are in the form of fully negotiated and definitized contractual instruments executed by the offerors. The procedure utilizing limited discussions and selection for negotiation leads to provisional selection for award from proposals revised after discussions. Negotiations leading to a definitive contract are conducted only with the selected offeror(s) and selection remains provisional until contract negotiations have been successfully concluded.

(1) Except as provided in paragraphs (c) (2) and (3), the Contracting Officer shall hold discussions and negotiate definitive contracts with all offerors in the competitive range. The Contracting Officer shall, during discussions and negotiations, point out to each offeror within the competitive range any material ambiguities or uncertainties in his proposal, minimum requirements not satisfied by his proposal, and general aspects of his proposal which were evaluated as containing weaknesses in relation to the Government's requirements. At the conclusion of discussions and negotiations the Contracting Officer shall notify all offerors remaining in the competitive range of the common cut-off date which allows a reasonable opportunity for the submission of best and final offers in the form of fully definitized contract documents executed by the offerors. While it is within the discretion of the Contracting Officer to reopen discussions (with all firms remaining in the competitive range) as a result of best and final offers which deviate from the negotiated contracts, DOE is under no obligation to reopen discussions and shall do so only when it is in the best interests of the Government. Discussions between DOE and an offeror solely to determine whether or not an offeror has an organizational conflict of interest are discussions limited to matters of responsibility and do not require reopening of discussions with other offerors.

(2) In procurements of research, development, and demonstration which do not request cost participation by offerors, discussions with offerors in the competitive range normally are limited. These discussions are intended to assist evaluators in understanding fully the proposals and their strengths and weaknesses and in evaluating the qualifications of personnel proposed by each offeror and to assure the meanings and points of emphasis of RFP provisions have been adequately conveyed to the offerors so that all are competing equally on the basis intended by the Government. In order to maintain the integrity of each offeror's proposal, to avoid technical leveling, and to encourage higher quality initial proposals, discussions should be avoided conveying to offerors the strengths and weaknesses of proposals. The Contracting Officer shall give each offeror a reasonable opportunity after the conclusion of discussions to support, clarify, correct, improve, or revise its proposal up to a common cut-off date.

(3) Notwithstanding 9–3.805–1(c) (1) and (2), the source selection official may select the procedure for discussion and proposal revision most appropriate for a particular procurement. In general, however, the selection for negotiation procedures are suitable only for those procurements where technical solutions are of major importance and ready agreement is anticipated on the provisions of the solicitation's draft contract. Selection for negotiation procedures should not be employed when negotiations over contract terms and conditions are likely to be other than pro forma since post-selection contract negotiations may not alter any aspect of the proposal which could have had an effect upon the selection process. (Post-selection negotiations may alter a proposal in accordance with a selection decision provided the estimated impact of such alterations on cost or price is considered by the Source Selection Official.) The Source Selection Official may, at any time, change from one procedure to the other in the best interest of the Government. Such a change after receipt of best and final offers or final revised proposals constitutes a reopening of discussion and proposal revision procedure will be employed and, in the event of a change in procedure, shall be amended.

(4) Government representatives shall avoid the transmission of information which could give leads to an offeror as to the specific means of improving its technical proposal which could reveal another offeror's concepts or ideas, or from which an offeror could deduce its relative competitive standing.

"Auctioning techniques" shall not be employed; an example would be indicating to an offeror a price which must be met to obtain further consideration, or informing an offeror that his price is not low in relation to another offeror. It is, however, permissible to inform an offeror that its price is considered by the Government to be too high."

§ 9–3.805–51(d)(2)(ii) [Amended]

By amending 9–3.805–51(d)(2)(ii) by adding the following immediately after the word "authority": "or which exceed $5,000,000".

§ 9–3.809 [Amended]

By amending 9–3.809(b)(1)(i) by removing the following immediately after the word "waived": "only by the Head of the Procuring Activity or designee of the Senior Procurement Official, Headquarters and then only whenever" and by substituting therefore "at a level above the Contracting Officer when".

§ 9–4.909(g) [Amended]

By amending 9–4.909(g) by adding the following as the last sentence:

* * * * *

"Justification for acceptance of unsolicited proposals specifically assigned to a field office which exceeds the dollar limit of the Head of the Procuring Activity's (HPA) contracting authority or $5,000,000, whichever is less, shall be submitted with HPA recommendations to the cognizant Headquarters program office for approval as if it were initiated at Headquarters."

PART 9–4 SPECIAL TYPES AND METHODS OF PROCUREMENTS

Subpart 9–4.50—[Amended]

By amending the Table of Contents for 9–4.50 by removing the word "Reserved" and substituting the following therefore: "Multiple Awards—Phased Procurements" and listing the following thereunder:

9–4.5000 Scope of subpart.
9–4.5001 RFP provisions.
9–4.5002 Evaluation.

By amending 9–4.50 by removing the word "Reserved" immediately following Subpart 9–4.50 and adding the following

Subpart heading and §§ 9-4.5000—9-4.5002.

Subpart 9-4.50—Multiple Awards-Phased Procurements

§ 9-4.5000 Scope of subpart.

Some projects lend themselves to the use of multiple phase parallel contracts. The basic decision in regard to the use of multiple awards for phased procurements will be made by the program office based on technical, schedule, and cost considerations. In the first phase, more than one contractor may undertake the design portion. For the second and succeeding phases, one or more contractor may then be selected to fabricate components or construct and operate a demonstration plant. Because there is an important selection decision to be made at the end of Phase I, explicit evaluation and selection procedures are necessary.

§ 9-4.5001 RFP provisions.

Where multiple awards for phased procurements are contemplated, requests for proposals (RFPs) for the initial phase should include:

(a) Notice that the initial negotiated contract will be for Phase I only; however, the Government reserves the right to require, through exercise of appropriate options, proposal for additional phases of the project as defined in the option provisions of the RFP.

(b) If appropriate, notice that competition on subsequent phases will be restricted to the Phase I contractor(s).

(c) Evaluation and qualification criteria should not ordinarily be restricted to Phase I consideration, but rather should be designed to assure that selected offerors have the requisite technical, management and financial capacity, and the motivation, to compete for and perform all phases.

(d) A requirement that each contractor submit a proposal to perform subsequent phases. Instructions for proposal submission and the evaluation criteria to be used in the selection of contractor(s) for subsequent phases will be provided to the Phase I contractors, by letter(s), as early as possible and at least 90 days prior to the date for submission of proposals.

(e) A requirement for each Phase I, or subsequent phase, contractor to submit a comprehensive report covering actual and projected accomplishments under the present phase. This information will be used in addition to the proposal and the Government's assessment of contractor performance in the evaluation and selection process for subsequent phases. The report should, as a minimum, address the technical, schedule, and cost aspects of the phase of work now under contract.

§ 9-4.5002 Evaluation.

(a) The contracting officer or other source selection official as appropriate, shall establish an evaluation team promptly after the selection has been made for Phase I. The evaluation team shall consist of a chairman from the program office and representatives of procurement and other DOE programmatic or functional areas as appropriate. Counsel will be included as a non-voting member of the evaluation team.

(b) The evaluation team will develop the evaluation criteria and proposal instructions to be furnished to the contractors. The purpose of the evaluation is to select that or those companies which best satisfies the DOE requirements for successful completion of the project. The evaluation shall consider such factors as technical, price, programmatic and other requirements. The evaluation process shall be accomplished in an impartial, equitable, comprehensive, and timely fashion to assure the selection of one or more organizations, which offer the best possibility for performance, cost and other factors considered. It is contemplated that the initial phase of multiphase parallel contacts awarded under these procedures will be performed in the same timeframe so that a single competitive evaluation and selection can be accomplished at one point in time. Accordingly, the contracts should contains provisions permitting the Government to synchronize contractor phase I performances through acceleration or deceleration, as is appropriate, to achieve simultaneous completion of the Phase I activities by all firms under consideration. A thorough and detailed evaluation shall be completed so as to provide the basis on which the best selection can be made."

§ 9-4.5107-1(a) [Amended]

By amending 9-4.5107-1(a) by removing the following: ", generally an annual period; the initial support ceiling will be the amount of DOE support made available in connection with the initial contract period." and substituting therefore: ". The initial contract period should be established based upon the estimated period of performance to accomplish the proposed research effort, but in no event shall the initial contract period of performance exceed 5 years. When the initial contract period is in excess of 1 year and the contract is not fully funded, the initial funding ceiling will be the amount of DOE funding made available for the first year of performance with adjustments to the Government ceiling and additional period or periods of funding made subject to the availability of funds."

§ 9-4.5108-2(e) [Amended]

By amending 9-4.5108-2(e) by removing "Article B-II" and substituing therefore "Article B-IX".

Subpart 9-4.57—Program Opportunity Notices for Commercial Demonstrations

§ 9-4.5702 [Amended]

By amending the second sentence of 9-4.5702-6 by removing the following: "from the Senior Procurement Official, Headquarters." and substituting therefore: "at a level above the Contracting Officer."

§ 9-4.5906 Third party contracts.

By adding a new § 9-4.5906 as follows: Arrangements between DOE and non-Government organizations for jointly sharing the cost of projects performed by third party contractors should provide that each party to the cost sharing agreement will pay his share of invoiced cost directly to the performing contractor.

PART 9-7—CONTRACT CLAUSES

Part 9-7 Table of Contents [Amended]

By amending the Table of Contents for 9-7.

(1) By adding the following:

9-7.102-56 Incentive price revision (firm target).
9-7.102-59 Incentive price revision (firm target).

(2) By revoking and reserving the reference to "Renegotiation" wherever it appears in the Table of Contents.

§ 9-7.102-51, 9-7.202-51, 9-7.303-51, 9-9.402-51, 9-7.602-52, 9-7.703-51 and 9-7.802-51 [Amended]

By revoking and reserving "9-7.102-51 Renegotiation" and doing likewise to 9-7.202-51, 9-7.303-51, 9-9.402-51, 9-7.602-52, 9-7.703-51 and 9-7.802-51.

§ 9-7.102-56 Incentive Price Revision Clause—Firm Target.

By adding a new Section 9-7.102-56 to read as follows:

When a fixed-price incentive contract described in FPR 1-3.404-4(a)(2) is used, the following clause shall be made a part of the contract. As to each item which is subject to incentive price revision, the contract schedule shall set forth the target cost, target profit, and target price.

INCENTIVE PRICE REVISION (FIRM TARGET)

(a) General. The supplies or services identified in the Schedule as items ——— are subject to price revision in accordance with the provisions of this clause; provided, that in no event shall the total final price of such items exceed dollars ($). Any supplies or services which are to be ordered separately under, or otherwise added to, this contract and which are to be subject to price revision in accordance with the provisions of this clause, shall be identified as such in a modification to this contract.

(b) Definition of Cost. For the purpose of this clause, "cost" or "costs" means allowable costs in accordance with Part 1–15.2 (41 CFR 1–15.2) of the Federal Procurement Regulations, as supplemented or modified by DOE–PR 9–15.2 (41 CFR 15.2), in effect on the date of this contract.

(c) Submission of Data. Within ( ) days after the end of the month in which the Contractor has delivered the last unit of supplies and completed the services called for by those items referred to in paragraph (a) above, the Contractor shall submit, on Optional Form 60 or such other form as the Contracting Officer may require, (1) a detailed statement of all actual cost incurred up to the end of that month in performing all work under such items, (2) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work with respect to such items, and (3) a list of all residual inventory and an estimate of the value thereof (the Contracting Officer will determine whether to reduce the final negotiated cost by the value of the residual inventory or whether the Government will take title to the residual inventory with no reduction to the final negotiated cost for the value of the residual inventory).

(d) Price Revision Upon submission of the data required by paragraph (c) above, the Contractor and Contracting Officer shall promptly establish the total final price in accordance with the following:

(1) On the basis of the information required by paragraph (c) above, together with any other pertinent information, there shall be established by negotiation the total final cost incurred or to be incurred for the supplies delivered (or services performed) and accepted by the Government, which are subject to price revision under this clause.

(2) The total final price shall be established by adjusting the total final negotiated cost by an amount for profit or loss determined as follows:

When the total final negotiated cost is	The adjustment for profit or loss is
Equal to the total target cost	Total target profit.
Greater than the total target cost	Total target profit less percent (%) of the amount by which the total final negotiated cost exceeds the total target cost.
Less than the total target cost	Total target profit plus percent (%) of the amount by which the total final negotiated cost is less than the total target cost.

(3) The total final price of the item(s) referred to in paragraph (a) above shall be evidenced by a modification to this contract signed by the Contractor and the Contracting Officer. Such price shall not be subject to revision notwithstanding any changes in the cost of performing the contract, with the following exceptions:

(i) insofar as the parties may agree in writing, prior to the determination of the total final price, (A) to exclude any specific elements of cost from the total final price and (B) to adopt a procedure covering subsequent disposition of such elements; and

(ii) to the extent any adjustment or credit is expressly permitted or required by this or any other clause of this contract.

(e) Subcontracts. No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(f) Adjustment of Payments. Pending execution of the contract modification referred to in subparagraph (d)(3) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the target prices set forth in this contract; provided, that if at any time it appears that the then current billing prices will be substantially greater than the estimated final price in light of information provided by the Contractor in accordance with provisions of subparagraph (g)(2) below, a reduction in the billing prices shall be negotiated. Similarly, the parties may negotiate an increase in billing prices by any or all of the difference between the target price and the ceiling price upon submission of factual data from the Contractor showing that final cost under this contract will be substantially greater than target cost. Any adjustment of billing prices shall be reflected in a modification to this contract, and shall not affect the determination of the total final price under paragraph (d) above. After execution of the contract modification referred to in subparagraph (d)(3) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the total final price and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(g) Limitations on Payments.

(1) This paragraph (g) shall not apply after final price revision.

(2) Within forty-five (45) days after the end of each quarter of the Contractor's fiscal year, beginning with the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each subsequent quarter the Contractor shall submit to the Contracting Officer a cumulative statement setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total cost (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total target profit which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which prices have not been established, increased or decreased in accordance with the incentive profit formula set forth in (d)(2) above when the amount of cost stated under (ii) above differs from the aggregate target cost of such supplies or services; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amount applied or to be applied to liquidate progress payments).

(3) Notwithstanding any provision of this contract authorizing greater payment, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less

all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the "Progress Payments" clause of this contract, instead of direct refund thereof.

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this paragraph (g), including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this paragraph (g), including this subparagraph (4) modified as provided in (i) above.

(h) Disagreements. If the Contractor and the Contracting Officer fail to agree upon the total final price within 60 days after the date on which the data required by (c) above are to be submitted, or within such further time as may be specified by the Contracting Officer, such failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract and the Contracting Officer shall promptly issue a decision thereunder.

(i) Termination. If this contract is terminated prior to establishment of the total price, prices of supplies or services subject to price revision under this clause shall be established pursuant to this clause for (1) completed supplies accepted by the Government, and services performed and accepted by the Government, and (2) in the event of a partial termination, supplies and services which are not terminated. The termination shall be otherwise accomplished pursuant to other applicable provisions of this contract.

(j) Equitable Adjustment Under Other Clauses. If an equitable adjustment in contract price is made under any other clause of this contract before the total final price is established, the adjustment shall be made in the total target cost and may be made in the maximum dollar limit on the total final price, the total target profit or both. If such an adjustment is made after the total final price is established, adjustment shall be made only in the total final price.

(k) Exclusion from Target Price and Total Final Price. Whenever any clause of this contract provides that the contract price does not or will not include an amount for a specific purpose, such provision shall mean that neither any target price nor the total final price includes or will include any amount for such purpose.

(l) Separate Reimbursement. The cost of performance of an obligation that any clause of this contract expressly provides is at Government expense shall not be included in any target price or in the total final price, but shall be reimbursed separately.

(m) Taxes. As used in the "Federal, State, and Local Taxes" clause of this contract or any other clause of this contract that provides for certain taxes or duties to be included in, or excluded from, the contract price, the term "contract price" includes the total target price, or if it has been established, the total final price. When a provision in such clause or clauses requires that the contract price be increased or decreased as a result of changes in the obligation of the Contractor to pay or bear the burden of certain taxes or duties, such increase or decrease shall be made in the total target price or, if it has been established in the total final price, so as not to affect the contractor's profit or loss on this contract.

§ 9-7.103-3 [Amended]

By removing the following from puragraph (e) of 9-7.103-3: Substitute the words "unless the DOE authorizes their prior disposition" for the words "or such lesser time specified in either Appendix M of the Defense Acquisition Regulation or the Federal Procurement Regulations Part 1-20, as appropriate" in paragraphs (b) and (c).

§ 9-7.103-53 [Amended]

By removing in paragraph (f) of 9-7.103-53 "Executive Order 11652" and substituting therefore: "Executive Order 12065".

§ 9-7.104-50 [Amended]

By amending the clause in 9-7.104-50 entitled "Priorities, Allocations, and Allotments" by removing the words: "Domestic and International Business Administrations" and substituting therefore "Industry and Trade Administration."

§ 9-7.202-4 [Amended]

By removing the entire text of 9-7.202-4 and substituting the following therefore:

"Insert the clause set forth in FPR 1-7.202-4 modified to add "As supplemented or modified by CFR 9-15.2 (41 CFR 9-15.2)," after the reference (41 CFR 1-15.2) in paragraph (a)(1)(i), in all cost reimbursement type supply contracts which provide for the payment of a fixed fee.

Insert the clause set forth below in all cost reimbursement type supply contracts which provide for an incentive fee arrangement. When an incentive contract contains an "indemnification" clause in accordance with 9-10.50, an item (vi) which reads "any claim, loss, or damage resulting from a risk defined in the contract as unusually hazardous or as a nuclear risk, against which the Government has expressly agreed to indemnify the Contractor," should be added to paragraph (j).

ALLOWABLE COST, INCENTIVE FEE, AND PAYMENT

(a) Allowable Cost and Fee.

(1) For the performance of this contract, the Government shall pay to the Contractor:

(i) the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(A) Subpart 1-15.2 of the Federal Procurement Regulations (41 CFR 1-15.2), as supplemented or modified by DOE-PR 9-15.2 (41 CFR 9-15.2), in effect on the date of contract; and

(B) the terms of this contract; and

(ii) a fee determined as provided in this contract.

(2) The target cost and target fee of this contract are set forth in the Schedule and shall be subject to adjustment in accordance with (h) and (i) below. As used throughout this contract the terms:

(i) "target cost" means the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below; and

(ii) "target fee" means the fee which was initially negotiated, on the assumption that this contract would be performed for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (i) below.

(b) Payments. Payments shall be made to the Contractor when requested as work progresses, but not more frequently than biweekly, in amounts approved by the Contracting Officer. The Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost for the performance of this contract and claimed to constitute allowable cost. For this purpose, except as provided herein with respect to pension contributions, the term "cost" shall include only those recorded costs which result, at the time of the request for reimbursement, from payment by cash, check, or other form of actual payment for items of services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct in-house costs, and for properly allocable and allowable indirect costs, as shown by records maintained by the

Contractor for purposes of obtaining reimbursement under government contracts, plus the amount of program payments which have been paid to Contractor's subcontractors under similar cost standards. In addition, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefore shall be excluded from indirect costs for payment purposes until such cost are paid. If pension contributions are paid on the quarterly or more frequent basis, accruals therefore may be included in indirect costs for payment purposes provide that they are paid to the fund within thirty (30) days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect costs for payment purposes until payment has been made. The restriction on payment more frequently than biweekly and the requirements of prior payment for items or services purchased directly for the contract shall not apply where the Contractor is a small business concern.

(c) Amounts Withheld. Promptly after receipt of each invoice or voucher and statement of costs, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Normally, payment of fee shall be made to the contractor as specified in the Schedule. However, when in the opinion of the Contracting Officer, the Contractor's performance or cost indicates the target cost will not be achieved, the Government shall pay on the basis of such lesser fee as may be appropriate. Further, when the Contractor demonstrates that its performance or cost clearly indicates that it will earn a fee significantly in excess of target fee, the Government may, in the sole discretion of the Contracting Officer, pay on the basis of such higher fee as may be appropriate. After payment of eighty-five percent (85%) of the applicable fee, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which the Contracting Officer considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total applicable fee or one hundred thousand dollars ($100,000) whichever is less.

(d) Audits. At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice of voucher which are found by the Contracting Officer, on the basis of such audit, not a constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) Final Payments. On receipt and approval of the invoice or voucher designated by the contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and the provisions of (f) below, the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) Refunds, Rebates and Credits. The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable cost hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to cost for which the Contractor has been reimbursed by the Government under this contract; and

(2) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) specified claims in stated amounts or in estimated amounts where the amount are not susceptible of exact statement by the Contractor;

(ii) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; provided, however, that such claims are not known to the Contractor on the date of the execution of the release; and provided further, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents. Except as provided in (j) below, payments under the assignment and claims excepted from the release shall be subject to adjustment by reason of the adjustment of fee in accordance with (i) below.

(g) Order of Precedence. Any cost incurred by the Contractor under the terms of this contract which would constitite allowable cost under the provision of this clause shall be included in determining the amount payable under this contract, not withstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or material to be furnished by the Contractor at his expense or without cost to the Government.

(h) Modifications. When the work under this contract (including any supplies or services which are ordered separately under, or otherwise added to, this contract) is increased or decreased by contract modification or when any equitable adjustment in the target cost is authorized under any other clause of this contract, equitable adjustments in the target cost, target fee, minimum fee, maximum fee, or any or all of them, as appropriate, shall be set forth in an amendment or supplemental agreement to this contract.

(i) Fee Formula. The fee payable hereunder shall be the target fee increased by (insert contractor's participation) cents for every dollar by which the total allowable cost exceeds the target cost. In no event shall the fee be greater than . . . . percent nor less than . . . percent, of the target cost; and, excepts as provided in (j) below, within these limits such fee shall be subject to adjustment, by reason of increase or decrease of total allowable cost, on account of payments under the assignment required by (f)(1) above, and claims excepted from the release required by (f)(2) above. If this contract is terminated in its entirety, the portion of the target fee payable shall not be subject to an increase or decrease as provided in this paragraph. The termination shall be otherwise accomplished pursuant to other applicable provisions of this contract.

(j) Total Allowable Cost. For the purpose of the adjustment of the fee in accordance with (i) above, the term "total allowable cost" shall not include allowable costs arising out of:

(1) any of the causes covered by the clause hereof entitled "Excusable Delays" to the extent they are beyond the control and without the fault or negligence of the Contractor or any subcontractor;

(2) the taking effect, after the negotiation of the target cost of this contract, of a statute, court decision, written ruling, or regulation which results in the Contractor's being required to pay or bear the burden of any tax or duty or increase in the rate thereof;

(3) any direct cost attributed to the Contractor's assistance or participation in litigation as required by the Contracting Officer pursuant to a provision of this contract, including the furnishing of evidence and information requested pursuant to the clause hereof entitled "Notice and Assistance Regarding Patent and Copyright Infringement";

(4) the reprocurement and maintenance of additional insurance not included in the target cost and required by the Contracting Office or claims for reimbursement for liabilities to third persons pursuant to the clause hereof entitled "Insurance Liability to Third Persons"; and

(5) any claim, loss or damage resulting from a risk for which the Contractor has been relieved of liability pursuant to the clause hereof entitled "Government Property."

Except as other specifically provided in this contract, all other allowable costs shall be included in the term "total allowable cost" for the purpose of the adjustment of the fee in accordance with (i) above.

(k) Documentation. The total allowable cost and the adjusted fee determined as provided in this clause shall be evidenced by a modification of this contract signed by the Contractor and Contracting Officer.

(End of Clause)

Insert the clause set forth in FPR 1–7.202.4 as modified above and in accordance with 9–3.405–50(h) in all cost reimbursement type supply contracts which provide for the payment of a base fee and award fee.

Insert the clause set forth in FPR 1–7.202.4 as modified per provisions of FPR 1–7.402–3(b) and as above, in all cost reimbursement type supply contracts that will be without fee and/or a cost sharing contract."

§ 9–7.302–57 [Amended]

By amending the clause entitled "Printing" by removing "8 by 10½" and substituting therefore "8 and ½ by 11."

§ 9–7.302 [Amended]

Section 9–7.302 is amended by adding a new paragraph as follows: "Section 9–7.302–59 Incentive Price Revision Clause—Firm Target Included the clause set forth in 9–7.102–56 when a fixed price incentive contract described in FPR 1–3.404–4(a)(2) is used."

§ 9–7.402 [Amended]

Section 9–7.402–3 is amended by adding the following:

* * * * *

(d) Insert the clause for Incentive contracts set forth in 9–7.202.4 in all cost reimbursement type R&D contracts which provide for a incentive fee arrangement.

(e) Insert the clause set forth in FPR 1.7.202.4 as modified with changes cited in DOE PR–9–3.405–50(h) and the modification required in 9–7.202.4 in all cost reimbursement R&D contract which provide for the payment of a base fee and award fee.

§ 9–7.802–5 [Amended]

By amending 9–7.802–5 by removing the text of the Disputes clause and substituting the following:

"Disputes

(a) This contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95–563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(1) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(2) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(3) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for his decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For contractor claims of more than $50,000, the Contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable. The certification shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For contractor claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Contractor arising under the contract, the Contractor shall proceed diligently with the performance of the contract in accordance with The Contracting Officer's decision."

PART 9–9—PATENTS, DATA AND COPYRIGHTS

§ 9–9.103–3(b) [Amended]

By amending 9–9.103–3(b) by adding the following immediately after the word "market" where it appears at the end of the first paragraph: "or will use any parts, components, practices, or methods to the extent to which the Contractor has secured indemnification from liability".

§ 9–9.107–4(a)(6) [Amended]

By amending 9–9.107–4(a)(6) by adding the following immediately after the word "contracting" in the first sentence: "or such longer period as may be authorized by the Patent Counsel (with notification by the Patent Counsel to the Contracting Officer) for good cause shown in writing by the contractor or inventor."

§ 9–9.107–5 [Amended]

By amending the Patents Rights (Long Form) clause appearing in § 9–9.107–5 as follows:

By adding the words "or any variety of plants" after the word "thereof" in paragraph (a)(1) of 9–9.107–5(a).

By adding "in accordance with applicable statutes and regulations," after the word "granted" in 9–9.107–5(d)(3).

By adding the following after the word "application" in paragraph (e)(2)(i) of 9–9.107–5(a): "under (d)(1) of this clause. However, such request shall be."

By removing "(e)(2)(ii)" and substituting "(e)(2)(iii)" in paragraph (g)(1)(ii) of 9–9.107–5(a).

By adding the following "of this clause from all persons" between "paragraph (l)(1)" and the word "who" in paragraph (l)(2) of 9–9.107–5(a).

§ 9–9.109–3 [Amended]

By removing the following from 9–9.109–3(d)(5): "Represent DOE in patent and other intellectual property matters including those under these regulations" and substituting therefore "Represent DOE in patent, technical data and copyright matters not specifically reserved to the Head of the Agency or designee under these regulations."

§ 9–9.109–6 [Amended]

By amending 9–9.109–6 as follows:

By adding the following immediately after the word "days" in the fifth sentence of paragraph (d)(8) of 9–9.109–6: "after notification of denial".

By removing the following from paragraph (i)(1) of 9–9.109–6: "in

accordance with paragraph (e)(2)(i) of the clause of 9-9.107-5(a) and with which is included" and substitute therefore the word "with".

By adding the following immediately after the word "effective" in the second sentence of paragraph (i)(5)(i) of 9-9.109-6: "or such longer period as may be approved by the Patent Counsel for good cause in writing by the contractor or inventor".

By adding the words "for the life of the patent" immediately following the word "thereafter" in the first sentence of paragraph (i)(5)(ii)(C) of 9-9.109-6.

§ 9-9.202-3 [Amended]

By amending the "Rights in Technical Data—Long Form" clause set forth in 9-9.202-3(e)(2) as follows:

By removing the words "proprietary nature" in both places where it appears in paragraph (b)(l)(ii) and substituting therefore: "proprietary".

By adding the words "patent counsel with notification to the" before "contracting" in the first sentence of paragraph (c)(1).

By adding the following after the words "paragraph (e)" where they last appear in paragraph (f): "and not furnished under paragraph (g) for the purposes of verifying that such data properly fell within the withholding provisions of the paragraph".

§ 9-9.202-4 [Amended]

By adding the words "Patent Counsel with notification to the" before the word "Contracting" in paragraph (c)(1) of the "Rights in Technical Data-Facility" clause set forth in 9-9.202-4(c)(2).

§ 9-16.5002-1 [Amended]

By amending article A-II(a)(2) of Appendix A to 9-16.5002-1, by deleting "$300" and substituting therefore "$500".

By adding the following new paragraph to Article A-III of Appendix A to 9-16.5002-1 "(c) Subject to their availability, additional funds anticipated for the contract $———".

By amending Appendix B to 9-16.5002-1 as follows:

Revise Article B-II, Inspection, Reports, Records and Accounts by deleting the reference in paragraph "(c)" to "J.7.b of FMC 73-6" and substituting therefore "J.6 of OMB Circular A-21".

Revise the sentence appearing as (a)(1) under Article B-XI—Payments, to read as follows:

"A maximum of 45 percent of the new funds as set forth in Article A-111(b) of the contract following execution of the contract (and following the effectuation of each extended period) upon receipt of a request in writing from the contractor."

Revise Article B-XV—Disputes of Appendix B—General Provisions by deleting "Insert the clause in FPR 1-7.102-12" and substitute therefore "Insert the clause in DOE-PR 9-7.802-5".

PART 9-23—SUBCONTRACTING POLICIES AND PROCEDURES

§ 9-23.104 [Amended]

By amending 9-23.104(b) by removing the following which appears immediately after the word "than": "fixed-price, competitively awarded contracts. (For the purpose of this paragraph, contract modifications are not considered to be competitively awarded.)" and substituting therefore: "prime contracts awarded on the basis of adequate price competition as defined in FPR 1-3.807-1(b)(1). (For the purpose of this paragraph, contract modifications are not considered to be competitively awarded). CPSRs should not ordinarily be performed for subcontractors unless, in addition to the criteria for conducting a CPSR on a prime contractor, the following criteria are also satisfied: (1) the preponderance of the sales of the subcontractor is to the Federal Government, and (2) both the prime contractor and the subcontractor agree to the performance of a CPSR."

§ 9-23.107 [Amended]

By amending 9-23.107(a) by removing the content thereof and by substituting the following paragraph (a):

"(a) The findings and recommendations of the review team (the CPSR Report) shall be approved by the Director, Office of Policy (attn: PR-23) before the Contracting Officer determines to continue, grant, withhold, or withdraw approval. Determinations to continue approval after a subsequent review or to revise subcontract consent thresholds under approved systems may be made without submitting a request for approval to Headquarters; however, in these instances an information copy of the material described in (b) shall be submitted."

§ 9-23.108 [Amended]

By amending 9-23.108(d)(2) by changing the period appearing immediately following the word "competition" to a comma and adding the following "or justification for a noncompetitive procurement." and by deleting the following: "Such notification shall be forwarded to the Contracting Officer as soon as the information is known, which normally will be before solicitation."

By amending 9-23.108(g) by inserting the following immediately after the word "system": "copies of notifications (or contract modifications) altering the subcontract consent dollar thresholds.".

§ 9-23.110 [Amended]

By amending 9-23.110(a) by adding the following immediately after the word "review.": "The surveillance plan must provide for the review and consent to the placement of a representative sample of subcontracts including the largest and most complex subcontracts being issued each year."

PART 9-50—OPERATING AN ON-SITE SERVICE CONTRACT

§ 9-50.302-5 [Amended]

By amending 9-50.302-5(a)(5)(ii) by removing the entire paragraph and substituting therefore "When a review has been made of the Contractor's procurement system in accordance with Subpart 9-23 and the Contractor's procurement system has been approved, the subcontract dollar thresholds in paragraphs (1) and (2) above may be raised up to the amount of the delegated authority of the Head of the Procuring Activity."

§ 9-50.303 [Amended]

By amending 9-50.303 (a) and (b) by removing the words "and on-site service" where they first appear in paragraph "(a)" and in paragraph "(b)" immediately following the word "operating."

§ 9-50.601 [Amended]

By amending 9-50.601-1 by removing the text and substituting therefor: "The Buy American Act does not apply to those articles listed in Section 9-6.105, or as determined not to be available in sufficient quantities, in accordance with Section 9-50.601-2.

By adding a new § 9-50.601-2 as follows:

§ 9-50.601-2 Determinations of Nonavailability.

(a) Determinations of nonavailability under FPR 1-6.103-2 may be made by the Contracting Officer responsible for the administration of the contract.

(b) When a review has been made of the contractor's procurement system in accordance with Subpart 9-23.1 and the contractor's procurement system has been approved, the Head of the Procuring Activity may authorize the contractor to make determinations of nonavailability for individual items under individual procurement actions. Each authorization shall be in writing and shall specify a dollar value limit for the aggregate of domestically unavailable items in individual procurement actions. Each authorization shall also specify the effective date, the

activity, the division or facility authorized to make the determinations, the period the authorization covers, the extent of applicability, and any special conditions or requirements. Authorizations shall be no broader than other authorizations made pursuant to Section 9–23–108. Authorizations for dollar value limits in excess of $25,000 shall require the prior concurrence of the Senior Procurement Official, Headquarters.

§ 9–50.703–4 [Amended]

By removing the text of "Note A" and substituting therefore:

Substitute of the words "unless the DOE authorizes their prior disposition" for the words "or such lesser time specified in either Appendix M of the Defense Acquisition Regulation or the Federal Procurement Regulations Part 1–20, as appropriate" in paragraphs (b) and (c).

§ 9–50.704 [Amended]

By amending 9–50.704–2(b) by removing the last sentence from the text of the paragraph and inserting it as the second sentence in the "Radiation Protection and Nuclear Criticality" clause following paragraph (b).

By amending 9–50.704–3 by:

1. Removing the words "CPFF construction contracts use the following clause" and substituting therefor: "Cost-reimbursement operating and onsite service contracts which include construction work shall include the following clause"

2. Providing the following title for the clause: "BUY AMERICAN—OPERATING/ONSITE CONSTRUCTION"

3. By revising paragrpah (b)(4) to read as follows: "as to which the Government determines the cost to the Government to be unreasonable."

4. Adding a new paragraph (b)(5) as follows: "(5) As to which the contractor, if specifically authorized to do so, has determined to be unavailable in accordance with FPR 1–18.602–1(b)."

By amending § 9–50.704–13(d)(15) by adding the following immediately after word "guards," "cashiers, and paymasters, if payments are made by check,".

§ 9–50.704–24(a) [Amended]

By amending § 9–50.704–24(a) by adding the following immediately after "$100,000": Where it first appears "and in all modifications over $100,000".

By revoking and reserving §§ 9–50.704–36 and 9–50.704–48.

§ 9–50.1002 [Amended]

By amending 9–50.1002 by adding the following immediately after the word "thereunder": ", including construction".

§ 9–50.1003 [Amended]

By amending 9–50.1003 by adding the following immediately after word "subcontracts": ", including construction".

§ 9–50.1213–6 [Amended]

By amending paragraph (b) of the certificate appearing in 9–50.1213–6 by adding the following immediately after the word "work": "shall be reported to the Department of Energy in accordance with this policy I".

§ 9–50.1803 [Amended]

By amending 9–50.1803 by adding the following:

Contractors may be authorized by the Head of the Procuring Activity to make determinations of nonavailability under FPR 1–18.602–1(b) for individual items under individual construction subcontracts awarded by them. Contractors may initiate requests for determinations of impracticability in accordance with FPR 1–18.602–1(a), and requests for deviations from the FPR 1–18.603 procedures for determination of unreasonable cost. Such requests shall be forwarded to the Senior Procurement Official, Headquarters, after concurrence by the head of the Procuring Activity.

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Part IV

Department of Energy

Bonneville Power Administration

Intent to Revise Transmission Policy and Proposed Transmission and Wholesale-Power Rate Adjustments; Public Hearings and Opportunities for Public Review and Comment

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Revise Transmission Policy; Request for Recommendations From the Public

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy.

ACTION: Notice of Intent to Revise Transmission Policy; Request for Recommendations from the public.

SUMMARY: Bonneville Power Administration (Bonneville) intends to revise its transmission policy. The initial stages of the policy revision will coincide with development of Bonneville's transmission rates which will become effective on or about July 1, 1981. In addition to receiving recommendations on its Notice of Proposed Transmission Rate Adjustment, Bonneville is seeking recommendations from the public on transmission policy at its rate hearings in March 1981. Written suggestions and recommendations are also encouraged.

Formulation of the transmission policy will follow Bonneville's "Procedure for Public Participation in Marketing Policy Formulation" (45 FR 73531, November 5, 1980). Recommendations received will be considered initially to develop interim agreements necessary to implement an optional rate schedule to be offered in the transmission rates which will become effective July 1, 1981, and subsequently to develop an initial proposal for a long-range transmission policy. The proposal is expected to be published in the fall of 1981. Based in part on comments and recommendations received in response to the initial proposal, Bonneville expects to announce a final policy in the spring of 1982.

DATES: Written suggestions and recommendations for issues to be addressed or other matters concerning the development of Bonneville's initial proposal for a revised transmission policy will be accepted through March 31, 1981.

ADDRESSES: Written recommendations should be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212; the telephone number is (503) 234-3361, ext. 4261. Bonneville maintains toll-free lines for the use of persons within the region. Oregon callers may use 1-800-452-8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1-800-547-6048. Messages and requests for information received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Additional information is available from Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, (509) 456-2518; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 755-6202; Ronald K. Rodewald, Wenatchee District Manager, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801, (509) 662-4377; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234-3361, ext. 4551; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345-0311; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442-4130; Roy Nishi, Walla Walla Area Manager, West 101 Popular, Walla Walla, Washington 99362, (509) 525-5500, ext. 701; Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523-2706.

SUPPLEMENTARY INFORMATION: Bonneville owns and operates approximately 80 percent of the capacity of the high-voltage electric transmission grid of the Pacific Northwest. Bonneville is required by the Federal Columbia River Transmission System (FCRTS) Act of 1974 (16 U.S.C. 838) to operate, maintain, and construct the FCRTS to: "(a) integrate and transmit electric power from existing or additional Federal or non-Federal generating units; (b) provide service to the Administrator's customers; (c) provide interregional transmission facilities; or (d) maintain the electrical stability and electrical reliability of the Federal system."

Bonneville's current transmission policy is reflected in a variety of transmission arrangements and agreements which have been progressively negotiated over a period of years. Many of these arrangements predate the 1974 FCRTS Act and reflect conditions and policies prevalent at the time of negotiation. Types of provisions which may vary from agreement to agreement include the determination of the transmission demand, determination of losses, the effect of transmission distance and location, and the flexibility allowed in the use of the FCRTS.

Bonneville now intends to develop a comprehensive and internally consistent transmission policy and resultant rates. The tentative schedule for this policy development is as follows:

February 1981—This Notice and a Notice of Proposed Transmission Rate Adjustment are published. The latter Notice contains a proposed Integration of Resources Schedule (IR-1) which Bonneville intends to offer to customers who elect to receive service under interim 1-year contracts. Bonneville anticipates presently that the service offered under these interim contracts will be a broader and more flexible service than that offered under most existing agreements. Key aspects of this anticipated service include multiple points of integration and delivery, uniform system-average loss determination, and a uniform capacity rate.

March-April 1981—Hearings will be held on the transmission rate proposal. At these hearings Bonneville encourages the public to make transmission policy recommendations and suggestions. The recommendations and suggestions received will be considered both in formulating interim agreements for schedule IR-1 and in developing an initial proposal for a long-term transmission policy.

July 1981—Bonneville's new transmission rates will become effective. Interim agreements will be negotiated with those utilities electing to receive service under schedule IR-1.

Fall 1981—Bonneville will publish a proposed Transmission Policy and Request for Public Comment. Public hearings on the proposed policy will be held during which public comments will be received.

Spring 1982—Bonneville will publish a Notice of Final Transmission Policy.

July 1982—Bonneville will offer long-term contracts under the adopted Final Transmission Policy.

Bonneville is seeking suggestions and recommendations on all aspects of its transmission policy and especially on the following issues which Bonneville has identified: (1) What method should be used to determine the amount of and compensation for transmission losses? (2) To what extent is it appropriate to recognize (a) the use of specific facilities, (b) the use of specific types of facilities, (c) the distance between resources and loads, and (d) the location of resources and loads? (3) How should the costs and uses of non-Federal transmission facilities be treated, more specifically: (a) Should the Pacific Northwest institute a system in which

all parties using the combined regional transmission system would be assessed transmission charges in proportion to the loads placed on the system and credited according to the transmission costs each has incurred? (b) If not, to what extent should the amount of non-Federal use of the FCRTS and Federal use of non-Federal facilities be determined? and (c) How should that determination be made, particularly in areas with multiple transmission paths? (4) What is the appropriate service or services for Bonneville to offer its transmission customers? (5) How can transmission policy encourage one-utility planning? (6) What is the proper treatment of existing contracts whose holders prefer not to receive the revised policy service? (7) How can transmission policy encourage energy conservation? (8) To what extent should the benefits and risks of the FCRTS be shared?

Written recommendations concerning the above issues or other issues that should be considered by Bonneville in developing its transmission policy should be addressed to Bonneville's Public Involvement Coordinator.

Dated: February 10, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc.81-5371 Filed 2-12-81; 11:00 am]

BILLING CODE 6450-01-M

Proposed Transmission and Rate Adjustment; Public Hearings, and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy.

ACTION: Notice of Proposed Transmission Rate Adjustment, Notice of Public Hearings, and Opportunities for Review and Comment.

SUMMARY: Bonneville has determined that an increase is necessary in the transmission rates charged for the use of the Federal Columbia River Transmission System (FCRTS). Revenues from the current transmission rates, which were approved on an interim basis on June 10, 1977, are insufficient to recover the increased costs of the FCRTS. Bonneville, by a separate **Federal Register** Notice, is also initiating a process to formulate a transmission service policy.

The development of the transmission rates includes opportunities for interested persons to participate in public hearings. Written comments will be received until the end of the hearings and all such written comments will become part of the Official Record. Bonneville will consider the comments and hearing record in the development of the final transmission rate proposal. With consideration of public comments, and/or inclusion of more current financial data, the final rate proposal may differ from the rates proposed in this Notice.

DATES: Persons wishing to become a formal "party" to the proceedings must notify Bonneville in writing of their intention to do so. The notification must be received by February 24, 1981, and should be addressed as follows: Hon. Dean F. Ratzman, Hearing Officer, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Power and transmission customers of Bonneville are parties of right. Others may become parties by demonstrating in their notice and at the prehearing conference that they would represent a significant and otherwise unrepresented public interest. The notice should contain: (1) The name of the person or entity claiming status as a party; (2) the person who will be representing the party; (3) whether the person or entity claiming status as a party has a contractual relationship with Bonneville which could be impacted by proposed rates; and (4) if no contractual interest exists, the interest the person believes would be served by their being a party. All timely applications will be ruled upon by the Hearing Officer.

Pursuant to the rate procedures, a Prehearing Conference will be held before the Hearing Officer at 9 a.m. on February 25, 1981, in the West Ballroom, Red Lion Lloyd Center, 1000 NE. Multnomah, Portland, Oregon.

The rates hearings will concern both the transmission rates and the wholesale power rates and will begin with a presentation of the studies and the basis for the proposed wholesale power and transmission rates by the Bonneville staff. Registration for the hearing will begin at 8:30 a.m. and the hearing will commence at 9 a.m. on March 2, 1981, in the Main Ballroom of the Masonic Temple, 1119 SW. Park Avenue, Portland, Oregon. The presentation of the staff case may continue into March 3 and 4, 1981. Clarifying questions will be permitted.

At the conclusion of the staff presentation, six hearings will be held at locations outside Portland, to present to the public and other interested persons a condensed form of the Bonneville staff case and to receive the views, opinions, and comments of the general public. The public's comments will be subject to cross-examination. Presentation of testimony and evidence from formal parties will not be allowed at these sessions. Registration for the hearings will be at 7 p.m., and the hearings will begin at 7:30 p.m. The dates and locations are: March 5, Parrish Middle School Auditorium, 802 Capitol Street NE., Salem, Oregon; March 9, Blackfoot Room, Village Red Lion, 100 Madison, Missoula, Montana; March 10, Training Office Auditorium, Boise Interagency Fire Center, 3905 Vista Avenue, Boise, Idaho; March 11, Federal Building, 3000 George Washington Way, Richland, Washington, and March 12, Snoqualmie Room, Seattle Center, 1st North and Republican Street, Seattle, Washington. Bonneville will hold a sixth hearing on Friday, March 13, from 1 p.m. to 4 p.m., in Room 15018 of the Golden Gate Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Bonneville expects that during the prehearing conference, hearing dates will be set for cross-examination of the Bonneville staff, for the presentation of the cases of formal parties, and for rebuttal and oral argument. A notice of the dates and times of such hearings will be mailed to all parties of record. In addition, the hearings may be continued for the presentation of other information which may affect significantly the Bonneville rate case, and for the taking of rebuttal testimony and cross examination regarding such new information. Written comments may be submitted until the close of the hearings. The last day for receipt of written comments will be specified in a later **Federal Register** Notice.

ADDRESSES: Written comments not submitted at the hearings should be submitted to the Public Involvement Coordinator, Bonnevill Power Administration, P.O. Box 12999, Portland, Oregon 97212. Written comments received by the close of the hearing will be made part of the record.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212; the telephone number is (503) 234-3361, ext. 4261. Bonneville maintains toll-free lines for the use of persons within the region. Oregon callers may use 1-800-452-8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1-800-547-6048. Messages and requests for information received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Additional information is also available from: Ronald H. Wilkerson, Spoken Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane,

Washington 99201, (509) 456–2518; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 755–6202; Ronald K. Rodewald, Wenatchee District Manager, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801, (509) 662–4377; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234–3361 ext. 4551; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345–0311; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442–4130; Roy Nishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, (509) 525–5500 ext. 701; Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523–2706.

SUPPLEMENTARY INFORMATION:

Bonneville Power Administration operates and maintains the Federal Columbia River Transmission System in order to: (a) Integrate and transmit the electric power from existing or additional Federal or non-Federal generating units; (b) provide service to the Bonneville customers; (c) provide interregional transmission facilities; or (d) maintain the electrical stability and electrical reliability of the Federal system. The FCRTS along with Federal generation and non-Federal generation marketed by Bonneville at wholesale to the region's utilities and other entities comprises the Federal Columbia River Power System (FCRPS). A repayment study and other supplemental studies of the FCRPS are used to determine the revenue necessary to recover the costs associated with the production, acquisition, conservation, and transmission of the electric power that Bonneville markets or transmits for customers, and to repay with interest the Federal investment in the transmission and generation facilities of the FCRPS as required by statute. The proposed transmission rates, plus the proposed wholesale power rates, are designed to produce the necessary total revenues. Rates must be set such that recovery of the cost of the transmission system is equitably allocated between Federal and non-Federal power utilizing the system. A cost-of-service analysis (COSA) is conducted to determine what portion of the total revenues should be recovered from the various classes of service, including non-Federal utilities utilizing the transmission system. Transmission rates are designed to recover the costs associated with the transmission of non-Federal power. Other objectives considered in the development of the proposed rates include conformance with legislative requirements, conformity to prudent utility practices, simplicity and ease of administration, rate continuity, the efficient development and use of regional transmission facilities, environmental impacts, and existing contract provisions. These rates have been prepared in accordance with Bonneville's statutory authority to develop rates, 16 U.S.C. 832, 837e, 838, and the Pacific Northwest Electric Power Planning and Conservation Act, (Pub. L. 96–501, 16 U.S.C. 839 et. seq., Regional Power Act or Regional Act).

On May 25, 1979, Bonneville published in the **Federal Register** a Notice of "Intent to Revise Transmission Rates; Request for Public Comment" (44 FR 30405). In response to such Notice, Bonneville received comments and recommendations from interested persons and customers. In addition, Bonneville held customer workshops in December 1980 which allowed customers and others the opportunity to comment upon various transmission rate matters. All comments were reviewed and considered in the development of the rates proposed in this Notice. Continued public involvement will be encouraged throughout the rate hearings.

In conjunction with the development of revised transmission rates, Bonneville is initiating a process to formulate a transmission service policy. The initial stages of the policy development process will coincide with the rate hearing process. Bonneville's announcement of its intent to formulate a transmission policy is being published in a separate Notice. The separate Notice seeks suggestions and recommendations on all aspects of transmission service policy.

I. *Rules of Procedure Governing Rate Adjustments and Public Participation.* Section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act provides for new procedures for encouraging the participation of the public in the development of Bonneville's rates. Since these procedures outlined in the Regional Power Act differ from Bonneville's published "Procedure for Public Participation in Marketing Policy Formulation" (45 FR 73531, November 5, 1980) and also differ from the procedure which governed the 1979 rate filing, Bonneville has prepared Rules of Procedure Governing Rate Adjustments (46 FR 11697, February 10, 1981) which are summarized herein and which Bonneville will use to develop both the wholesale power and transmission rates.

The Regional Power Act prescribes **Federal Register** Notice, one or more hearings, the opportunity to submit written views, data, questions, and arguments outside the hearings, a decision by the Administrator based on the record developed during the rate process, and transmission of the final rate proposal to FERC for confirmation and approval or to the Secretary of Energy.

The Procedures developed by Bonneville expand on these requirements. They provide for publication of Notice, a prehearing conference, hearings, receipt of written comments, preparation of decision documents, a decision, and the transmittal of the decision with supporting documentation to the Federal Energy Regulatory Commission (FERC) and to the Secretary of Energy.

The process begins with publication of a Notice, which may follow or be combined with a Notice of Intent and which includes the proposed rates, a listing of the research, studies, analyses, and other available information in support of the proposed rate, the deadline for claiming status as "party," and the beginning date for the hearings. This Notice satisfies that requirement.

The process provides further for a Prehearing Conference, if scheduled by the Hearing Officer. The Prehearing Conference for these proposed rates is scheduled for February 25, 1981, in the West Ballroom, Red Lion Lloyd Center, 1000 NE. Multnomah, Portland, Oregon. Issues which may be raised for discussion at the Prehearing Conference could include disputes concerning status as a party, the scope of cross-examination, hearing schedules, and other pertinent matters.

Registration for the hearings will begin at 8:30 a.m. and the hearings will commence at 9 a.m. on Monday, March 2, 1981, with a technically oriented presentation of the transmission and wholesale power rate proposals by the Bonneville rate staff. Clarifying questions will be permitted.

After the conclusion of the staff presentation, Bonneville will convene a series of hearings in locations outside Portland. The purpose of these hearings is to present to the public and to other interested persons a condensed form of the Bonneville staff case and to receive the comments, views, and opinions of the general public. The public's comments will be subject to cross-examination. Presentation of testimony and evidence from formal parties will not be allowed at these sessions.

Bonneville plans to hold five such hearings, which will be held at the times and locations and on the dates previously listed.

Bonneville will hold a sixth hearing on Friday, March 13, 1981, in San Francisco, California.

The conduct of the hearings will differ from the conduct of the Public Information and Comment Forums held during the 1979 rate process. However, the purpose of the hearings remains to develop a full and complete record and to receive public comment on the proposed rates.

Bonneville finds it necessary to distinguish between "participants" in and "parties" to the hearings. During the field hearings, Bonneville will receive comments, views, opinions, and information from "participants," who are defined in the procedures as interested persons who may express their views at a hearing but who may not cross-examine other witnesses, participate in prehearing conferences, or serve or be served with documents. This category of interest is being established to give the public the maximum opportunity to participate and have its views considered without assuming the obligations incumbent upon the "parties." The second category of interest is that of a "party." A party may be either a party of right because of its legal, contractual relationship with Bonneville, and hence, its direct interest, or it may be a person seeking to represent a significant and otherwise unrepresented public interest in the hearings. Parties may participate in prehearing conferences, may call and cross-examine witnesses, and are entitled to service of documents from all other parties. Parties may also be cross-examined and may be required to serve documents on the other parties. Cross-examination by parties may be limited by the Hearing Officer and is also limited by the requirement in the proposed procedures that parties of like interest cross-examine through one person. Participation by the parties will not occur at the field hearings but will occur later in the hearing process.

Bonneville expects that the field hearings will be followed by the cross-examination of the Bonneville staff, by the presentation of the cases of the other parties, and by opportunities for rebuttal and oral argument. The times and places will be established by the Hearing Officer at the Prehearing Conference and will be announced in a notice which will be mailed to all parties of record. In addition, Bonneville expects that the hearing will be continued to offer an opportunity for the receipt or development of additional information which may be valuable in the preparation of the Final Rate Proposal.

Persons need not attend the hearings in order to have their views included in the record. Written comments may be included in the record if they are submitted before the close of the hearings. Written views, data, questions, and arguments should be submitted to the Bonneville Public Involvement Coordinator. Material submitted for the record but outside the hearing sessions will not be subject to cross-examination.

The record will include the transcripts of the hearings, written material submitted by the customers and the public, documents developed by the Bonneville staff, and other material accepted into the record by the Hearing Officer. Based on the record as established, the staff will prepare an Evaluation of the Record which it will submit to the Hearing Officer. The evaluation will contain a summary of the major comments, criticisms, support, and alternatives offered to the proposed rate and a recommendation for their acceptance or rejection.

The Hearing Officer will then review the Record, will supplement it if necessary, and will certify the Official Record to the Administrator for decision.

The Administrator will develop the Final Proposed Rates based on the record certified by the Hearing Officer. The basis for the Final Proposed Rates will be supported by the Administrator's Record of Decision. The Administrator will serve copies of the Evaluation of the Record and the Administrator's Record of Decision upon all the parties and will file the Final Proposed Rates together with the Official Record with FERC for confirmation and approval. If FERC does not have final procedures in place for granting interim approval, Bonneville will also file the Final Proposed Rates and the Official Record with the Secretary of Energy.

II. *Other General Information.* Several of Bonneville's major contracts with utilities for transmission service allow rate adjustments not more frequently than once every 3 years; however, a negotiated change is being offered which reduces the rate adjustment period to 1 year. The current transmission rates were approved on an interim basis, subject to refund, on June 10, 1977. Therefore, under current contract provisions, new rates can become effective at any time after July 1, 1980. Under the Regional Power Act, FERC is given express interim approval authority. If FERC does not have interim approval procedures in place, the Secretary of Energy may continue to grant interim approval of rates to be effective through July 1, 1982. Bonneville anticipates filing the final transmission rate proposal with FERC on or about June 1, 1981. It is anticipated that Bonneville's new transmission rates will become effective on an interim basis on or about July 1, 1981. The final rate proposal will be developed after considering recommendations received from the public and may incorporate updated cost and revenue information. Therefore, the final rates filed with the FERC may differ from the current proposal.

The following major studies and other information used in the development of the proposed transmission rates will be available for review after February 24, 1981, at Bonneville Headquarters Building located at 1002 NE. Holladay Street, Portland, Oregon. The studies may also be requested by phone or in writing from Bonneville's Public Involvement Coordinator and will be available at the prehearing conference.

1. Cost-of-Service Analysis and Summary Version of Repayment Study.
2. Long-Run Incremental Cost Study.
3. Time-Differentiated Pricing Analysis.
4. Transmission Rate Design Study.
5. Environmental Determination.

III. *Proposed Rate Schedules and General Rate Schedule Provisions:* The current Formula Power Transmission Rate Schedule (FPT–1) reflects the provisions of numerous contractual agreements between Bonneville and its customers both in terms of the service provided and the rate form. The services provided under FPT–1 related contracts are typically specific as to points of delivery and integration, contract demand, determination of losses, and other matters. In addition, FPT–1 incldudes a variety of rate components specified by contract provisions. Such components include a distance for mileage charge and various terminal and facilities charges.

In light of the comments received from various parties, particularly Bonneville's transmission customers, Bonneville has reviewed the nature of the existing contractual agreements with respect to both service and rate form. While the transmission services and rate forms provided by Bonneville have in the past proven satisfactory in many respects, it has become apparent that alternative concepts may also be appropriate and desirable. Accordingly, Bonneville is proposing to offer a modification of previously employed transmission service provisions and rate forms so that a more uniform type of service will be available.

As the establishment or modification of transmission policy on a

comprehensive basis necessarily involves considerable consultation with existing and potential transmission customers and others. Bonneville is initiating a formal transmission policy development process. Bonneville's intent to initiate the policy development process is being announced by a separate Notice of Intent to Revise Transmission Policy. It is anticipated that in its first stages the transmission policy development process will coincide with the hearings on the proposed transmission rates. The comments received in the transmission rate hearings will be used in developing a proposed transmission policy. Following the development of a proposed transmission policy, separate public forums will be held and Bonneville will adopt a final transmission policy.

This rate proposal contains rate schedules which Bonneville intends to offer to customers along with an interim uniform type service. Bonneville anticipates that this interim service will prmit multiple network delivery points without additional charges, will not be restricted by direction of flow and will be coupled with a single uniform capacity rate. Furthermore, the contractual service provisions regarding loss determination are expected to be standardized, possibly on the basis of a uniform percentage of the energy transmitted. The modified service, uniform rate, and loss determination method will be available for all those transmission customers who elect to receive service under new interim contracts which include provisions consistent with the characteristics of the modified service, and which offer the opportunity to test a different rate methodology without long term commitment, during the time before development of the transmission policy. For each utility the interim contracts would include all firm transmission agreements, except Columbia Storage Power Exchange agreements and other agreements, if any, specified by Bonneville.

Accordingly, this transmission rate proposal includes two sets of rate schedules, Set A and Set B. The first set of schedules, Set A, consists of schedules designated FPT–2, ET–2 and UFT–2 which are similar in form to the currently effective rates and, therefore, are consistent with the rate provisions included in many existing contracts. The FPT–2 schedule does include provisions for partial-year service, a service which is not provided for under the existing FPT–1 rate schedule. In general, Set A rates will be applicable to the services provided under existing contracts. The second set of schedules, Set B, consists of two rate schedules designated IR–1 and IS–1 which involve networkwide transmission service and intertie transmission service, respectively. Each schedule employs a single uniform capacity rate. A transmission customer electing to retain the service, rate form, and loss determination provisions of existing contracts would utilize Set A rates. For those parties electing to avail themselves of the alternative transmission service and the standardized loss determination methodology offered by Bonneville under interim contracts for the period prior to the development of the transmission policy, Set B rates will be applicable along with the UFT–2 and ET–2 rate schedules for use-of-facilities arrangements and nonfirm energy transmission. So as to provide transmission customers with an opportunity to receive service under Set B rates without permanently terminating existing contracts and to provide a period for development of a long-range transmission policy, Set B service and rates will be available for a 1-year trial period after which time a customer can choose to return to Set A service and rates or opt for the service identified in the final transmission policy formulated during the 1-year trial period.

Set A Rates

Schedule FPT–2—Formula Power Transmission

Section 1. *Availability:* This schedule is available under Agreements which provide for firm transmission of electric power and energy using the Integrated Network Segment, and/or the PNW–PSW Intertie Segment. This schedule is for full-year and partial-year service and for either continuous service or intermittent service so long as a firm availability of service is required.

Section 2. *Rate:*

A. *Full-Year Service:* The monthly charge per kilowatt of Transmission Demand shall be one-twelfth of the sum of the Main Grid Charge, the Secondary System Charge and Intertie Charge, as applicable and as specified in the Agreement.

1. *Main Grid Charge:* The Main Grid Charge shall be the sum of one or more of the following factors as specified in the Agreement:

a. Main Grid Distance Factor—The amount computed by multiplying the Main Grid Distance by $0.0186 per mile;

b. Main Grid Integration Terminal Factor—$0.16;

c. Main Grid Miscellaneous Facilities Factor—$0.96;

d. Main Grid Terminal Factor—$0.16; and

e. Main Grid Delivery Terminal Factor—$0.34.

2. *Secondary System Charge.* The Secondary System Charge shall be the sum of one or more of the following factors associated with deliveries at 115 kV as specified in the Agreement:

a. Secondary Transformation Factor—$1.36;

b. Secondary System Integration Terminal Factor—$0.41;

c. Secondary System Distance Factor—The amount determined by multiplying the Secondary System Distance by $0.0762 per mile;

d. Secondary System Intermediate Terminal Factor—$0.41;

e. Secondary System Delivery Terminal Factor—$0.42.

3. *Intertie Charge*—for use of Intertie facilities—$3.27.

B. *Partial-Year Service:* The monthly charge per kilowatt of capacity shall be as specified in Section 2.A. for all months of the year except:

1. For unplanned firm service, such as emergency station service when a generating unit is down, the yearly charge shall be equal to one monthly charge as defined in Section 2.A. so long as the use during each year does not exceed 730 hours. If the use during each year exceeds 730 hours, the yearly charge shall be as specified in Section 2.A.

2. For agreements whose term is 5 years or less and which specify service for fewer than 12 months per year, the charge shall be:

a. during months for which service is specified, the monthly charge defined in Section 2.A., and

b. during other months, the monthly charge defined in Section 2.A. multiplied by 0.2.

Section 3. *Determination of Transmission Demand:* Unless otherwise stated in the agreement, the factor to be used in determining the kilowatts of Transmission Demand is the largest of:

A. the Transmission Demand specified in the Agreement;

B. the highest Measured or Scheduled Demand for the month; or

C. the highest Measured or Scheduled Demand during the previous 11 months.

Section 4. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions.

The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

Schedule ET–2—Energy Transmission

Section 1. *Availability:* This schedule is available for nonfirm transmission of non-Federal nonfirm electric energy using excess capacity of the FCRTS. This rate is not available for the transmission of energy that is used to meet firm obligations, nor for energy which cannot be interrupted.

Section 2. *Rates:* The charge for nonfirm transmission of non-Federal nonfirm electric energy shall be based on the following rates.

	Mills/kilowatt hours
1. Delivery Over Integrated Network	1.08
2. Delivery Over the PNW–PSW Intertie	1.28
3. Delivery Over PNW Intertie including use of PNW Transmission System	2.36

Section 3. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

Schedule UFT–2—Use-of-Facilities Transmission

Section 1. *Availability:* This schedule is available for the firm transmission of electric power and energy over specified FCRTS facilities installed or operated primarily for the benefit or convenience of a limited number of customers. This schedule is not appropriate for new agreements for service over the Integrated Network Segment, or the PNW–PSW Intertie Segment.

Section 2. *Rates:* The monthly charge per kilowatt of Transmission Demand specified in the Agreement shall be one-twelfth of the Annual Cost per kilowatt of Capacity of the specified facilities. Such Annual Cost shall be determined in accordance with Section 3.

Section 3. *Determination of Transmission Rate:*

A. From time to time, but not more often than once in each Contract Year, Bonneville shall determine the following data for the facilities which have been constructed or otherwise acquired by Bonneville and are used to transmit electric power and energy thereunder:

1. Capital cost of each such facility as specified in the most recently published plant investment records of Bonneville which are issued in support of the Federal Columbia River Power System financial statement.

2. Annual Interest and Amortization Ratios for each such facility using the most recent system average cost factors developed from actual Interest and Amortization costs for specific categories of FCRTS facilities and from data included in the financial statement.

3. Operation, maintenance, administrative and general, and general plant costs of such facilities using the most recent system average costs for specific categories of FCRTS facilities.

4. The yearly noncoincidental peak demands of all users of such facilities.

B. The monthly charge per kilowatt of Transmission Demand shall be one-twelfth of the sum of the Annual Cost per kilowatt of each of the FCRTS facilities used. The Annual Cost per kilowatt of each facility constructed or otherwise acquired by Bonneville shall be determined in accordance with the following formula:

$$(I \times R) + B/D$$

Where B = Operation, maintenance, administrative and general, and general plant cost of such facility as determined in A.3.

I = Capital cost of such facility as determined in A.1.

R = Annual Interest and Amortization Ratio for such facility as determined in A.2.

D = The sum of the yearly noncoincidental demands on the facility as determined in A.4.

The Annual Cost per kilowatt of facilities listed in the Agreement which are owned by another entity, and used by Bonneville for making deliveries to the Transferee, shall be determined from the costs specified in the Agreement between Bonneville and such other entity.

Section 4. *Determination of Transmission Demand:* Unless otherwise stated in the Agreement, the factor to be used in determining the kilowatts of Transmission Demand shall be the largest of:

A. The Transmission Demand specified in the Agreement;

B. The highest Measured or Scheduled Demand for the month, the Measured Demand being adjusted for power factor; or

C. The highest Measured or Scheduled Demand during the previous 11 months.

Section 5. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

Set B Rates

Schedule IR–1—Integration of Resources

Section 1. *Availability:* This schedule is available only to those utilities who agree to convert all their Firm Transmission Agreements, except Columbia Storage Power Exchange (CSPE) and other agreements, if any, specified by Bonneville, in order to comply with the integration transmission service.

Section 2. *Service:* All non-Federal electric power scheduled to be integrated by the Network Segment of the FCRTS receives a uniform Network-wide service which is not limited by characteristics of generation, transmission facilities expected to be used, or special historical services or limitations. Integrated power, less average losses, will be delivered for a uniform network demand rate to any approved Network Segment point of delivery.

Section 3. *Billing Determinant:* The Billing Determinant is derived from the retroactive reports of the hourly amounts of energy made available to Bonneville pursuant to the utility Agreements. The hourly reports are combined into a single schedule for each utility and the maximum hourly demand occurring during the peak daily period (7 a.m. to 10 p.m., Monday through Saturday) is the Billing Determinant for the billing month.

Section 4. *Rate:* The monthly charge per kilowatt (kW) of Billing Determinant is $0.457.

Section 5. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

Schedule IS–1—INTERTIE SERVICE

Section 1. *Availability:* This schedule is available for power integrated by the Integration Schedule and transmitted over the Pacific Northwest—Pacific Southwest Intertie. The Rate identified in Section 4 below is in addition to the Rate given in the Integration of Resource Schedule (IR–1).

Section 2. *Service:* Service under this schedule is limited by intertie capacity, transmission capacity outside the Area, and existing transmission agreements. Integrated power, less average losses, will be delivered to or from the Oregon-California or the Oregon-Nevada state line.

Section 3. *Billing Determinant:* The Billing Determinant is derived from the retroactive reports of the hourly amounts of energy made available to Bonneville pursuant to the utility agreements. The hourly reports are combined into a single schedule for each utility and the maximum hourly demand occurring during the monthly billing period is the Billing Determinant for the billing month.

Section 4. *Rate:* The monthly charge per kilowatt (kW) of Billing Determinant is $0.546.

Section 5. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

General Transmission Rate Schedule Provisions

1. *Interpretation.* The provisions in the Agreement to which these General Transmission Rate Schedule Provisions (GTRSP) are attached as an exhibit shall be part of these GTRSP for the purpose of determining the meaning of any provision contained herein. If a provision in such Agreement is in conflict with a provision contained herein, the former provision shall prevail.

2. *Bonneville Service Area.* The Bonneville Power Administration (Bonneville) shall operate and maintain the Federal Columbia River Transmission System (FCRTS) within the Pacific Northwest and shall construct such improvements, betterments, system additions and replacements within the Pacific Northwest as it determines are appropriate and required to:

a. integrate and transmit "electric power" from existing or additional Federal or non-Federal generating units;

b. provide service to the Bonneville wholesale power and wheeling customers;

c. provide interregional transmission facilities; or

d. maintain the electrical stability and electric reliability of the Federal Columbia River Power System.

3. *Availability of Transmission Service.* Any capacity in the FCRTS which Bonneville determines to be in excess of the capacity required to transmit Federal power will be made available to all utilities on a fair and nondiscriminatory basis by the application of schedules identified in the Schedule of Transmission Rates, dated 1981 or as subsequently revised.

4. *Billing Details.*

a. The Transmission Billing Determinant is the electric power quantified by the method specified in the Transmission Agreement or Transmission Rate Schedule. Scheduled power or metered power will be used.

b. Bills for transmission service will be computed and rendered monthly, generally on a calendar-month basis.

c. Bills not paid in full on or before the close of businesss of the twentieth day after the date of the bill shall bear an additional charge which is the greater of one-fourth percent (0.25%) of the amount unpaid or $50. Thereafter, a charge of one twentieth percent (0.05%) of the sum of the initial amount remaining unpaid and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full. The provisions of this paragraph do not apply to bills rendered under contracts with other agencies of the United States.

Remittances received by mail shall be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the twentieth day after the date of the bill. If the twentieth day after the date of the bill is a Sunday or other nonbusiness day of the customer, the following day is the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the twentieth day shall bear a postal department cancellation in order to avoid assessment of such further charges.

Bonneville may, whenever a transmission bill or a portion thereof remains unpaid subsequent to the twentieth day after the date of the bill, and after giving 30 days' advance notice in writing, cancel the Agreement, but such cancellation shall not affect the customer's liability for any charges accrued prior thereto.

If Bonneville is unable to render the customer a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill, if so issued, shall have the validity of, and shall be subject to, the same payment provisions as a final bill. Failure to receive a bill shall not release the customer from liability for payment. Billings under each rate schedule application are rounded to whole dollar amounts, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

d. For an initial operating period, not to exceed 3 months, beginning with the commencement of operation of a new generating plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, Bonneville may agree to modify the measured or scheduled demand established for that period, or make other adjustments which are determined to be appropriate.

e. The transmission customer shall furnish Bonneville necessary information for making any computation required for the purposes of determining the proper charges for the use of the FCRTS and shall cooperate with Bonneville in exchanging such additional information as may be reasonably useful for respective operations.

5. *Definitions.* Capitalized terms that are used in the Transmission Rate Schedules shall be as defined below, or, if not so defined, as defined in the Agreement.

a. *Agreement:* The transmission agreement to which this exhibit is attached.

b. *Connection Point:* Refers collectively to the following:

(1) Point of Integration (POI): Connection points where a non-Federal project is integrated with the FCRTS.

(2) Point of Delivery (POD): Connection points where power is delivered to a customer from the FCRTS. The power may be Federal or non-federal.

(3) Point of Exchange (POE): Connection points listed in an Exchange Agreement. Power may be delivered or received at POE without special accounting.

c. *Electric Power* (or simply Power if no confusion would result without a modifier of mechanical, chemical, or electrical): Electric peaking capacity (kW), or electric energy (kWh), or both.

d. *Firm Transmission Service:* Firm availability of transmission service for any power scheduled or otherwise made available, limited only by the amount and time period specified in the Agreement. Firm transmission service is supplied for all types of power, such as firm, nonfirm exchange, interruptible, or other.

e. *Main Grid:* That portion of the FCRTS with facilities rated 230 kV and higher, exclusive of the Intertie.

f. *Main Grid Delivery Terminal:* 230 kV Terminal Facilities associated with a Point of Delivery.

g. *Main Grid Distance:* The distance in airline miles on the Main Grid between the Point of Integration and the Point of Delivery, multiplied by 1.15.

h. *Main Grid Integration Terminal:* The Main Grid Terminal Facilities located at the Point of Integration.

i. *Main Grid Miscellaneous Facilities:* Switching, transformation and other backup facilities of the Main Grid required to integrate the Main Grid.

j. *Main Grid Terminal:* Terminal facilities on the Main Grid adjacent to the Secondary System.

k. *NonFirm Transmission Service:* Service for which Bonneville will accpet power only when it determines excess capacity is available. Once Bonneville accepts power for transmission service, the service provided is the same for firm and nonfirm transmission service.

l. *Secondary System:* That portion of the FCRTS facilities with operating voltage of 115 kV or 69 kV, exclusive of Main Grid facilities, Intertie facilities, and lower voltage (less than 69 kV) FCRTS facilities which may be used on a use-of-facility basis.

m. *Secondary System Delivery Terminal:* A Point of Delivery from a Main Grid substation at 115 kV or 69 kV, or a terminal located at a Point of Delivery from the Secondary System.

n. *Secondary System Distance:* The number of circuit miles of Secondary System transmission lines between the Main Grid and the Point of Delivery or the lower voltage FCRTS facilities which may be used on a use-of-facility basis, as specified in the Agreement.

o. *Secondary System Integration Terminal:* The first Terminal Facility in the Secondary System.

p. *Secondary System Intermediate Terminal:* The final Terminal Facilities in the Secondary System.

q. *Secondary Transformation:* Transformation from Main Grid to Secondary System facilities.

6. *General Provisions:* Transmission Rate Schedules and General Transmission Rate Schedule Provisions of the Bonneville Power Administration, effective July 1, 1981, supersede in their entirety Bonneville's Transmission Rate Schedules and General Transmission Rate Schedule Provisions effective June 10, 1977.

IV. *Major Concepts and Issues:* Bonneville has prepared several studies in the process of developing the transmission rates presented in this Notice. The following description of these studies and discussion of the issues considered in the rate development process will be divided into sections on repayment, cost of service, rate design, and other concerns.

a. *Repayment Study.* The Bonneville Project Act, the Transmission System Act and the Regional Power Act set out criteria which requires that Bonneville produce revenues sufficient to recover the cost of producing, acquiring, conserving, and transmitting the electric power that Bonneville markets, to recover the cost of transmitting power for other parties, and to repay with interest the Federal investment in transmission and generation facilities in the FCRPS. The repayment study projects estimated revenues and costs over the repayment period for the entire power system to determine if there will be enough revenue to cover all costs. The assumptions used in the repayment study are detailed in the Cost-of-Service Analysis. Passage of the Regional Power Act in December 1980 required Bonneville to make a supplementary analysis of the Regional Power Act costs which were not included in the original repayment study. The repayment study used to develop the final rate proposals will include all appropriate costs and revenues.

Interest and amortization costs for the FCRPS are identified in the repayment study and are properly considered when determining revenue level for all classes of service. The initial rate propoal is based on cost estimates and assumptions of the repayment study and COSA. If any of the estimated projections of loads, costs, or streamflow conditions are not accurate, Bonneville may experience revenue surpluses or shortages. Small temporary revenue shortages can be dealt with by deferring interest and amortization payments on appropriated funds and can be repaid in years with surplus revenue. Sound business principles dictate that this practice should only be a temporary means of satisfying cash shortages.

Due to higher than projected costs and reduced revenues, it is projected that by the close of fiscal year 1981 the accumulated deficit of unpaid annual obligations will be $151 million. Since any accrued deficiency in amortization must ultimately be repaid in order to satisfy Bonneville's statutory obligations, Bonneville is considering options both to cover the accumulated deficit and to avoid the continued deferment of forecasted amortization payments. These options may cause Bonneville's revenue requirement to increase beyond the level identified in the current proposal. Bonneville anticipates that this item will be considered in the preparation of cost data and development of policy for the final repayment studies supporting the final transmission and wholesale rate proposals.

Bonneville is soliciting comments from the public pertaining to the treatment of this accumulated deficit. Analysis of this problem is continuing in order to identify the optimal repayment method, but no recommendation has yet been made by Bonneville staff.

b. *Cost-of-Service Analysis (COSA).* The COSA, along with certain adjustments detailed in the Transmission Rate Design Study, is designed to determine the cost of providing service to various classes of customers and is used as a basis for evaluating the adequacy of the various power sales and transmission rates currently in effect. Thus, the COSA is used in demonstrating that the proposed rates will equitably recover transmission costs from Federal and non-Federal power utilizing the FCRTS.

1. *Test Year:* The COSA procedure begins with the selection of a test year and the determination of the investment and operating expenses involved in providing service in such test year. The COSA developed to support the initial transmission rate proposal and the initial 1981 wholesale power rate proposal uses a Fiscal Year (FY) 1982 test year. For the initial transmission rate proposal, the FY 1982 test year was selected, in part, because it is the period for which cost estimates are most easily derived. Furthermore, FY 1982 closely matches the initial 12-month period the rates are anticipated to be in effect. However, as several existing transmission agreements preclude rate increases more frequently than once every 3 years, it is anticipated that the proposed rates will be in effect through FY 1984 absent contract modifications to permit more frequent rate adjustments. Accordingly, the use of a FY 1983 test year and other alternative cost projection concepts are being

considered for use in developing the final transmission rate proposal.

2. *Functionalization:* In utility cost analyses, investment and operating costs are typically grouped by the functions the utility performs. For Bonneville these functions have been identified as generation, transmission, and metering and billing. A direction-of-effort study was performed to determine how certain facilities and operating expenses should be functionalized. To accomplish this, managers in each Bonneville organization identified both the percentage of staff effort expended on each of the three functions and the functional use of facilities. The application of the results of the direction of effort study to the test year cost estimates yields functionalized cost data.

3. *Classification:* Classification refers to the process by which costs are associated with either usage at the time of system peak (capacity), or total usage during a time period (energy). The approach that is commonly used to classify transmission costs is known as the fixed-variable method. Using this method, transmission costs are classified 100 percent to capacity based on the view that peak usage, not variable energy usage, determines the necessary transmission plant investment. In the COSA supporting this proposal, all transmission costs were classified to capacity.

Bonneville has considered utilizing the cost causation approach to classify transmission costs. This would result in some costs being classified to energy because certain investment decisions, principally those associated with conductor sizing and larger towers, are influenced by the desire to reduce losses and are affected by the volume of anticipated energy deliveries. Preliminary staff analysis indicates that some portion of the transmission system costs are related to energy deliveries. However, an acceptable methodology for the classification of transmission costs to energy has not been developed. Therefore, the traditional fixed-variable cost method of classifying transmission costs entirely to capacity was adopted for this COSA. Bonneville specifically invites suggestions for methodologies for classifying transmission costs.

4. *Segmentation:* Although Bonneville operates a regionwide transmission system, some segments of the FCRTS are not needed to provide service to certain classes of customers. To better assure an equitable allocation of the costs of the FCRTS among all classes of service, the FCRTS has been divided into seven segments so that the costs of each segment can be separately identified and allocated in relation to the service being provided. Portions of the costs of only two of the seven segments, integrated network and intertie, are allocated to transmission customers with adjustable rates. The seven transmission segments are: Integrated network, Pacific Northwest-Southwest intertie, generation integration, fringe area facilities, preference customer delivery facilities, direct-service industrial customer delivery facilities, and investor-owned utility delivery facilities.

5. *Allocation:* After transmission costs are functionalized, segmented, and classified, Bonneville uses the Monthly Peak Responsibility Method (12 CP) to allocate costs to each cutomer class. Bonneville has chosen the 12 CP method to allocate costs for various reasons including: (1) The 12 CP method recognizes diversity and the integrated nature of the transmission system, (2) the 12 CP method reflects the use of Bonneville's sytem to transmit energy throughout the year, and (3) Bonneville's firm transmission loads, power and transmission, are fairly uniform throughout the year.

The 12 CP allocation factors used in the COSA are calculated from the power flowing on the system according to contractual arrangements.

c. *Transmission Rate Design:* In the design of transmission rates there are various concepts and issues which affect all rates, plus concepts and issues which relate specifically to Set A and Set B rates. The general matters affecting all classes of service are discussed first. The matters related to each rate schedule are discussed separately. Because the proposed rates reflect the results of the COSA, the matters related to that study are pertinent to rate design, but the discussion of those issues will not be repeated in this section.

1. General Concepts and Issues: The revenues in excess of allocated costs associated with the Wholesale Nonfirm Energy Rate (NF–1) and Energy Transmission Rate (ET–2) are credited against the allocated costs of service derived in the COSA. The credit from the nonfirm energy rate has been functionalized between generation and transmission by identifying the transmission portion as being equal to the average cost per kilowatt-hour of transmitting energy for other power services (2 mills/kWh), times the estimated nonfirm energy sales. The transmission credit so derived has been divided among the segments in proportion to the segmentation of total transmission costs. The revenues in excess of costs associated with nonfirm energy have been credited both to generation and transmission because both types of facility are involved in providing the service and, therefore, the costs related to both should be credited. The revenues in excess of costs associated with nonfirm enrgy transmission have been credited entirely to transmission because only transmission facilities are used in providing the service. This credit has been segmented in the same manner as the transmission credit for nonfirm energy sales.

Bonneville provides transmission services to certain customers at rates which, by contract, cannot be changed. Because the FCRPS rates must collect revenues sufficient to recover all costs, including those related to contracts for which rates cannot be increased, any revenue deficiency must be assigned to other customers. Fixed rate transmission services include the transmission of Columbia Storage Power Exchange (CSPE) power. As CSPE arrangements benefit all power sales customers, the revenue deficiency is assigned to power sales customers. Another transmission service for which the rates are fixed involves power from Tacoma City Light's Mayfield-Mossyrock projects. The deficiency from this transaction is shared by all classes of service in proportion to the class transmission allocation factors.

Power and energy losses associated with the provision of transmission service have historically been treated by Bonneville as a contract matter. With the limited exception of the existing schedule for Energy Transmission (ET-1), Bonneville has not viewed loss provisions as an appropriate item to be included in rate schedules. While it is anticipated that Set B services and rates will include a respecification of contractual loss provisions, the rate schedules included in this proposal do not include loss provisions.

The criteria for undertaking investments in transmission facilities is multifaceted and complex. Bonneville does, however, construct and place some facilities in service which are needed in large part for future use, not for use in the initial period the facilities are on line. This practice regarding the timing of system additions is undertaken both to minimize the cost of system additions and for environmental reasons. Although such facilities certainly provide benefits to current users through increased system reliability and other benefits, the primary cause of such investment relates to future system conditions. Neither the COSA nor the Transmission

Rate Design Study attempts to isolate the costs related to transmission facilities needed for the future.

Another factor considered in the design of the alternative transmission service and rates has been the desirability of sharing the benefits and risks of the FCRTS with all customer groups. With Bonneville's extensive transmission system which is utilized by many parties, it is often difficult to associate benefits or risks of constructing and maintaining that system with specific entities and specific contractual arrangements. Therefore, a more comprehensive and less situation specific approach has been utilized in developing Set B rates and the related service concepts.

In keeping with the principles included in many contractual arrangements, both the COSA and the Transmission Rate Design Study treat the FCRTS as a system which is distinguishable from other Pacific Northwest transmission facilities in terms of both costs and loads. The analysis supporting this proposal does not attempt to treat total Pacific Northwest transmission system costs or loads, but rather deals only with the FCRTS. While the approach used in the proposal is consistent with frequently used ratemaking and contractual practices, Boneville has explored the merits of treating the entire Pacific Northwest transmission system as a unified whole for ratemaking purposes. Such an approach would result in all parties utilizing the combined Pacific Northwest transmission system, including Bonneville, being assessed a portion of the total system cost in proportion to both the load a party places on the total system and the investment each party has made in the total system. Bonneville is continuing to investigate this method of establishing proportional cost responsibility.

2. Specific Concepts and Issues:

Set A Rate Schedules. The rate schedules included in Set A are designed to reflect the form of the existing schedules because in many cases such rate form is prescribed by contract provisions. The form of the FPT–2 rate includes a distance or mileage component and various terminal charges. While the COSA is the basis for determining the class revenue requirement for FPT–2, and IR–1 and IS–1, the COSA cost allocation does not reflect the billing determinants used in FPT–2. Distance is not recognized in the COSA as a cost factor, nor does the COSA separately identify the costs and use of specific types of facilities. Therefore, it is necessary to undertake a three-part process to design FPT–2 rates. The first step involves the development of unit cost information for the facilities treated in the required rate components. The unit costs are derived by using facility cost data, unadjusted for revenues from nonfirm energy and energy transmission sales. System use is based on a power flow simulation of the projected peak load period for the test year. Such power flow simulation does not specifically relate to the 12 CP allocation factor load data used in the COSA. In addition, the unit costs do not conform precisely to the billing determinants ultimately used in FPT–2. The second step involves applying such unit costs to the class billing determinants to determine the revenues produced by such rates. For numerous reasons, including those noted above, the FPT–2 revenues produced by the unit cost approach do not coincide with the COSA-based revenue requirement. Thus the third step in the process involves constraining the FPT–2 rates produced by the unit cost approach to the COSA-based revenue requirement. The constraining of FPT–2 rates to produce the appropriate class revenue requirement has been accomplished by modifying all of the FPT–2 rate components by a uniform percentage (approximately 58 percent). The FPT–2 schedule makes provisions for partial-year service. The rate for partial-year service is the same as for full-year service during the months for which service is specified. During months in which service is not specified, the charge is 20 percent of the full-year rate.

Both Set A and Set B include a schedule for energy transmission (ET–2) and, as this class of service is not allocated costs in the COSA, it is necessary to determine the level of the rate by other means. The technique used to develop the ET–2 rate is to calculate the unit cost per monthly coincidential peak kilowatt for the network and intertie segments, by dividing the total COSA-derived costs for those segments, adjusted for nonfirm energy revenues, by the estimated monthly coincidental peak kilowatts. The ET–2 rate is calculated by applying the unit cost per kilowatt to the estimated load factor of the ET class.

An additional schedule included in both Set A and Set B is Use-of-Facilities Transmission (UFT–2). This schedule contains a cost formula rather than a specific rate. The UFT–2 schedule is a continuation of the previous schedule in terms of its applicability to identifiable facilities. One change being proposed for UFT–2 involves calculating operating costs based upon average operating costs for the particular category of facilities rather than estimating such costs as a percentage of investment costs. Another change is that the costs of the facility will be divided among the users of the facility based on each user's noncoincidential demands.

Concurrent with this rate filing, Bonneville is also planning to eliminate the Z-factor credit. The Z-factor credit is a reduction in the billing determinant (contract megawatts) for those FPT customers who are also Federal power customers. The credit is included in the contracts and not in the rate schedule. The Z-factor was orginally included in contracts to recognize the diversity between a customer's transmission demands and power demands. Concurrent with the 1976 Transmission Rate Filing, Bonneville indicated that the Z-factor would be phased out: a 50-percent reduction at that time, to be followed by a complete elimination in the next transmission rate filing. In the allocation of transmission costs between Federal and non-Federal customers, full recognition is given to economies resulting from diversity on the transmission system. No further recognition is needed, and continuation of the Z-factor would result in those customers receiving double credit for diversity.

Set B Rate Schedules. Unlike FPT–2, which is a continuation of the existing contractual arrangements regarding service characteristic, rate form, and loss provisions, the IR–1 schedule of Set B involves a change in service to a more flexible and comprehensive service. The IR–1 service is not related to specific facilities and contract demand amounts but rather to network-wide service and actual recognized use of the FCRTS. The COSA-derived revenue requirements, as adjusted, and the concepts used in the COSA are reflected in the design of the rates included in the IR–1 and IS–1 rate schedules. Therefore, the calculation of these rates does not require the additional steps needed in the computation of the rate components included in FPT–2. The IR–1 rate is calculated by dividing the $31,716 million COSA-adjusted revenue requirement for the class by the appropriate billing determinants (5788MW) to derive the charge of $0.457 per kilowatt month. Similarly, for IS–1, the $1.342 million class revenue requirement related to the intertie is divided by the billing determinants (205 MW) to yield a charge of $0.546 per kilowatt month.

The IR–1 rate has been time differentiated diurnally in a manner similar to the transmission component of certain revised wholesale power rates.

The IR–1 rate is only to be applied for service between 7 a.m. and 10 p.m., Monday through Saturday. The time differentiation of the IR–1 rate recognized that results of Bonneville's Time-Differentiated Pricing Analysis and Long-Run Incremental Cost Study indicating that investment in transmission facilities is not a function of offpeak period conditions.

3. *Optional Rate Schedule Concept.* The FPT–2 schedule and the combination of the IR–1 and IS–1 schedules are both designed to recover the revenue requirement allocated to the firm transmission class. Utilities will be able to choose whether to remain on the FPT–2 schedule or enter into interim contracts incorporating the concepts included in the IR–1 schedule. It is anticipated that this process will result in a revenue deficiency, as utilities may choose the rate schedule which will yield the lower total charge for transmission service. Based on the assumption that minimizing their transmission charge would be the sole criterion, the deficiency would amount to approximately $3.8 million. However, no adjustments are being made to the initial proposal to eliminate this deficiency because of uncertainties concerning which utilities will switch to the IR–1 schedule. These uncertainties result from the expectation that both the services offered and the treatment of losses will likely be different in the IR–1 schedule and these differences may be more important criteria than transmission charges. Bonneville expects to investigate these concerns more and as a result of that investigation may include an adjustment for a projected revenue deficiency in the Final Proposal.

For the final proposal, Bonneville is considering a division of the firm transmission class based upon a best estimate of which utilities will switch to the IR–1 schedule. An allocation of costs between the rate subclasses would be made according to COSA allocation factors. The IR–1 and FPT–2 schedules would be developed to recover the allocated costs. Because the IR–1 billing determinants track the COSA allocation factors more closely than the FPT–2 billing determinates, it is expected that the final FPT–2 rate would absorb most of the deficiency caused by customers choosing to minimize transmission costs.

d. *Other Issues:* Bonneville has examined the environmental impacts of the proposed transmission rate increase and determined that this action does not require completion of an environmental assessment or an environmental impact statement. This determination was reached because the proposed increase in rates is less than the general rate of inflation since the last transmission rate increase, because the increase in transmission rates will not have any measurable impact on retail power charges, and because the increase in rates is not expected to be signifcant enough to warrant construction of parallel transmission facilities by Bonneville's transmission customers.

The impact of the proposed rates varies by customer and firm transmission schedule selected. For those customers electing to retain existing transmission contracts, the percentage increase in revenues from the FPT–2 schedules compared with the FPT–1 schedules varies from 34 to 116 percent with the average increase being 49 percent. The variation in the percentage change in revenues derivded from the IR–1 rate schedule compared with the FPT–1 rates ranges from a 25-percent decrease to a 350-percent increase with the average change being a 49-percent increase.

Bonneville has conducted a Long-Run Incremental Cost (LRIC) study to determine the incremental costs Bonneville is incurring to serve additions to peak loads, and a Time-Differentiated Pricing Analysis (TDPA) to determine how load and temperature affect the relative loading of the transmission system diurnally and seasonally. The results of these two studies have been incorporated into the design of the IR–1 rate.

Dated: February 10, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81–5372 Filed 2–13–81; 11:00 am]

BILLING CODE 6450–01–M

Proposed Wholesale Power Rate Adjustment, Public Hearings, and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy.

ACTION: Notice of Proposed Wholesale Power Rate Adjustment, Notice of Public Hearings, and Opportunities for Review and Comment.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Power Act or Act) enacted on December 5, 1980, expanded Bonneville's obligation to serve the electric load requirements of both the publicly-owned and investor-owned utilities of the Pacific Northwest Region and Bonneville's direct service industrial customers. The Act expands Bonneville's responsibilities and has made differences in the process and substance of Bonneville's rate development activities. The Regional Power Act confirms Bonneville's obligation to establish and periodically revise Bonneville's rates so that they are adequate to recover, in accordance with sound business principles, the costs associated with the production, acquisition, and transmission of electric power and to recover the Federal investment in the Federal Columbia River Power System (FCRPS).

Prior to December 5, 1980, Bonneville had determined an increase was needed in its existing wholesale power rates charged for electricity produced, acquired, and transmitted by Bonneville. At that time, revenues under existing rates for Fiscal Year (FY) 1982 were estimated to be $631.1 million. Considering both the increase in revenues that was necessary under the existing rate schedules, and the revenues from the additional power sales and power exchanges that will take place in FY 1982 as a result of the Act, Bonneville's total revenue requirement in FY 1982 is approximately $1.5 billion.

Bonneville is proposing to revise both its wholesale power and transmission rate schedules in order to produce sufficient revenues to fulfill its new statutory requirements. The proposed transmission rates are being published separately. The proposed wholesale power rates are presented in this Notice. Section 7 of the Regional Power Act directs the establishment of these rates to be applicable to all power sales provided for in the Act.

Opportunities will be available for interested persons to review the proposed rates and the supporting studies, to participate in hearings, and to submit written comments. During the development of the final rate proposal, Bonneville will evaluate all written and oral comments received in this process. Because of the consideration of public comments, or due to more current data, the final rate proposal may differ from the rates proposed in this Notice.

DATES: Persons wishing to become a formal "party" to the proceedings must notify Bonneville in writing of their intention to do so. The notification must be received by February 24, 1981, and should be addressed as follows: Hon. Dean F. Ratzman, Hearing Officer, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Power and Transmission customers of Bonneville are parties of right. Others may become parties by demonstrating in their notice and at the Prehearing

Conference that they would represent a significant and otherwise unrepresented public interest. The notice should contain: (1) The name of the person or entity claiming status as a party; (2) the person who will be representing the party; (3) whether the person or entity claiming status as a party has a contractual relationship with Bonneville which could be affected by the proposed rates; and (4) if no contractual interest exists, the interest the person believes would be served by their being a party. All timely applications will be ruled upon by the Hearing Officer.

Pursuant to the rate procedures, a Prehearing Conference will be held before the Hearing Officer at 9 a.m. on February 25, 1981, in the West Ballroom, Red Lion Lloyd Center, 1000 NE. Multnomah, Portland, Oregon.

The rate hearings will cover the transmission rates and the wholesale power rates and will begin with a technically oriented presentation of Bonneville's proposed wholesale power and transmission rates. Registration for the hearing will begin at 8:30 a.m. and the hearing will commence at 9 a.m. on March 2, 1981, in the Main Ballroom of the Masonic Temple, 1119 SW. Park Avenue, Portland, Oregon. The presentation of the staff case may continue into March 3 and 4, 1981. Clarifying questions will be permitted. Following the technical meetings, hearings will be held at locations outside Portland to present to the public a condensed form of the Bonneville staff case and to receive comments from the general public. The public's comments will be subject to cross-examination. Presentation of testimony and evidence from formal parties will not be allowed at these sessions. Registration for the hearings will be at 7 p.m., and the hearings will begin at 7:30 p.m. The dates and locations are: March 5, Parrish Middle School Auditorium, 802 Capitol Street NE., Salem, Oregon; March 9, Blackfoot Room, Village Red Lion, 100 Madison, Missoula, Montana; March 10, Training Office Auditorium, Boise Interagency Fire Center, 3905 Vista Avenue, Boise, Idaho; March 11, Federal Building, 3000 George Washington Way, Richland, Washington; and March 12, Snoqualmie Room, Seattle Center, 1st North and Republican Street, Seattle, Washington. Bonneville will hold a sixth hearing outside Portland on March 13, from 1 p.m. to 4 p.m., in Room 15018 of the Golden Gate Federal Building, 450 Golden Gate Avenue, San Francisco, California.

It is expected that during the Prehearing Conference, hearing dates will be set for cross-examination of the Bonneville rate staff, for the presentation of the cases of formal parties, and for rebuttal and oral argument. A notice of the dates and times of such hearings will be mailed to all parties of record. The hearing period may be continued for the presentation of other information which may affect significantly the Bonneville rate case, and for the taking of rebuttal testimony and cross examination regarding such information. Written comments may be submitted until the close of the hearings. The last day for receipt of written comments will be specified in a later Notice.

ADDRESSES: Written comments not submitted at the hearings should be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Written comments submitted by the close of the hearing will be made part of the record.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212; (503) 234–3361, ext. 4261. Bonneville maintains toll-free lines for the use of persons within the region. Oregon callers may use 1–800–452–8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1–800–547–6048. Messages and requests for information received outside of normal business hours (4:30 p.m. to 7:30 a.m.) may be recorded on the toll-free lines. Additional information is available from: Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, (509) 456–2518; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 755–6202; Ronald K. Rodewald, Wenatchee District Manager, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801, (509) 662–4377; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234–3361 ext. 4551; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345–0311; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442–4130; Roy Nishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, (509) 525–5500, ext. 701; Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523–2706.

SUPPLEMENTARY INFORMATION: On June 12, 1980, Bonneville published in the **Federal Register** a "Notice of Intent to develop Revised Wholesale Power Rates" (45 FR 34885). In May 1980, Bonneville announced at its customer meetings that preliminary studies indicated a 50-percent increase in Bonneville's overall revenue level was necessary, such increase to be effective July 1, 1981. The 50-percent estimate was board on a repayment study of the Federal Columbia River Power System (FCRPS). The repayment study tested the adequacy of revenues under existing rate schedules to meet Bonneville's obligations to recover the cost of producing and transmitting electric power and to repay with interest the Federal investment in the FCRPS as required by statute. At that time the repayment study was made, it was intended that wholesale power rates proposed by this Notice when combined with the transmission rates concurrently proposed, would be adequate to produce the necessary increase in the total revenues. However, passage of the Regional Power Act provided Bonneville with additional statutory obligations, along with a complete set of directives concerning the determination of the rates to be applied in carryng out its new, as well as existing, statutory obligations. Thus, it became necessary to propose revise rates that would not only recover Bonneville's revenue requirement as it was determined prior to the Act, but would also allow for the implementation of the various rate-related provisions of the Act.

There has not been sufficient time to completely redesign the process for development of the proposed rates to conform totally with the directives of the Act. Bonneville has not rerun the repayment study which indicated the need for a 50-percent revenue increase. Instead, the additional revenue requirement for FY 82 which is projected to occur as a result of Bonneville's increased responsibilities and obligations under the Act are identified and allocated to the appropriate customer classes in the Cost-of-Service Analysis. A repayment study will be run for use in development of the final rate proposal which will include consideration of all of Bonneville's obligations to recover costs and to repay with interest the Federal investment in the FCRPS.

The discussion of the major studies in Section IV.A. of this Notice indicates what portions of the studies will require revision, as a result of the Act before they can be used in the development of the final proposed rates. Every attempt

has been made in the preparation of this initial set of porposed rates to approximate the absolute and relative level of the various rates as they will appear in the final proposal. Bonneville has developed the proposed rates under a considerable time constraint. The agency believes that the requirements of the new law have been met and that the numerical calculations supporting the proposed rates will gain acceptance as additional time has been devoted to the study and explanation of the rates.

The proposed wholesale power rates have been prepared in accordance with Bonneville's statutory authority to develop rates, including the Bonneville Project Act of 1937, as amended, 16 U.S.C. 832e and f; 835j, k, and l; the Regional Preference Act, 16 U.S.C. 837d; the Federal Columbia River Transmission Act, 16 U.S.C. 838g and h, and the recently enacted Pacific Northwest Electric Power Planning and Conservation Act of 1980, Pub. L. 96-501, 16 U.S.C. 839 et. seq.

During the development of the repayment study and other studies, consideration was given to the comments and recommendations received from Bonneville's customers and the public in response to Bonneville's Notice of Intent.

In developing the proposed wholesale power rates, Bonneville considered revenue requirements, costs of service, marginal costs, conservation, environmental impacts, ease of administration, stability, continuty, value of service, ease of comprehension, and statutory obligations. The major studies which are prepared and which support the proposed wholesale rates will be available for examination on February 24, 1981, at the office of Bonneville's Public Involvement Coordinator, Bonneville Headquarters Building, 1002 NE. Holladay Street, Portland, Oregon. The studies may also be requested by phone or in writing from Bonneville's Public Involvement Coordinator and will be available at the Prehearing Conference. The studies are:

1. Cost-of-Service Analysis and Summary Version of Repayment Study.
2. Long-Run Incremental Cost Analysis
3. Time-Differential Pricing Analysis
4. Summary Rate Design Study

The environmental impacts of the proposed rates have alos been considered and documented in an Environmental Assessment which will be available for examination at the same location.

I. Rules of Procedures Governing Rate Adjustments and Public Participation

Section 7(i) of the Regional Power Act provides for new procedures for encouraging the participation of the public in the development of Bonneville's rates. Since these procedures outlined in the Act differ from Bonneville's published "Procedure for Public Participation in Marketing Policy Formulation" (45 FR 73531 November 5, 1980) and likewise differ from the procedure which governed the 1979 rate filing, Bonneville has prepared Rules of Procedure Governing Rate Adjustments (46 FR 11697 February 10, 1981) which are summarized herein and which Bonneville will use to develop both the wholesale power and transmission rates.

The Act prescribes a Federal Register notice, one or more hearings, the opportunity to submit written views, data, questions, and arguments outside the hearings, and a decision by the Administrator based on the record developed during the rate process.

Bonneville's procedures proposed by Bonneville expand on these requirements. They provide for publication of a Notice, a prehearing conference, hearings, receipt of written comments, preparation of decision documents, a decision, and the transmittal of the decision with supporting documentation to the Federal Energy Regulatory Commission (FERC) and the Secretary of Energy.

The process begins with publication of a Notice, which may follow or be combined with a Notice of Intent and which includes the proposed rates, and discussion of the research, studies, analyses, and other available information in support of the proposed rates, the deadline for claiming status as a "party," and the beginning date for the hearing. This Notice satisfies that requirement.

The procedure provides further for a Prehearing Conference if scheduled by the Hearing Officer. Pursuant to the rate procedures, a Prehearing Conference will be held before the Hearing Officer at 9 a.m. on February 25, 1981, in the West Ballroom, Red Lion Lloyd Center, 1000 NE. Multnomah, Portland, Oregon.

Issues which may be raised for discussion at the Prehearing Conference could include disputes concerning status as a party, the scope of cross-examination, hearing schedules, and other pertinent matters.

Registration for the hearing will begin at 8:30 a.m. and the hearings will commence at 9 a.m. on Monday, March 2, 1981, with a technically oriented presentation of the transmission and wholesale power rate proposals by Bonneville staff.

After the conclusion of the technical presentation, Bonneville will convene a series of hearings in locations outside Portland. The purpose of these hearings is to present to the public and to other interested persons a condensed form of the Bonneville staff case and to receive the comments, views, and opinions of the general public. The public's comments will be subject to cross-examination. Presentation of testimony and evidence from formal parties will not be allowed at these sessions. Bonneville plans to hold hearings at the times and locations previously listed.

The conduct of the hearings will differ from the conduct of the Public Information and Comment Forums held during the 1979 rate process. However, the purpose of the hearings remains to develop a full and complete record and to receive public comment on the proposed rates.

Bonneville finds it necessary to distinguish between "participants" in and "parties" to the hearings. During the field hearings, Bonneville will receive comments, views, opinions and information from "participants," who are defined in the proposed procedures as interested persons who may express their views at a hearing but who may not cross-examine other witnesses, participate in prehearing conferences, or serve or be served with documents. This category of interest is being established to give the public the maximum opportunity to participate and have its views considered without assuming the obligations incumbent upon the "parties."

The second category of interest is that of a "party." A party may be either a party of right because of its legal and/or contractual relationship with Bonneville, and hence, its direct interest, or it may be a person seeking to represent a significant and otherwise unrepresented public interest in the hearings. Parties may participate in prehearing conferences, may call and cross-examine witnesses, and are entitled to service of documents from all other parties. Parties may also be cross-examined and may be required to serve documents on the other parties. Cross-examination by parties may be limited by the Hearing Officer and is also limited by the requirement in the proposed procedures that parties of like interest cross-examine through one person.

Bonneville expects that the field hearings will be followed by the cross-examination of the Bonneville staff, by the presentation of the cases of the other parties, and by opportunities for rebuttal

and oral argument. The times and places will be established by the Hearing Officer at the prehearing conference and will be announced in a subsequent Notice that will be mailed to all parties of record. In addition, Bonneville expects that the hearing will be continued to offer an opportunity for the receipt and/or development of additional information which may be valuable in the preparation of the final rate proposal.

Persons need not attend the hearings in order to have their views included in the record. Written comments may be included in the record if they are submitted before the close of the hearings. Written views, data, questions, and arguments should be submitted to Bonneville's Public Involvement Coordinator.

The record will include the transcripts of the hearings, written material submitted by the customers and the public, documents developed by the Bonneville staff, and other material accepted into the record by the Hearing Officer. Based on the record as established, the staff will prepare an Evaluation of the Record which it will submit to the Hearing Officer. The evaluation will contain a summary of the major comments, criticism, support, and alternatives offered to the proposed rate and a recommendation for their acceptance or rejection.

The Hearing Officer will then review the Record, will supplement it if necessary, and will certify the Official Record to the Administrator for decision.

The Administrator will develop the final proposed rates based on the record certified by the Hearing Officer. The basis for the final proposed rates will be supported by the Administrator's Record of Decision. The Administrator will serve copies of the Evaluation of the Record and the Administrator's Record of Decision upon all the parties and will file the final proposed rates together with the Official Record with the FERC for confirmation and approval. If the FERC does not have final procedures in place for granting interim approval, the Administrator will also file the final proposed rates and the Official Record with the Secretary of Energy.

II. Elements of the Regional Power Act

The rate schedules contained in this publication are the first proposed in accordance with the new Act, which was signed into law on December 5, 1980. Prior to the Act, Bonneville allocated costs of resources from a single block, the FCRPS, and designed rates to recover those costs from limited classes of customers. Now, there are two additional distinct blocks of resource costs, and Bonneville's services extend to all classes of customers within the Pacific Northwest. Accordingly, the new rate schedules reflect many features contained principally in the Act's rate directives (Section 7), as well as the conditions related to classes of customers and services contained in the Act's power sales directives (Section 5).

Most importantly, the Act places on Bonneville a responsibility to all the electric power consumers in the Region. While protecting the historical preference and priorities of public bodies and cooperatives, there is a responsibility to provide, through time, parity in wholesale power costs to all residential and small farm consumers; to share the burdens, risks and benefits of meeting the load growth requirements of all requesting utilities; to provide a positive inducement to individual utilities to accept the considerable burdens of achieving conservation and developing generating resources; to accept the risks and costs of meeting the entire Region's present power supply deficits; and to provide access for all Bonneville's regional firm loads to the reserves provided by rights to restrict deliveries to industrial customers served directly by Bonneville.

A. *Services.*

The Act affirms that Bonneville's public body, cooperative, and Federal agency customers have a protected right to the full resources of the Federal Columbia River Power System. These customers will be able to have their current and future requirements met by Bonneville. In addition, the residential and small farm consumers of investor-owned utilities (IOU's) will receive the benefits of Bonneville's lowest cost resources and eventually will have wholesale power costs equivalent to those paid by similar consumers of preference customers.

The investor-owned utilities' net firm power requirements in the Region (in excess of their own firm resources in the year prior to the Act) can also be served by Bonneville if the utility seeks such service. These loads would be served at a different rate as described below, but would retain the benefits of system integration, reserves, risk sharing and nonfirm energy supplies.

Bonneville's existing direct-service industrial customers will receive new 20-year contracts for less than firm power. This will include significant rights of restriction in addition to those under existing contracts. These rights provide the Region with a major portion of the planning and operating reserves that help to keep costs lower to all of the Region's consumers.

B. *Costs.*

The Act identifies three distinct resource pools, commonly referred to as the Federal base system resources, the exchange resources under Section 5(c) of the Act, and new resources.

The first pool is comprised of Federal base system resources which the Act defines as (1) the FCRPS hydroelectric projects (present and future); (2) the resources acquired by the Administrator under long-term contracts in force on the effective date of the Act, and (3) the resources acquired as necessary to replace any reductions in capability of the components of (1) and (2). For the test year 1982, the Federal base system consists of the existing hydroelectric system, 30 percent of the output of the Trojan nuclear plant, portions of the power from the nuclear reactor at Hanford, and sufficient additional short-term purchased resources to make up for the lack of the Washington Public Power Supply System Projects 1 and 2 to the extent necessary to meet the Administrator's contractual obligations as of the date of the Regional Power Act. These are the same resources that would have been available to the Administrator to meet these firm power obligations prior to the Act. Therefore, the costs of these resources assigned to the customers paying them do not differ because of the Act.

The second resource pool consists of the power which Bonneville purchases from utilities, primarily IOU's, for the direct benefit of their residential and small farm consumers. The amounts of power purchased are a percentage of the residential and small farm loads of the individual utility beginning, with 60 percent in July 1981 and increasing by 10 percentage points annually. The Administrator is directed to acquire the power at the offering utility's average system cost for that year. The average system cost will be determined annually using a methodology currently being developed by Bonneville in consultation with its customers and state regulatory bodies in the Region and the Council established pursuant to Section 4 of the Act. (This methodology will be subject to review and approval by FERC). Bonneville must then sell an equivalent amount of power to the utility at the same rate that is in effect for sales of firm power to Bonneville's public body, cooperative, and Federal agency customers. The benefits of this "exchange" are to be passed through to the participating utility's residential loads within that State.

The third resource pool is the "new resource" pool. It will include all new resources developed, purchased, or otherwise acquired by Bonneville to

meet the load growth of investor-owned utilities plus any of thier firm power deficit in the year prior to December 5, 1980, which they ask Bonneville to meet. This pool also includes resources acquired to meet the new large load (Section 3(B) of the Act) requirements of Bonneville's public body, cooperative, or Federal agency customers. This pool will reflect the operational and cost advantages of blending the new resources with the secondary capability reserves of the existing Federal system. In addition, it should reflect the benefits of undertaking cost-effective conservation and of lower financing costs associated with spreading the risks of new resource development throughout the Region.

C. *Rates.*

The costs of the various resource pools described above plus the other costs incurred by the Administrator must be recovered in a manner described in Section 7 of the Act, including the provisions of other applicable law.

Section 7(b) directs the Administrator to establish rate or rates for power sold to meet the general requirements of the public body, cooperative, and Federal agency customers within the Region as well as power sold to participating utilities (Section 5(c)) for their residential and small farm consumers. Presently, the sum of these loads is less than the Federal base system (FBS) resources—the lowest cost block which Bonneville has available. In the future, as these loads exceed the FBS resources, the next lowest cost block of resources will be used for determining rates to these customers. In short, the preference customers and the residential and small farm consumers of participating utilities are assured of always receiving the lowest wholesale power cost from Bonneville. Moreover, the Act provides a specific rate test to assure, in general, that the preference customers will not pay more for wholesale power than they would have in the absence of the Act.

Rates for the direct-service industrial customers (DSI's) of Bonneville are governed by Section 7(c) of the Act. Before July 1, 1985, the rates to the DSI's are to be set at a level to recover the cost of the resources required to meet their loads including the net cost of the exchange provided under Section 5(c) of the Act. The DSI's yield their supplies of FBS resources associated with their service prior to the Act and replace it with supplies from the exchange purchases. In FY 1982 the exchange is limited to 60 percent of the IOU's residential and small farm loads in order to retain some FBS resources for the DSI's. Thus, for FY 1982, the DSI rate will recover costs which Bonneville pays for power from the utilities participating in the Section 5(c) exchange, as well as that portion of the FBS resources remaining to meet DSI load. The DSI's are, in effect, bearing the cost of the rate relief provided by the Act to the residential and small farm customers of the IOU's. A portion (approximately 25 percent) of the DSI load is supplied by nonfirm resources under average water conditions. The overall DSI rate reflects the costs of this service, plus a price which Bonneville would otherwise have received for this power. The rates to the DSI's will be adjusted pursuant to Section 7(c)(3) of the Act in recognition of the value of the planning and operating reserves through restriction rights on delivery of power to meet their loads.

Section 7(f) of the Act directs the establishment of rate or rates that will be charged for all other firm power sales made by the Administrator within the Region. Loads served under these rates may be the load growth or firm deficits on the IOU systems which Bonneville is obligated to serve under the Act if requested to do so by the individual IOU's. Section 7(f) rates also apply to service to preference customer's new large single loads as defined in the Act and which are excluded from service under the 7(b) rate. In designing the rates for test year 1982, all of the FBS resources and the exchange resources are identified as serving the loads provided for under Sections 7(b) and 7(c) of the Act. Therefore, the remaining new resource pool will be used to serve the load growth and large new single loads provided for in Section 7(f).

One significant service not treated in the rate directives of the Act is Bonneville's use and sale of nonfirm energy. Bonneville plans its long-term recovery of revenues on the basis of average water conditions. It also allocates few costs to the provision of those services. Consequently, the manner in which nonfirm energy is used, the rate that is set and the distribution of these revenues in excess of costs can have significant impacts upon the various classes of service. The revenues earned by sales of nonfirm energy goes, in general, to reduce the cost of firm power from the resources that produced, or contributed to the revenues. However, the cost reduction benefit of directly using the nonfirm energy rather than (and in displacement of) short-term purchases and higher incremental cost resources is a cost savings attributable to the cost pools containing these high cost resources. (Federal base system and new resource pools). The Bonneville proposal essentially provides that the preference customers and the residential and small farm consumers of participating utilities continue to receive those revenue benefits from nonfirm sales that are attributable to the Federal base system resources (including the revenue benefits from the direct use and displacement of these resources). In general, Bonneville will pursue nonfirm marketing policies which will provide benefits to all the consumers of the Pacific Northwest.

This extensive introduction to the Rate Proposal is made because Bonneville is well aware that its initial formulations of rate structures required to refect new and complex requirements will benefit from careful review and constructive comments. Bonneville requests its customers, State agencies, and the general public to consider the rate proposals in terms of their broad purposes and to provide recommendations that would improve upon our Region's ability to cooopeatively achieve those purposes.

III. Proposed Rate Schedules and General Rate Schedule Provisions

Schedule PF–1—Priority Firm Power Rate.

Section 1. *Availability:* This schedule is available for the purchase of firm power to be used within the Pacific Northwest for resale or for direct consumption by public bodies, cooperatives, Federal agencies, and investor-owned utilities participating in the exchange under section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act. This schedule supersedes schedule EC–8 which went into effect on an interim basis on December 20, 1979, for public body, cooperative, and Federal agency customers.

Section 2. *Rate:*

a. *Demand Charge:*

(1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $3.10 per kilowatt of billing demand.

(2) For the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.27 per kilowatt of billing demand.

(3) All other hours: No demand charge.

b. *Energy Charge:*

(1) For the billing months September through March: 5.9 mills per kilowatthour of billing energy.

(2) For the billing months April through August: 5.4 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the

billing for power purchased under this rate schedule are as follows:

a. For any purchaser not designated to purchase under subsection 3b, 3c, or 3d:

(1) The contract demand as specified in the contract;

(2) The measured demand for the billing month adjusted for power factor;

(3) The measured energy for the billing month.

b. For any purchaser designated by Bonneville to purchase on a computed demand basis because of such purchaser's potential ability either to sell generation from its resources in such a manner as to increase Bonneville's obligation to deliver firm power to such purchaser in an amount in excess of Bonneville's obligation prior to such sale, or to redistribute the generation from its resources over time in such a manner as to cause losses of power or revenue on the Federal System; provided, however, that when a purchaser operates two or more separate systems, only those systems designated by Bonneville will be covered by this subsection:

(1) The peak computed demand for the billing month;

(2) The average energy computed demand for the billing month;

(3) 60 percent of the highest peak computed demand during the previous 11 billing months;

(4) 60 percent of the highest average energy computed demand for the previous 11 billing months;

(5) The measured demand for the billing month adjusted for power factor;

(6) The measured energy for the billing month;

(7) The contract demand as specified in an agreement between a purchaser and Bonneville for a specified period of time.

c. For any purchaser contractually limited to an allocation of capacity and/or energy as determined by Bonneville pursuant to the terms of a purchaser's power sales contract:

(1) The allocated demand for the billing month, as specified in the contract;

(2) The measured demand for the billing month adjusted for power factor;

(3) The allocated energy for the billing month, as specified in the contract;

(4) The measured energy for the billing month.

d. For any purchaser participating in the exchange under section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act:

(1) The scheduled demand for the billing month;

(2) The scheduled energy for the billing month.

Section 4. *Determination of Billing Demand and Billing Energy:*

a. For a purchaser governed by subsection 3a:

(1) The billing demand for the month shall be factor 3a(1) or 3a(2), as specified in the purchaser's power sales contract, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2): *Provided, however,* That billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) The billing energy for the month shall be factor 3a(3) except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing energy shall be factor 3c(4): *Provided, however,* That factor 3c(4) shall not exceed factor 3c(3).

b. For a purchaser governed by subsection 3b:

(1) The billing demand for the month shall be the largest of factors 3b(3), 3b(4), and 3b(5), or 3b(7) if applicable. Factor 3b(5), before adjustment for power factor, shall not exceed the largest of factors 3b(1), 3b(2), or 3b(7) if applicable, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2): *Provided, however,* That billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) The billing energy for the month shall be factor 3b(6) except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing energy shall be factor 3c(4): *Provided, however,* That factor 3c(4) shall not exceed factor 3c(3). Factor 3b(6) shall not exceed factor 3b(2) times the number of hours during such month.

c. For purchaser governed by subsection 3d:

(1) The billing demand for the month shall be factor 3d(1).

(2) The billing energy for the month shall be factor 3d(2).

Section 5. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *At-Site Power:* At-site power purchased for consumption by a purchaser shall be used within 15 miles of the powerplant specified in the power sales contract. At least 90-percent of any at-site power purchased for resale shall be used within 15 miles of the specified powerplant.

The monthly demand charge for at-site firm power will be the monthly demand charge for priority firm power reduced by $0.257 per kilowatt of billing demand.

At-site priority firm power is made available only for those utility customers purchasing at-site firm power under existing contracts. At-site priority firm power may be purchased by such utility customers under new contracts only until a date certain specified in such new contracts. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by Bonneville. This use-of-facilities charge shall be in addition to the charge determined by the application of section 2 of the Rate Scehdule as reduced by the provisions of this subsection.

c. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected

in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

d. *Low-Density Discount:* A predetermined discount will be applied each month of a calendar year to the charges for power purchased under contracts to be signed between Bonneville and its customers. The amount of such discount will depend on the ratio of the total annual energy requirements of the purchaser's electric operations during the preceding calendar year to the purchaser's depreciated investment in electric plant in service (excluding generating plant) at the end of such year, or the purchaser's ratio of residential consumers per mile of line. This discount shall be:

(1) Seven percent if such ratio is less than 15 kilowatthours per dollar of net investment or if the number of consumers per mile of line is two or less.

(2) Five percent if such ratio is equal to or greater than 15 and less than 25 kilowatthours per dollar of net investment, or if the number of consumers per mile of line is four or less.

(3) Three percent if such ratio is equal to or greater than 25 and less than 35 kilowatthours per dollar of net investment, or if the number of consumers per mile of line is six or less.

Section 6. *Unauthorized Increase:* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from Bonneville) that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which Bonneville delivers during such month pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.13 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule IP–1—Wholesale Power Rate for Industrial Firm Power.

Section 1. *Availability:* This schedule is available for the purchase of industrial firm power and/or authorized increase on a contract demand basis and for additional power requested by the purchaser and made available as authorized increase by Bonneville on an intermittent basis. This rate schedule supersedes schedule IF–2 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Demand Charge:*

1. For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $3.10 per kilowatt of billing demand.

2. For the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.27 per kilowatt of billing demand.

3. All other hours: No demand charge.

b. *Energy Charge:*

1. For the billing months September through March: 5.9 mills per kilowatthour of billing energy. Effective October 1, 1981, the following charge shall be added to the energy charge of 5.9 mills per kilowatthour to cover costs incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act: [In mills per kilowatthour of billing energy].

$14.575\ (X) \pm 2{,}196{,}000/410{,}300$

Where X = Annual cost in thousands of dollars incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

2. For the billing months April through August: 5.4 mills per kilowatthour of billing energy. Effective October 1, 1981, the following charge shall be added to the energy of 5.4 mills per kilowatthour to cover costs incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act: [In mills per kilowatthour of billing energy].

$7.920\ (X) \pm 1{,}243{,}000/265{,}300$

where X = Annual cost in thousands of dollars incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. Contract demand;

b. Curtailed demand;

c. Restricted demand;

d. Measured energy.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demands for industrial firm power and authorized increase, respectively, and for additional power requested by the purchaser and made available by Bonneville as authorized increase on an intermittent basis will be the lowest of the respective contract demand, curtailed demand, or restricted demand after each such demand is adjusted for power factor. The billing energy associated with each of the respective billing demands will be the measured energy distributed proportionately among the respective demands for each hour each such demand is applicable during the billing month.

Section 5. *Adjustments:*

a. *Value of Reserves:* An adjustment for the value of the reserves provided by purchasers of industrial firm power shall be:

(1) $1.18 per kilowatt of billing demand.

(2) 1.2 mills per kilowatthour of billing energy. The adjustment shall be applied to the same billing factors which are used to determine the billing for power purchased under this rate schedule.

b. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the appropriate demand (operating, curtailed, or restricted) for each month by 1-percent for 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by

Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

c. *At-Site Power:* At-site industrial firm power shall be used within 15 miles of the powerplant.

The monthly demand charge for at-site industrial firm power will be the monthly demand charge for industrial firm power reduced by $0.257 per kilowatt of billing demand.

At-site industrial firm power is made available only for those industrial customers purchasing at-site industrial firm power under existing contracts. At-site industrial firm power may be purchased by such industrial customers under new contracts only until a date certain specified in such new contracts. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by Bonneville. The use of facilities charge shall be in addition to the charge determined by application of section 2 of the Rate Schedule as reduced by the provisions of this subsection.

d. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

Section 6. *Unauthorized Increase:* Any amount by which any 60-minute clock-hour integrated demand exceeds that sum of the billing demand for such hour before adjustment for power factor, plus any applicable scheduled demands which the purchaser acquires through other contracts for such hour will be assessed a charge of $0.13 per kilowatthour.

Section 7. *Special Conditions—Advance of Energy:* Bonneville may elect to advance energy under terms and conditions of the purchaser's power sale contract.

Section 8. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

Schedule MP-1—Wholesale power rate for modified firm power.

Section 1. *Availability:* This schedule is available for the purchase of modified firm power on a contract basis for direct consumption by existing direct-service industrial customers until existing contracts terminate. This schedule is also available for the purchase of authorized increase power on a contract demand basis.

This rate schedule supersedes schedule MF-2 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Demand Charge:*

1. For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $3.10 per kilowatt of billing demand.

2. For the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.27 per kilowatt of billing demand.

3. All other hours: No demand charge.

b. *Energy Charge:*

1. For the billing months September through March: 5.9 mills per kilowatthour of billing energy. Effective October 1, 1981, the following charge shall be added to the energy charge of 5.9 mills per kilowatthour to cover costs incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act: (in mills per kilowatthour of billing energy).

$$14.575\,(X) - 2{,}196{,}000/410{,}300$$

where X = Annual cost in thousands of dollars incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

2. For the billing months April through August: 5.4 mills per kilowatthour of billing energy. Effective October 1, 1981, the following charge shall be added to the energy charge of 5.4 mills per kilowatthour to cover costs incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act: (in mills per kilowatthour of billing energy).

$$7.920\,(X) - 1{,}243{,}000/265{,}300$$

where X = Annual cost in thousands of dollars incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchases under this rate schedule are as follows:

a. Contract demand;
b. Curtailed demand;
c. Restricted demand;
d. Measured energy.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demand for modified firm power and authorized increase, respectively, will be the lowest of the respective contract demand, curtailed demand, or restricted demand after each such demand is adjusted for power factor. The billing energy associated with each of the respective billing demands will be the measured energy distributed proportionately among the respective demands for each hour each such demand is applicable during the billing month.

Section 5. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or power sales contract, may be made by increasing the appropriate demand (contract, curtailed, or restricted) for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville, may, if necessary to maintain acceptable operating conditions on the Federal

System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *At-Site Power:* At-site modified firm power shall be used within 15 miles of the powerplant.

The monthly demand charge for at-site modified firm power will be the monthly demand charge for modified firm power reduced by $0.257 per kilowatt of billing demand.

At-site modified firm power will be made available under existing contracts, providing for at-site modified firm power at a Federal hydroelectric generating plant or at a point adjacent thereto, and at a voltage, all as designated by Bonneville. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by Bonneville. This use of facilities charge shall be in addition to the charge determined by application of section 2 of the Rate Schedule as reduced by the provisions of this subsection.

c. *Streamflow Condition:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

Section 6. *Unauthorized Increase:* Any amounts by which any 60-minute clock-hour integrated demand exceeds the sum of the billing demand for such hour (before adjustment for power factor) plus any applicable schedule demands which the purchaser acquires through other contracts for such hour will be assessed a charge of $0.13 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule CF–1—Wholesale firm capacity rate.

Section 1. *Availability:* This schedule is available for the purchase of firm capacity without energy on a contract demand basis for supply during a contract year of 12 months, or during a contract season of 5 months, June 1 through October 31. This schedule supersedes schedule F–7 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Contact Year Service:* $32.22 per kilowatt per year of contract demand.

b. *Contract Season Service:* $15.00 per kilowatt per season of contract demand.

c. The capacity rate specified in subsections a. and b. above shall be increased by $0.425 per kilowattmonth of billing demand for each hour that the purchaser's monthly demand duration exceeds six (6) hours. The purchaser's demand duration for the month shall be determined by dividing the kilowatthours supplied under this rate schedule to a purchaser on the day of maximum kilowatthour use between the hours of 7 a.m. and 10 p.m., excluding Sundays, by the purchaser's contract demand effective for such month. If, however, Bonneville does not require the delivery of peaking replacement energy by the purchaser during certain periods, the additional charge above will not be made for such periods.

Section 3. *Special Factors:* The billing demand will be the contract demand.

Section 4. *Special Provision:* Contracts for the purchase of firm capacity under this schedule will include provisions for replacement by the purchaser of energy accompanying the delivery of such capacity.

Section 5. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Booneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

Schedule CE–1—Emergency capacity rate.

Section 1. *Availability:* This schedule is available for purchase of emergency capacity requested by a purchaser when Bonneville determines that an emergency condition exists on the purchaser's system and it has capacity available for such purpose. This schedule supersedes schedule F-8 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:* $0.71 per kilowatt of demand per calendar week or portion thereof. For deliveries over the Pacific Northwest-Pacific Southwest intertie, made available for the account of a purchaser at the Oregon-California or the Oregon-Nevada border, the charge will be increased by $0.20 per kilowatt per week. Bills will be rendered monthly.

Section 3. *Billing Factors:* The billing demand will be the maximum amount requested by the purchaser and made available by Bonneville during a calendar week, provided that if Bonneville is unable to meet subsequent requests by a purchaser for delivery at the demand previously established during such week, such billing demand for such week shall be the lower demand which Bonneville is able to supply.

Section 4. *Special Provision:* Energy delivered with such capacity shall be returned to Bonneville within 7 days of the date of delivery at times and rates of delivery agreed to by the purchaser and Bonneville prior to delivery. Bonneville may agree to accept delay of return energy beyond 7 days if it so agrees prior to the delivery of capacity.

Section 5. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule NR–1—New resource firm power rate.

Section 1. *Availability:* This schedule is available for the purchase of firm power for resale or for direct consumption by purchasers other than direct-service industrial purchasers who purchase power under rate Schedules I–1 or M–1.

Section 2. *Rate:*

a. *Demand Charge:*

(1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $3.10 per kilowatt of billing demand.

(2) For the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.27 per kilowatt of billing demand.

(3) All other hours: No demand charge.

b. *Energy Charge:*

(1) For the billing months September through March: 21.6 mills per kilowatthour of billing energy.

(2) For the billing months April through August: 17.9 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. For any purchaser not designated to purchase under subsection 3b or 3c:

(1) The contract demand as specified in the contract;

(2) The measured demand for the billing month adjusted for power factor;

(3) The measured energy for the billing month.

b. For any purchaser designated by Bonneville to purchase on a computed demand basis because of such purchaser's potential ability either to sell generation from its resources in such a manner as to increase Bonneville's obligation to deliver firm power to such purchaser in an amount in excess of Bonneville's obligation prior to such sale, or to redistribute the generation from its resources over time in such a manner as to cause losses of power or revenue on the Federal System; provided, however, that when a purchaser operates two or more separate systems, only those systems designated by Bonneville will be covered by this subsection:

(1) The peak computed demand for the billing month;

(2) The average energy computed demand for the billing month;

(3) 60 percent of the highest peak computed demand during the previous 11 billing months;

(4) 60 percent of the highest average energy computed demand for the previous 11 billing months;

(5) The measured demand for the billing month adjusted for power factor;

(6) The measured energy for the billing month;

(7) The contract demand as specified in an agreement between a purchaser and Bonneville for a specified period of time.

c. For any purchaser contractually limited to an allocation of capacity and/or energy as determined by Bonneville pursuant to the terms of a purchaser's power sales contract:

(1) The allocated demand for the billing month, as specified in the contract;

(2) The measured demand for the billing month adjusted for power factor;

(3) The allocated energy for the billing month, as specified in the contract;

(4) The measured energy for the billing month.

Section 4. *Determination of Billing Demand and Billing Energy:*

a. For a purchaser governed by subsection 3a:

(1) The billing demand for the month shall be factor 3a(1) or 3a(2), as specified in the purchaser's power sales contract, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2): *Provided, however,* That billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) The billing energy for the month shall be factor 3a(3) except that at such time as Bonneville determines that the limitation in section 3c necessary, the billing energy shall be factor 3c(4), provided, however, that factor 3c(4) shall not exceed factor 3c(3).

b. For a purchaser governed by subsection 3b:

(1) The billing demand for the month shall be the largest of factors 3b(3), 3b(4), and 3b(5), or 3b(7) if applicable. Factor 3b(5), before adjustment for power factor, shall not exceed the largest of factors 3b(1), 3b(2), or 3b(7) if applicable, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2): *Provided, however,* That billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) The billing energy for the month shall be factor 3b(6) except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing energy shall be factor 3c(4): *Provided, however,* That factor 3c(4) shall not exceed factor 3c(3). Factor 3b(6) shall not exceed factor 3b(2) times the number of hours during such month.

Section 5. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

Section 6. *Unauthorized Increase:* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from Bonneville) that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which bonneville delivers during such month

pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.13 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule NF–1—Wholesale nonfirm energy rate.

Section 1. *Availability:* This schedule is available for the purchase of nonfirm energy both inside and outside the Pacific Northwest. This schedule is also available for energy delivered for emergency use under the conditions set forth in section 5.1 of the General Rate Schedule Provisions. This schedule is not available for the purchase of energy which Bonneville has a firm obligation to supply. This schedule supersedes schedule H–6 which went into effect on an interim basis on December 20, 1979.

Section 2. Rate:

a. *Nonfirm Energy Rate:* The rate shall be the average cost of transmission which is 2.0 mills per kilowatthour, plus one of the following:

1. The diurnally differentiated average cost of power from hydroelectric facilities, which is 4.5 mills per kilowatthour during the period Monday through Saturday, 7 a.m. through 10 p.m.; and 3.0 mills per kilowatthour for all other hours of the year.

2. The cost of a powr purchase in mills per kilowatthour incurred since the preceding July 31, or the last time that all FCRPS reservoirs were substantially full.

3. Bonneville's cost of other resources in mills per kilowatthour operated since the preceding July 31, or the last time that all FCRPS reservoirs were substantially full, or

4. A weighted average in mills per kilowatthour based on costs from the preceding categories. As an amount of energy associated with any given power purchase or resource is used to derive a charge for a sale of an equivalent amount of nonfirm energy, that purchase or resource cost will no longer be used to determine the rate for subsequent sales.

b. Contract Rate: For contracts which refer to this schedule for determining the value of energy, the rate is 9.5 mills per kilowatthour.

Section 3. *Delivery:* Bonneville shall determine the availability of energy hereunder and the rate of delivery thereof.

Section 4. *General Provisions:* Sales of energy under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

Schedule RP–1—Reserve power rate.

Section 1. *Availability:* This schedule is available for the purchase of:

a. Firm power to meet a purchaser's unanticipated load growth as provided in a purchaser's power sales contract;

b. Power for which Bonneville determines no other rate schedule is applicable; or

c. Power to serve a purchaser's firm power loads in circumstances where Bonneville does not have a power sales contract in force with such purchaser, and Bonneville determines that this rate should be applicable. This rate schedule supersedes schedule EC–9 which went into effect on an iterim basis on December 20, 1979.

Section 2. Rate:

a. *Demand Charge:*

(1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $18.55 per kilowatt of billing demand.

(2) For the billing months June through November, Monday through Saturday, 7 a.m. throught 10 p.m.: $5.15 per kilowatt of billing demand.

(3) All other hours: No demand charge.

b. *Energy Charge:* 42.8 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. The contract demand as specified in the contract;

b. The measured demand;

c. The contract amount of energy for the month;

d. The measured energy for the month.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demand and billing energy shall be determined as provided in a purchaser's power sales contract. If Bonneville does not have a power sales contract in force with a purchaser, the billing demand and billing energy shall be the measured demand adjusted for power factor and measured energy.

Section 5. *Unauthorized Increase.* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from Bonneville) that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which Bonneville delivers during such month pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.13 per kilowatthour.

Section 6. *Adjustments.*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically

otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule FE–1—Wholesale firm energy rate.

Section 1. *Availability:* This schedule is available for contract purchase of firm energy, to be delivered for the uses, in the amounts, and during the periods or periods specified in such contract. This schedule supersedes schedule J–2 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:* 9.4 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The contract energy is the billing factor.

Section 4. *Determination of Billing Energy:* The billing energy shall be determined as provided in the purchaser's power sales contract.

Section 5. *Delivery:* Delivery of energy under this rate schedule is assured during the contract period. However, Bonneville may interrupt the delivery of firm energy hereunder, in whole or in part, at any time that Bonneville determines that Bonneville is unable because of system operating conditions, including lack of generation or transmission capacity, to effect such delivery.

Section 6. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the contract energy delivered for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to the purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder for the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapporved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

SECTION 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

General Rate Schedule Provisions

SECTION 1.1 *Priority and New Resource Firm Power:* Priority and new resource firm power is electric power which Bonneville will make continuously available to a purchaser to meet its net firm load requirements within the Pacific Northwest except when restricted because the operation of generation or transmission facilities used by Bonneville to service such purchaser is suspended, interrupted, interfered with, curtailed, or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract. Such restriction of priority and new resource firm power shall not be made unitl industrial firm power has been restricted in accordance with section 1.4 and until modified firm power has been restricted in accordance with section 1.2.

SECTION 1.2. *Modified Firm Power:* Modified firm power is electirc power which Bonneville will make continuously available to a purchaser on a contract demand basis subject to: (a) The restriction applicable to priority and new resource firm power, and (b) the following:

When a restriction is made necessary because the operation of generation or transmission facilities used by Bonneville to serve such purchaser and one or more priority and new resource firm power purchasers, is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract Bonneville shall restrict such purchaser's contract demand for modified firm power to the extent necessary to prevent, if possible, or miminize restriction of any priority and new resource firm power: *provided, however,* That:

(1) Such restriction of modified firm power shall not exceed at any time 25-percent of the contract demand therefore, and

(2) The accumulation of such restrictions of modified firm power during any calendar year, expressed in Kilowatthours, shall not exceed 500 times the contract demand therefor. When possible, restrictions of modified firm power will be made ratably with restrictions of industrial firm power based on the proportion that the respective contract demands bear to one another. The extent of such restrictions shall be limited for modified firm power by this subsection and for industrial firm power by the Restriction of Deliveries Section of the General Contract Provisions of the contract.

SECTION 1.3. *Firm Capacity:* Firm capacity is capacity which Bonneville assures will be available to a purchaser on a contract demand basis except when operation of generation or transmission facilities used Bonneville to serve purchaser is suspended, interrupted, interfered with, curtailed, or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract.

SECTION 1.4. *Industrial Firm Power:* Industrial firm power is electric power which Bonneville will make continuously available to a purchaser on a contract demand basis subject to: (a) The restriction applicable to priority and new resource firm power, and (b) the following:

(1) The restrictions given in the Restriction of Deliveries Section of the General Contract provisions of the contract.

(2) When a restriction is made necessary because of the operation of generation or transmission facilities used by Bonneville to serve such purchaser and one or more priority and new resource firm power purchasers is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Force or Continuity of Service Sections of the General Contract Provisions of the contract, Bonneville shall restrict such purchaser's contract demand for industrial firm power to the extent necessary to prevent, if possible, or minimize restriction of priority and new resource firm power. When possible, restrictions of industrial firm power will be made ratably with restrictions of modified firm power based on the proportion that the respective contract demands bear to one another. The extent of such restrictions shall be limited for modified firm power by section 1.2(b) of these General Rate Schedule Provisions and for industrial firm power by the Restrictions of Deliveries Section of the General Contract Provisions of the contract.

SECTION 1.5. *Authorized Increase:* An authorized increase is an amount of electric power specified in the contract in excess of the contract demand for priority firm power, new resource firm power, modified firm power, or industrial firm power that Bonneville may be able to make available to the purchaser upon its request. The purchaser shall make such request in writing stating the amount of increase requested, the purpose for which it will be used, and the period for which it is needed. Such request shall be made prior to the first calendar month beginning such specified period. Bonneville will then determine whether such increase can be made available, but it shall retain the right to restrict the delivery of such increase if it determines at any subsequent time that such increase will no longer be available.

The purchaser may curtail an authorized increase, in whole or in part, at the end of any billing month within the period such authorized increase is to be made available.

Section 1.6. *Firm Energy:* Firm energy is energy which Bonneville assures will be available to a purchaser during the period or periods specified in the contract and when the operation of the Government's facilities used to serve the purchaser are suspended, interrupted, interfered with, curtailed, or restricted by the occurrence of any condition described in the uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract.

SECTION 2.1. *Contract Demand:* The contract demand shall be the number of kilowatts that the purchaser agrees to purchase and Bonneville agrees to make available. Bonneville may agree to make deliveries at a rate in excess of the contract demand at the request of the purchaser (authorized increase), but shall not be obligated to continue such excess deliveries.

SECTION 2.2. *Measured Demand:* Except where deliveries are scheduled as hereinafter provided, the measured demand in kilowatts shall be the largest of the 60-minute clock-hour integrated demands at which electric energy is delivered to a purchaser at each point of delivery during each time peirod specified in the applicable rate schedule during any billing period. Such largest 60-minute integrated demand shall be determined in section 3.2 herein. Bonneville, in determining the measured demand, will exclude any abnormal 60-minute integrated demands due to or resulting from (a) emergencies or breakdowns on, or maintenance of, the Federal System facilities, and (b) emergencies on the purchaser's facilities, provided that such facilities have been adequately maintained and prudently operated as determined by Bonneville. For those contracts to which Bonneville is a party and which provide for delivery of more than one class of electric power to the purchaser at any point of delivery, the portion of each 60-minute integrated demand assigned to any class of power shall be determined as specified in the contract. The portion of the total measured demand so assigned shall consitute the measured demand for each such class of power.

If the flow of electric energy to a purchaser's system through two or more points of delivery cannot be adequately controlled because such points are interconnected within the purchaser's system, or the purchaser's system is interconnected directly or indirectly with the Federal System, the purchaser's measured demand for each class of power for such system for any billing period shall be the largest of the hourly amounts of such class of power which are scheduled for delivery to the purchaser during each time period specified in the applicable rate schedule.

SECTION 2.3. *Peak Computed Demand and Energy Computed Demand:* The purchaser's peak computed demand for each billing month shall be the largest amount during such month by which the purchaser's 60-minute system demand exceeds its assured peaking capability.

The purchaser's average energy computed demand for each billing month shall be the amount during such month by which the purchaser's actual system average load exceeds its assured average energy capability.

a. *General Principles:*

(1) The assured peaking and average energy capability of each of the purchaser's systems shall be determined and applied separately.

(2) As used in this section, "year" shall mean the 12-month period commencing July 1.

(3) The critical period is that period, determined for the purchaser's system under adverse streamflow conditions adjusted for current water uses, assured storage operation, and appropriate operating agreements, during which the purchaser would have the maximum requirement for peaking or energy after utilizing the firm capability of all resources available to its system in such a manner as to place the least

requirement for capacity and energy on Bonneville.

(4) Critical water conditions are those conditions of streamflow based on historical records, adjusted for current water uses, assured storage operation, and appropriate operating agreements, for the year or years which would result in the minimum capability of the purchaser's firm resources during the critical period.

(5) Prior to the beginning of each year the purchaser shall determine the assured capability of each of the purchaser's systems in terms of peaking and average energy for each month of each year or year within the critical period. The firm capability of all resources available to the purchaser's system shall be utilized in such a manner as to place the least requirement for capacity and energy on Bonneville. Such assured capability shall be effective after review and approval by Bonneville.

(6) The purchaser's assured energy capability shall be determined by shaping its firm resources to its firm load in a manner which places a uniform requirement on Bonneville within each year of the critical period with such requirement increasing each year not in excess of the purchaser's annual load growth.

(7) As used herein, the capability of a firm resource shall include only that portion of the total capability of such resource which the purchaser can deliver on a firm basis to its load. The capabilities of all generating facilities which are claimed as part of the purchaser's assured capability shall be determined by test or other substantiating data acceptable to Bonneville. Bonneville may require verification of the capabilities of any or all of the purchaser's generating facilities. Such verification will not be required more often than once each year for operating plants, or more often than once each third year for thermal plants in cold standby status, if Bonneville determines that adequate annual preventive maintenance is performed and the plant is capable of operating at its claimed capability.

(8) In determining assured capability, the aggregate capability of the purchaser's firm resources shall be appropriately reduced to provide adequate reserves.

b. *Determination of Assured Capability:* The purchaser's assured peaking and energy capabilities shall be the respective sums of the capabilities of its hydroelectric generating plants based on the most critical water conditions on the purchaser's system, the capabilities of its thermal generating plants based on the adverse fuel or other conditions reasonably to be anticipated; and the firm capabilities of other resources made available under contracts prior to the beginning of the year, after deduction of adequate reserves. Assured capabilities shall be determined for each month if the purchaser has seasonal storage. The capabilities of the purchaser's firm resources shall be determined as follows:

(1) *Hydroelectric Generating Facilities:* The capability of each of the purchaser's hydroelectric generating plants shall be determined in terms of both peaking and average energy using critical water conditions. The average energy capability shall be that capability which would be available under the storage operation necessary to produce the claimed peaking capability.

Seasonal storage shall mean storage sufficient to regulate all the purchaser's hydroelectric resources in such a manner that when combined with the purchaser's thermal generating facilities, if any, and with firm capacity and energy available to the purchaser under contracts, a uniform energy computed demand for a period of one (1) month or more would result.

A purchaser having seasonal storage shall, within 10 days after the end of each month in the critical period, notify Bonneville in writing of the assured energy capability to be applied tentatively to the preceding month; such notice shall also specify the purchaser's best estimate of its average system energy load for such month. If such notice is not submitted, or is submitted later than 10 days after the end of the month to which it applies, subject to the limitations stated herein, the assured energy capability determined for such month prior to the beginning of the year shall be applied to such month and may not be changed thereafter.

If notice has been submitted pursuant to the preceding paragraph, the purchaser shall, within 30 days after the end of the month, submit final specification of the assured energy capability to be applied to the preceding month: *Provided,* That the assured energy capability so specified shall not differ from the amount shown in the original notice by more than the amount by which the purchaser's actual average system energy load for such month differs from the estimate of that load shown in the original notice. If the assured energy capability for such month differs from that determined prior to the beginning of the year for such month, the purchaser, if required by Bonneville, shall demonstrate by a suitable regulation study based on critical water conditions that such change could actually be accomplished, and that the remaining balance of its total critical period assured energy capability could be developed without adversely affecting the firm capability of other purchaser's resources. The algebraic sum of all such changes in the purchaser's assured energy capability shall be zero at the end of the critical period or year, whichever is earlier. Appropriate adjustments in the assured peaking capability shall be made if required by any change in reservoir operation indicated by such revisions in the monthly distribution of critical period energy capability.

(2) *Thermal Generating Facilities:* The capability of each of the purchaser's thermal generating plants shall be determined in terms of both peaking and average energy. Such capabilities shall be based on the adverse fuel or other conditions reasonably to be anticipated. The effect of limitations on fuel supply due to war or other extraordinary situations will be evaluated at the time of occurrence.

(3) *Other Sources of Power:* The assured capability of other resources available to the purchaser on a firm basis under contracts shall be determined prior to each year in terms of both peaking and average energy.

c. *Determination of Computed Demand:* The purchaser's computed demand for each billing month shall be the greater of:

(1) The largest amount during such month by which the purchaser's actual 60-minute system demand, excluding any loads otherwise provided for in the contract, exceeds its assured peaking capability for such month, or period within such month, or

(2) The largest amount for such month, or period within such month, by which the purchaser's actual system average energy load, excluding the average energy loads otherwise provided for in the contract, exceeds its assured average energy capability.

The use of computed demands as one of the alternatives in determining billing demand is intended to assure that each purchaser who purchases power from Bonneville to supplement its own firm resources will purchase amounts of power substantially equivalent to the additional capacity and energy which the purchaser would otherwise have to provide on the basis of normal and prudent operations, viz, sufficient capacity and energy to carry the load through the most critical water or other conditions reasonably to be anticipated, with an adequate reserve.

Since the computed demand depends on the relationship of capability of resources to system requirements, the

computed demand for any month cannot be determined until after the end of the month. As each purchaser must estimate its own load, and is in the best position to follow its development from day to day, it will be the purchaser's responsibility to request scheduling of priority and new resource firm power, including any increase over previously established demands, on the basis estimated by the purchaser to result in the most advantageous purchase of the power to be billed at the end of the month.

Each contract in which computed demand may be a factor in determining the billing demand shall have attached to it as an exhibit a sample calculation of the computed demand of the purchaser for the period having the highest computed demand during the 12 months immediately preceding the effective date of the contract.

SECTION 2.4. *Restricted Demand:* A restricted demand shall be the number of kilowatts of priority firm power, new resource firm power, modified firm power, industrial firm power, or authorized increase of any of the preceding classes of power which results when Bonneville has restricted delivery of such power for one (1) clock-hour or more. Such restrictions by Bonneville are made pursuant to section 8 of the General Contract Provisions for industrial firm power and pursuant to section 1.1 and 1.2 of the General Rate Schedule Provisions for priority and new resource firm power and modified firm power, respectively. Such restricted demand shall be determined by Bonneville after the purchaser has made its determination to accept such restriction or to curtail its contract demand for the month in accordance with section 2.5 of the General Rate Schedule Provisions.

SECTION 2.5. *Curtailed Demand:* A curtailed demand shall be the number of kilowatts of priority firm power, new resource firm power, modified firm power, industrial firm power, or authorized increase of any of the preceding classes of power which results from the purchaser's request for such power in amounts less than the contract demand therefor. Each purchaser of industrial firm power or modified firm power may curtail its demand in accordance with the section entitled "Curtailment of Deliveries and Payment Therefor" of the General Contract Provisions of the contract. Each purchaser of an authorized increase in excess of priority firm power, new resource firm power, modified firm power, or industrial firm power may curtail its demand in accordance with section 1.5 of the General Rate Schedule Provisions.

SECTION 3.1. *Billing:* Unless otherwise provided in the contract, power made available to a purchaser at more than one point of delivery shall be billed separately under the applicable rate schedule or schedules. The contract may provide for combined billing under specified conditions and terms when (a) delivery at more than one point is beneficial to Bonneville, or (b) the flow of power at the several points of delivery is reasonably beyond the control of the purchaser.

If deliveries at more than one point of delivery are billed on a combined basis for the convenience of the customer, a charge will be made for the diversity between the measured demands at the several points of delivery. The charge for the diversity shall be determined in a uniform manner among purchasers and shall be specified in the contract.

SECTION 3.2. *Determination of Estimated Billing Data:* If the purchased amounts of capacity, energy, or the 60-minute integrated demands for energy must be estimated from data other than metered or scheduled quantities, Bonneville and the purchaser will agree on billing data to be used in preparing the bill. If the parties cannot agree on estimated billing quantities, a determination binding on both parties shall be made in accordance with the arbitration provisions of the contract.

SECTION 4.1. *Application of Rates During Initial Operation Period:* For an initial operating period, not in excess of 3 months, beginning with the commencement of operation of new industrial plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, Bonneville may agree (a) to bill for service to such new, additional, or reactivated plant facilities on the basis of the measured demand for each day, adjusted for power factor, or (b) if such facilities are served by a distributor purchasing power therefor from Bonneville to bill for that portion of such distributor's load which results from service to such facilities on the basis of the measured demand for each day, adjusted for power factor. Any rate schedule provisions regarding contract demand, billing demand, and minimum monthly charge which are inconsistent with this section shall be inoperative during such initial operating period.

The initial operating period and the special billing provisions may, on approval by Bonneville, be extended beyond the initial 3 month period for such additional time as is justified by the developmental character of the operations.

SECTION 5.1. *Energy Supplies for Emergency Use:* A purchaser taking priority and/or new resource firm power shall pay in accordance with Wholesale Nonfirm Energy Rate Schedule NF–1 and Emergency Capacity Schedule CE–1 for any electric energy which has been supplied (a) for use during an emergency on the purchaser's system, or (b) following an emergency to replace energy secured from sources other than Bonneville during such emergency, except that mutual emergency assistance may be provided and settled under exchange agreements.

SECTION 6.1. *Billing Month:* Meters will normally be read and bills computed at intervals of 1 month. A month is defined as the interval between meter-reading dates which normally will be approximately 30 days. If service is for less or more than the normal billing month, the monthly charges stated in the applicable rate schedule will be appropriately adjusted. Winter and summer periods identified in the rate schedules will begin and end with the beginning and ending of the purchaser's billing month having meter-reading dates closest to the period so identified.

SECTION 7.1. *Payment of Bills:* Bills for power shall be rendered monthly and shall be payable at Bonneville's headquarters. Failure to receive a bill shall not release the purchaser from liability for payment. Demand and energy billings under each rate schedule application shall be rounded to whole dollar amounts, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

If Bonneville is unable to render the purchaser a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill, if so issued, shall have the validity of and be subject to the same repayment provisions as shall a final bill.

Bills not paid in full on or before the close of business of the 20th day after the date of the bill shall bear an additional charge which shall be the greater of one-fourth percent (0.25%) of the amount unpaid or $50. Thereafter a charge on one-twentieth percent (0.05%) of the sum of the initial amount remaining unpaid and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full. The provisions of this paragraph shall not apply to bills rendered under contracts with other agencies of the United States.

Remittances received by mail will be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the 20th day after the date of the bill. If the 20th day after the date of the bill is a Sunday or other nonbusiness day of the purchaser, the next following business day shall be the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the 20th day must bear a postal department cancellation in order to avoid assessment of such further charges.

Bonneville may, whenever a power bill or a portion thereof remains unpaid subsequent to the 20th day after the date of the bill, and after giving 30 days advance notice in writing, cancel the contract for service to the purchaser, but such cancellation shall not affect the purchaser's liability for any charges accrued prior thereto.

SECTION 8.1. *Approval of Rates:* Schedules of rates and charges, or modifications thereof, for electric power sold by Bonneville shall become effective on a final basis after confirmation and approval by the Federal Energy Regulatory Commission. Pending the establishment of procedures by the Commission to approve rates on a final basis, the entity or entities having been designated by the Secretary of Energy prior to December 5, 1980, shall have authority to confirm and approve schedules of rates and charges on an interim basis.

SECTION 9.1. *Average Power Factor:* The formula for determining average power factor is as follows:

$$\text{Average Power Factor} = \frac{\text{Kilowatthours}}{\sqrt{(\text{Kilowatthours})^2 + (\text{Reactive Kilovoltamperehours})^2}}$$

The data used in the above formula shall be obtained from meters which are ratcheted to prevent reverse registration.

When deliveries to a purchaser at any point of delivery include more than one class of power or are under more than one rate schedule, and it is impracticable to separately meter the kilowatthours and reactive kilovoltamperehours for each class, the average power factor of the total deliveries for the month will be used, where applicable, as the power factor for each of the separate classes of power and rate schedules.

SECTION 10.1. *Temporary Curtailment of Contract Demand:* The reduction of charges for power curtailed pursuant to the purchaser's contract and section 1.5 and 2.5 hereof shall be applied in a uniform manner.

SECTION 11.1. *General Provisions:* The Wholesale Rate Schedules and General Rate Schedule Provisions of the Bonneville Power Administration effective July 1, 1981, supersede in their entirety Bonneville's Wholesale Power Rate Schedule Provisions effective December 20, 1979.

IV. *MAJOR ISSUES:* The rate schedules included in this Notice comprise Bonneville's initial proposal for wholesale power rates. After the hearing process, the Administrator will develop final rates which, upon approval, will become effective July 1, 1981.

Bonneville has conducted many studies in preparation of the proposal. They include a repayment study to determine revenue requirements, a fully allocated cost of service analysis, a long-run incremental cost of service study, a time differentiated pricing analysis, an analysis of the value of reserves, and a set of rate design studies developed to examine alternate rate structures and rate levels. The cost of service studies and repayment study were developed as the foundation for the rate schedules.

The alternatives considered in developing the rate proposals and the important issues raised by the proposal are summarized under two headings: Major Studies and Wholesale Power Rates.

A. *Major Studies.*

1. *Repayment Study:* Bonneville's statutory obligation is to set rates at a level sufficient to produce revenues that will recover all operating costs and, in addition, repay the Government investment in power facilities within a reasonable period of time, commonly interpreted as 50 years from the date a facility is placed in service or the average service life of the facilities, whichever is less. Bonneville uses a repayment period of 50 years for hydroelectric generating facilities and 35 years for transmission facilities. In addition, power revenues must repay that portion of the construction costs of Federal irrigation projects which is beyond the repaymnent ability of irrigators.

The FCRPS revenue requirement has traditionally been determined through the preparation of a repayment study which calculates the minimum level of revenue required to meet Bonneville's statutory obligation to recover all FCRPS costs, which include purchased power, operation and maintenance, interest, and amortization of the investment in power facilities within the repayment periods. The test of sufficiency of revenues is recovery of costs within the repayment period.

Bonneville performed a repayment study in September 1980 which indicated the need for an increase in revenues derived from both wholesale power rates and transmission rates. The assumptions used in the study are detailed in the Cost of Service Analysis (COSA).

The passage of the Act on December 5, 1980, has necessitated an abbreviated approach to determine Bonneville's revenue requirement for this initial proposal. If sufficient time had been available, Bonneville would have revised its repayment model to reflect Bonneville's new obligations under the Act and to directly determine the revenue requirements. Instead, all additional required costs due to the Act have been estimated and included directly in the COSA. The additional costs included are for the Pacific Northwest Electric Power and Conservation Planning Council, fish and wildlife, local government assistance, load requirements and forecasting, public involvement, system planning, contracts, rates, energy conservation, billing credits, additional short term power purchases, nonmajor renewable resources, and new major resources. The repayment study used to develop the final rate proposal will include all appropriate costs.

2. *Cost of Service Analysis (COSA):* The form and magnitude of the proposed initial schedules are strongly influenced by results of the COSA. The COSA is based on generally accepted electric utility industry practice and procedures for this type of analysis, although modifications were made to reflect the repayment method used by Federal power marketing agencies to determine revenue requirements.

The COSA, together with certain adjustment detailed in the Summary

Rate Design Study, is designed to determine the cost of providing service to various classes of service and is used as a basis for evaluating the adequacy of various wholesale power rates and wheeling rates currently in effect.

The COSA procedure begins by selecting a future test year and determining the investment and operating expenses involved in providing service in that year. Fiscal year (FY) 1982 is used as the test year for the proposed rates because it most closely matches the period during which the rates will be in effect.

a. *Functionalization.* The first step of the cost analysis is to identify investment costs and annual costs according to functions performed by the power system. These functions are defined as generation, transmission, and metering and billling. All costs are assigned to one of these functions.

A direction of effort study is prepared to determine how certain facilities and operating expenses should be functionalized. Managers in each Bonneville subdivision identified both the precentage of staff effort expended on each of the three functions and functional use of facilities. The application of the results of the direction of effort study to the test year cost estimates yields functionalized cost data.

b. *Classification.* The cost functionalized to generation are then clasified to the two subfunctions of generation capacity and energy production. The classification of generation costs is based on the principle of cost causation. This method apportions generation costs between capacity and energy in relation to the causes underlying the construction and operation of various generating plants; i.e., the cost of facilities constructed to meet peaking capacity is classified entirely to capacity and the cost of facilities which provide both capacity and energy is apportioned between the two functions.

Bonneville examined many different classification methods. The traditional method is to classify all costs associated with investment to capacity and all costs associated with plant operation to energy. This method is called the fixed-variable classification approach. In the short run, all the costs which do not vary with output are fixed costs and all costs which vary with output are variable costs. This approach may be appropriate for a system which is primarily thermal, or for system with a large thermal base and hydro peaking facilities. However, Bonneville rejected the fixed-variable approach because it did not reflect the capacity and energy relationship which was developed during the planning of a hydro system such as the FCRPS.

Based on knowledge of how the Federal system costs have been and are being incurred, Bonneville staff recommends a classification method for hydroelectric facilities that involved separating costs of plants defined as baseload from costs of peaking units. These peaking units would not have been needed had capacity requriements not increased, since they produce no incremental energy under critical water conditions. Consequently, the costs of the peaking units which include perviously constructed substructures are classified to capacity because providing capacity was the primary purpose of installing these units.

Classification of the base hydroelectirc plants is a function of the energy produced by the base system under critical streamflow conditions and the peaking capacity of these units based on a sustained 10-hour peak period. Base system plant costs for FY 82 as well as associated operation and maintenance costs are classifed 27 percent to energy and 73 percent to capacity.

Bonneville's classifiction method for all other generation resources recognizes that they are being acquired primarily to provide baseload energy, although Bonneville recognizes that most resources also provide capacity. The classification percentages applied to other generation resources are derived in Bonneville's long run incremental cost analysis. This approach results in classification of 27 percent of plant costs to capacity and 73 percent to energy. All fuel and variable operation and maintenance expenses are classified to energy. The same classification procedure has been applied to both the cost of nonmajor renewable and new major resources acquired under the Act. In addition, short term power purchases, conservation and billing credits are classified to energy, and other Act related costs are classified to capacity.

Transmission costs are commonly classified using the fixed-variable method. This method classifies all transmission costs to capacity based on the view that peak usage, not variable energy usage, is determinative of the necessary plant investment. Bonneville has considered utilizing the cost causation approach to the classification of transmission costs. This would result in some costs being classified to energy because certain investment decisions, principally those costs associated with conductor sizing and towers, are influenced by the desire to reduce energy losses and are affected by the expected volume of energy deliveries. Preliminary staff analysis indicates that some portion of the transmission system costs are related to energy deliveries. However, an acceptable alternative methodology for the classification of a portion of transmission costs to energy has not been developed. Therefore, the traditional fixed-variable method of classifying transmission costs entirely to capacity is adopted for this COSA. Bonneville invites suggestions for other methodologies for classifying transmission costs.

c. *Segmentation.* Although Bonneville operates a regionwide transmission system, some segments of the system are not needed to provide some services. To assure an equitable allocation of the costs of the system among all classes of service, the system has been divided into seven segments so that the costs of each segment can be separtely identified and allocated in relation to the service being provided. The seven transmission segments are: Intergrated network, Pacific Northwest-Southwest intertie, generation intergration, fringe area facilities, preference customer delivery facilities, DSI customer delivery facilities, and IOU delivery facilities.

d. *Allocation.* The final major step in the COSA is to allocate the functionalized and classified costs to service classes. The service classes included are wholesale power rates, transmission rates, other service, and miscellaneous service and revenues. The wholesale power rates cataegory is further divided into subcategories. They are Priority Firm, Industrial Firm, Firm Capacity, New Resources Firm, and Nonfirm Energy.

Priority Firm and new Resources Firm are new subcategories for wholesale power rates. Prjority Firm consists of public body, cooperative and Federal agency customers within the region and the residential and small farm load of the region's utilities participating in the exchange. In the past this subcategory hab been referred to as Firm Power and it did not include load associated with utilities participating in the exchange. The New Resource Firm consists of load as per section 7(f) of the Act. Transmission costs have been allocated to these new loads.

The method adopted for allocating generation capacity costs and the costs associated with the seven segments of the transmission system is the average of the 12 monthly coincidental peak demands (12 CP). Because the power system is designed to provide capacity to meet coincidental peak demands over the full course of the operating year, this

method reflects the contribution of each customer class in relation to the need for total system capacity. When it is not feasible to develop allocation factors, costs are assigned using the revenue credit method. The amount of costs assigned is equal to the revenue derived from the existing charges. Costs classified to energy were allocated among the classes of service based on the kilowatthours of energy associated with each class.

3. *Long-Run Incremental Cost Analysis (LRIC):* A LRIC study was conducted by Bonneville to indicate the incremental costs Bonneville is incurring for new generation and transmission. The LRIC study provides a basis for developing rates from an economic efficiency criterion. Considerable disagreement exists about how the concept should be used in establishing rates. At issue are questions relating to measurement of marginal costs, application of marginal costs to rates, and the adjustment of such rates to the revenue requirement. All of these issues have been considered in development of Bonneville's LRIC study.

This analysis was completed prior to the passage of the Act and has not been revised. It is not expected that revisions due to the Act will significantly affect the results of the analysis.

The first step of the LRIC analysis consisted of determining how the system would react to changes in loads, and then collecting the necessary data to measure the corresponding effect on total cost in the resulting long run incremental cost. This process involved analysis of expected additional demands upon Bonneville's system and plans for additional generation plant and transmission facilities to meet these demands.

The LRIC of generation is divided between capacity costs and energy costs. The LRIC of capacity is based on additional resources added to the system to meet peaking requirements. Bonneville's peaking requirements will be met by additions of peaking units at existing hydro plants. Annual investment costs, annual operation and maintenance expenses, and annual replacement costs (all expressed in 1982 dollars) divided by the nameplate capacity, adjusted for a reserve factor, produces a dollars per kilowatt LRIC of capacity. The long run incremental cost of capacity for Bonneville is $80.41 per kilowatt of capacity.

The long run incremental cost of producing energy is based on the cost of baseload thermal power with an adjustment for a capacity credit. For the analysis, Bonneville assumed the technologies associated with the Washington Public Power Supply System plants Nos. 1, 2, and 3 as typical of baseload power plant costs. Based on these plants the weighted average LRIC of energy is 42.76 mills per kilowatthour.

The LRIC of transmission is based on transmission investment through 1989 plus annual operation and maintenance expenses associated with new transmission facilities. The incremental annual cost per kilowatt of added peak for the period 1981–1989 is $81.81 to meet transmission reinforcement requirements.

4. *Time Differentiated Pricing Analysis (TDPA):* As part of the process for development of proposed rates, a separate study on time differentiation is prepared. Time differentiated pricing is a rate design concept which has evolved because demand for electricity varies over the day and over the year. To the extent that rates of electricity consumption over different time periods result in differences in cost, time differentiated pricing deals with the problem by addressing these variations within the framework of a pricing structure.

This analysis was completed prior to the passage of the Act and has not been revised. It is not expected that revisions due to the Act will significantly affect the results of the analysis.

Time differentiated pricing is based on the concept of cost causation. In the short run, demand for power must be met from existing capacity if it is available. In the long run, the variable nature of consumption over different time periods may require additional capacity to meet peak load demands. Because additional capacity and energy are required during peak periods, the cost of supplying that energy and capacity may be higher during peak periods.

Bonneville's TDPA considers time differentiation for both average costs and incremental costs. An attempt is made to incorporate the best available data and reasonable methods given Bonneville's physical, operational, and financial system. The general method for determining Bonneville's time differentiated average costs of capacity relies on a procedure developed by Ebasco Services, Inc. The procedure for time differentiated incremental costs relies on a method developed by National Economic Research Associates.

An analysis of Bonneville's loads for the FYs 1975–1979, FCRPS generation data, and probability of negative margin (PONM) data indicate that the winter peak period for generation capacity from both an LRIC and an average cost perspective should be defined as December through May, Monday through Friday, 7 a.m. to 10 p.m. The summer season peak period is indicated to be June through November, Monday through Friday, 7 a.m. to 10 p.m. The offpeak capacity hours are all other hours of the year.

Transmission systems are designed and built to satisfy system peak loads with consideration given to ambient temperature change. Ambient temperature directly affects transmission cable resistance such that system load carrying capabilities are above average in the winter and less than average in the summer. These changes roughly offset seasonal variations in loads but amplify diurnal load variations which suggests that transmission capacity costs should be diurnally but not seasonally time differentiated. An analysis of FY 75 through FY 79 data has determined that the peak period for transmission costs should be Monday through Friday, 7 a.m. to 10 p.m. and the offpeak period should be all other hours of the year.

For most electric utilities, energy costs will vary over the day and year as fuel costs vary by time period. However, the FCRPS is unlike most other electric systems because of the large portion of hydroelectric power in the system and the absence of thermal peaking units. For a system with thermal peaking units there is a significant difference in energy costs between the peak and offpeak periods. For the Federal system, thermal plants are considered baseload and are designed to operate throughout the year except for planned maintenance, refueling, and forced outages. These outages are dependent upon many factors including fuel life, equipment failure, demand for energy, and the availability of alternative resources and thus, may occur throughout the year. These resources have been added to the Federal system to supply needed energy on an annual basis under critical water conditions, Bonneville's planning criterion. From a planning perspective, increases in demand for energy at any hour of the year require baseload thermal additions. Therefore, the cost of providing energy from baseload thermal plants is the same for each hour of the year, regardless of operating characteristics. Thus, from an incremental cost perspective, there should not be any time differentiation of energy costs.

The remaining resources are hydroelectric, which do not involve costs which vary by time period, except for costs associated with the storage of water to meet winter peak season energy requirements. Consequently,

from an average cost perspective, energy costs vary seasonally, but not diurnally. The two seasonal energy periods are April through August and September through March.

After selecting the seasonal costing/pricing periods, the cost allocation factors were developed. For long run incremental capacity costs, the pertinent relative PONM in each period is used to allocate system capacity costs among periods. The PONM data indicate that all capacity costs should be assigned to December through May, Monday through Friday, 7 a.m. to 10 p.m. The LRIC transmission costs are assigned to the peak period of Monday through Friday, 7 a.m. to 10 p.m. for all months of the year.

Generation costs for FY 1982 from the cost of service analysis are assigned to each period using an analysis of load duration curves of Federal firm loads for FYs 1975–1979. Of the total capacity costs required, 39.2 percent is apportioned to the winter season peak hours, 21.4 percent to the summer season peak hours, and 39.4 percent to the offpeak period.

Transmission costs for FY 82 from COSA are assigned to each period based on the assignment of generation capacity costs. Of the total capacity costs, 60.6 percent is apportioned to the peak hours and 39.4 percent to the offpeak hours.

Energy costs for FY 1982 are assigned to each energy period using an analysis of projected energy load generation from reservoir storage.

B. *Wholesale Power Rates.* There are several issues related to each of the rate schedules. Each issue is discussed separately by rate schedule: Issues which relate to all of the rates are discussed under a separate heading.

1. *Wholesale Priority Firm Power Rate PF–1:* Schedule PF–1 is available to meet loads of public body, cooperative, and Federal agency customers within the region and the residential and small farm loads of the region's utilities participating in the exchange. Public body, cooperative, and Federal agency customers are presently being served under the EC–8 firm power rate.

All loads served by the priority firm rate are served out of Federal base system resources. Several adjustments are made to COSA results which indicated the total cost allocated to Federal base system. The net effect of these adjustments are directly reflected in the PF–1 schedule.

The proposed NE–1 nonfirm energy rate produces revenues in excess of allocated costs that amount to $136.7 million. The proposed ET transmission rate schedule, which is part of the initial transmission rate filing, produces revenue in excess of costs that amount to $11.3 million. Excess revenues are applied as a credit to total capacity costs with $109.6 million credited to generation capacity costs and $31.0 million credited against the transmission costs allocated to the wholesale power rates. The remaining excess revenues are credited against the proposed transmission rates. The derivation of these estimates is included in the Summary Rate Design Study. In Bonneville's last wholesale power rate filing, all excess revenues from nonfirm energy sales were credited only to generation.

The primary reason for applying the credit to capacity costs is to reflect the incremental cost relationship between capacity and energy which is developed in the LRIC study. By comparing the results of the COSA with those of the LRIC study, it becomes evident that the costs of supplying energy are increasing at a faster rate than the costs of supplying capacity. Use of the nonfirm energy revenues to decrease the revenue requirement associated with capacity incorporates a price signal that energy costs are increasing more rapidly than capacity costs.

Time differentiation of long run incremental costs in the TDPA indicates that no generation capacity costs are incurred in the summer or offpeak periods and no transmission costs are incurred in the offpeak period. To more closely reflect these results in the rates, while also according recognition of the results of the TDPA of average costs, generation capacity costs and transmission costs are allocated only to the winter peak hours and summer peak hours. By not allocating capacity costs to the offpeak period, price signals based on long run incremental costs are strengthened. Consequently, the demand charge is time differentiated on both a daily and seasonal basis. The peak season demand charge is in effect from December through May, Monday through Saturday, 7 a.m. to 10 p.m. The summer season demand charge is in effect from June through November, Monday through Saturday, 7 a.m. to 10 p.m. There is no demand charge for deliveries on offpeak hours, which are all other hours of the year. The energy charge is seasonally differentiated based on the cost differential associated with seasonal hydro storage. Saturday is included in the peak periods for capacity charges despite the fact that the time differentiated pricing analysis indicates that it should be considered offpeak. Saturday is included as a peak day to be consistent with existing contracts that define heavy load hours as including Saturday hours of 7 a.m. to 10 p.m. and to provide for rate continuity with existing rates.

A low density discount, in accordance with section 7(d) of the Act, has been included in the PF–1 rate. The proposed discount will be applied each month of the calendar year to the charges for the power purchased under contracts to be signed between Bonneville and its customers. The amount of such discount will depend on the ratio of the total annual energy requirements of the purchaser's electric operations during the preceding calendar year to the purchaser's depreciated investment in electric plant in service (excluding generating plant) at the end of such year, or the purchaser's ratio of residential customers per mile of line. Bonneville is soliciting comments from the public pertaining to the low density discount.

2. *Wholesale Power Rate for Industrial Firm Power IP–1:* Many elements factor into the development of the industrial firm power rate. A portion of the power needed by the DSIs will be provided by Federal base system resources. The remainder will be provided by exchange resources from participating utilities. Consequently, the rate is based on costs from the two resource pools.

The IP–1 rate will be different for the period July 1, 1981 through September 30, 1981, from what it will be during the remainder of the period because the provisions the Act providing for exchange of power between Bonneville and utilities will not become effective until October 1, 1981. This interval will result in a period of 3 months during which the DSIs will purchase power at a rate which is equivalent to the priority firm rate except for adjustments to reflect the value of the reserves. Beginning October 1, 1981, the IP–1 energy rate will include an additional charge above the base rate. The formula in the IP–1 rate schedule is designed to recover from the DSIs the cost of the exchange of resources between Bonneville and participating utilities. Schedule IP–1 has been time differentiated similarly to that of schedule PF–1.

Bonneville is provided with reserves through the interruptible provisions contained in contracts with the DSI customers. In general, Bonneville can interrupt the top quartile of the industrial load at any time for any reason for service of the Administrator's other firm loads. Another 25 percent can be interrupted to offset loss of power due to delays in construction or the inability to operate new generating

projects. Additional restrictions can be made for forced outages and to maintain system reliability.

To determine the value of reserves, Bonneville categorized the reserves into three types: operating reserves, planning reserves, and stability reserves. Operating reserves are provided by the top quartile of the DSI load. Based upon the estimated cost of short term power purchases and the expected frequency of restriction in 1982, these reserves are valued at $2 million.

Planning reserves are provided by second quartile restrictions for plant delay and forced outages. Both capacity and energy reserves are provided. The third quartile of load also provides planning reserves as it is subject to interruption for forced outages. Planning reserves are estimated at 887 megawatts for energy and 1224 megawatts for capacity. Using the results detailed in the LRIC Analysis, the value of the capacity reserves is $143 million and the value of energy reserves is $332 million.

Bonneville's right to use automatic load tripping equipment and other schemes to disconnect the DSIs provides stability reserves. Stability reserves are valued at $2 million, which is the same level as operating reserves. Bonneville's analysis of the value of these reserves appears as an appendix in the Summary Rate Design Study.

Though these reserves are valued at Bonneville's incremental costs it would be inappropriate to provide the industrial customers with credit of that magnitude. Bonneville's customers are charged for power at average costs rather than marginal costs. For this reason the rate adjustment for reserves is equal to the ratio of average to marginal costs times the total value of reserves. This results in a rate adjustment of $86 million for the direct service industrial customers.

The adjustment in the proposed IP–1 rate schedule for the value of reserves is in the form of a uniform reduction in the monthly demand and energy charges. The existing rate for industrial firm power contains a formula for calculating the annual amount of credit to be given based on the annual availability of service to the DSIs.

3. *Wholesale Power Rate for Modified Firm Power MP–1:* Features of this rate schedule are similar to those associated with the IP–1 schedule including the additional charge on October 1, 1981, to recover the cost of the exchange of resources between Bonneville and participating utilities. An adjustment for value of reserves is not made under this rate schedule because Bonneville has less right to restrict the DSI load under the Modified Firm contracts than under the existing interim agreement or under the new proposed 20 year contracts.

4. *Wholesale Firm Capacity Rate CF–1:* This schedule includes a base charge which reflects the approximate cost of providing a given amount of Federal capacity for 6 hours per day and a variable charge for capacity usage in excess of 6 hours per day. The variable charge is established at a value between costs of providing service and the value of such service based on alternative costs.

The CF–1 rate schedule applies to capacity sales to utilities on a contract year and/or seasonal basis. Energy associated with the delivery of capacity is returned to Bonneville. To encourage capacity purchasers to limit their usage of Federal generating facilities, the capacity rate schedule includes the provision for an additional monthly charge if capacity usage exceeds 6 hours per day. The rationale for this additional charge is that the Federal hydro peaking system cannot produce as much capacity during daily sustained hourly periods as it can for shorter periods. When the FCRPS provides capacity for extended periods, its ability to meet firm commitments is reduced. Moreover, the return of an inordinate amount of energy during offpeak hours has the potential to place the Federal system in a spill condition and thereby reduce the economic utilization of the FCRPS hydro resources.

Development of this added charge for sustained peaking, which is in part a thermal generation load factoring service, was based on a share-the-savings principle applied to an estimate of the fuel savings realized by the customer by not having to operate a peaking plant. An estimated annual turbine fuel cost in FY 1982 of 51 mills per kilowatthour is reduced by 17 mills per kilowatthour to net the estimated operating cost of low cost thermal plants which would be used to return energy during the offpeak period. The resulting net fuel cost (or net savings) of 34 mills per kilowatthour is then reduced by one-half to arrive at 17 mills per kilowatthour. Application of this savings to 1 hour each day for 25 peak days per month yields a charge of $0.425 per kilowattmonth for each additional hour of capacity in excess of 6 hours, applied to all capacity taken during the given month. Bonneville reviews the daily deliveries of capacity which have been sold during the peak hours 7 a.m. through 10 p.m. excluding Sundays under this rate schedule. Bonneville then selects the day with the greatest number of kilowatthours delivered to the purchaser and converts this amount to an equivalent hourly duration, referred to as "demand duration" in the rate schedule.

5. *Wholesale Emergency Capacity CE–1:* The CE–1 rate covers emergency capacity provided to utilities on a weekly basis when available and the return of energy associated with the delivery of this capacity. Bonneville will provide short-term capacity sales only when an emergency condition exists as defined by Bonneville's General Contract Provisions and when Bonneville has the capacity available. To derive the rate, CF–1 contract year rate per kilowatt is divided by the number of weeks in a year and the resultant cost is increased by 15 percent to cover additional administrative and general costs. This results in a rate of $0.71 per kilowattweek for deliveries in the Pacific Northwest. Because costs associated with deliveries over the Pacific Northwest-Pacific Southwest Intertie are not allocated to this service category in the COSA, such deliveries are subject to an additional charge of $0.20 per kilowattweek. This is derived by dividing the intertie costs allocated in the COSA to CF–1 seasonal capacity by the billing determinant for CF–1 seasonal capacity.

6. *New Resource Rate NR–1:* This schedule is available or the purchase of firm power for resale or for direct consumption by purchasers other than DSI customers. It is available for sale to the IOU's to serve their previous year's deficit plus any load growth for the current year and new large single loads of a public body or cooperative. Bonneville anticipates that for FY 1982, less than 5 percent of IOU's resource requirements will be met with the rate and that no public body or cooperative will purchase under the rate schedule.

Section 7(f) of the Act requires the establishment of the rate. It is based only on the costs of the "new resource" pool. Federal Base System resources and exchange resources are serving the loads provided under Sections 7(b) and 7(c) of the Act, and are therefore not available to serve NR–1 loads.

Schedule NR–1 has been time differentiated in the same manner as the Priority Firm rate. The demand charge is also set equal to the demand charge for the PF–1 rate schedule. This adjustment represents a reduction in the demand charge in costs classified to capacity and allocated to the rate. The energy rate was increased to compensate for the reduction in the demand charge.

7. *Wholesale Nonfirm Energy Rate NF–1:* Bonneville's proposed nonfirm energy rate represents a departure from the 1979 share-the-savings rate design. The share-the-savings concept is a

pricing mechanism which attempts to reconcile the difference between the cost of energy to the seller and the value of energy to the purchaser by establishing a price between the two. The proposed NF–1 nonfirm energy rate is designed to reflect the costs of resources used to produce nonfirm energy. Therefore, operational considerations are the basis of this rate design. Bonneville determines the availability of energy to meet firm loads on the basis of critical water conditions. To protect the capability of the FCRPSs to meet firm load obligations in any given operating year, Bonneville operates thermal resources and may make relatively expensive power purchases during the fall and early winter of the year. Subsequently, if snowpack and streamflows prove to be greater than anticipated in late winter and spring, more energy can be produced than is necessary to meet firm loads and nonfirm energy becomes available. Thus, the proposed nonfirm energy rate is based on the costs of power from hydroelectric facilities, from power purchases and from other resources all of which aid in maintaining the capability of Bonneville to meet firm load obligations under critical water but would be in excess or requirements with the occurence of greater streamflows.

Under the current share-the-savings rate, the rate for direct thermal displacement sales is based upon 50 percent of the purchaser's decremental cost, and the rate for an indirect thermal displacement sale is 33 percent of the purchaser's sales price to a utility outside the Pacific Northwest. The diurnally differentiated floor rates are 4.5 and 6.5 mills per kilowatt hour while the ceiling rate is 20 mills per kilowatt hour. In contrast, the rate charged for sales of nonfirm energy under the proposed nonfirm energy rate schedule is based upon: (1) The diurnally differentiated cost of hydroelectric power, (2) the cost of a power purchase, (3) the cost of other resources which have been operated, or (4) a weighted average based on costs from the preceding categories. As any given power purchase or resource is used to derive a rate for a sale of nonfirm energy, that purchase or resource will no longer be used to determine the rate for subsequent sales. A charge of 2.0 mills per kilowatt hour, the average cost of transmission, shall be added to the charge. The floor rates, which are equal to the diurnally differentiated cost of hydroelectric power plus the 2.0 mills per kilowatt hour transmission charge, are 5.0 mills per kilowatt hour for offpeak hours and 6.5 mills per kilowatt hour for peak hours. The ceiling rate is equivalent to the most expensive power purchase or resource which had been operated.

8. *Reserve Power Rate RP–1:* This schedule is available for the purchase of: (a) Firm power to meet a purchaser's unanticipated load growth as provided in a purchaser's power sales contract; (b) power for which Bonneville determines no other rate schedule is applicable; or power to serve a purchaser's firm power loads in circumstances where Bonneville does not have a power sales contract in force with such a purchaser, and Bonneville determines that the rate should be applicable.

The major issue associated with the rate schedule is that the rate is based directly on the results of the long run incremental cost analysis and the time differentiated pricing analysis of long run incremental costs.

9. *Firm Energy Rate FE–1:* Schedule FE–1 is available for contract purchase of firm energy, in the amounts and during the periods specified in the contracts. The level of the rate is equivalent to the average cost of power under the PF–1 rate at 100 percent load factor.

10. *Other Rate Issues:*

a. *Adjustment for Fixed Contract Revenue Deficiencies.* Rates for some transactions are not subject to change because of contractual obligations. The cost-of-service analysis for fiscal year 1982 indicates that, after excess revenues for the nonfirm rate schedules have have been allocated, a revenue deficiency of approximately $63 million would result if this amount were not recovered from other rates. Consequently, all power rate schedules based on FBS resources have been adjusted upward to recover the revenue deficiency associated with these fixed contracts.

b. *Deferred Amortization Payments.* Historical results and future projections of interest and amortization costs for FCRPS are identified in the repayment study and are properly considered when determining revenue level for all classes of service. The initial rate proposal is based on cost estimates and assumptions used in the repayment study and COSA. If any of the estimated projections of loads, costs, or streamflow conditions are not accurate, Bonneville may experience revenue surpluses or shortages. Small temporary revenue shortages can be dealt with by deferring interest and amortization payments on appropriated funds and can be repaid in years with surplus revenue. Sound business principles dictate that this practice can be used only as a temporary means of satisfying cash shortages. Bonneville has not met its planned amortization since 1975. For example, the repayment study supporting Bonneville's current wholesale power rates showed that Bonneville would have approximately $118 million available in FY 1980 to apply to amortization of FCRPS plant investment. However, due to higher than projected costs and reduced revenues, there were no funds for amortization at the end of FY 1980. In addition to not having funds available for amortization payments, Bonneville also had to defer payment of $13.8 million of interest expense to the Treasury.

Bonneville experienced a similar result for FY 1979 when projected revenues available for amortization and interest expense did not materialize. This resulted in Bonneville making no amoritzation payment and deferring $98.6 million of interest payments to the Treasury. As a result of the cash shortage for the past two fiscal years, the total deficit owed the Treasury on September 30, 1980, has increased to $112.4 million. For FY 1981, an additional cash deficit of $44.6 million is anticipated. This will bring the accumulated deficit of unpaid annual costs to a projected $151 million by the close of FY 1981.

Since any accrued deficiency in those payments must ultimately be repaid in order to satisfy Bonneville's statutory obligations, Bonneville is considering options both to cover the accumulated deficit and to avoid the continued nonpayment of forecasted amoritization payments. These options may cause Bonneville's revenue requirement to increase beyond the level identified in the current proposal. Bonneville anticipates that this item will be considered in the preparation of cost data and development of policy for the final repayment studies supporting the final wholesale power rate proposal.

Bonneville is soliciting comments from the public pertaining to the treatment of accumulated deficit and planned amortization requirements. Analysis of this problem is continuing in order to identify the optimal repayment method, but no recommendation has yet been made by Bonneville staff.

c. *Adjustment for Streamflow Conditions.* Although planning criteria for firm power requirements are made on the basis of critical water conditions, actual rates are established on the basis of average water conditions. The initial firm power rates have been set considering an anticipated purchase power expense in FY 82 of $134 million. Projections of the anticipated purchase power requirements cannot be made

with reasonable accuracy until the winter snowpack is measured and analyzed, a process usually accomplished in mid-winter. Therefore, an adjustment to firm power rates mady be necessary in the period January 1982 to June 1982 if streamflows do not meet median levels. The ability to apply surcharges for additional purchases of power has been included in each rate schedule that provides for firm energy loads.

d. *Conservation Costs.* Bonneville is directed to adjust its rates as needed in order to achieve model conservation measures as specified by the Regional Power Act. Power rates are also a potentially signficant tool for encouraging efficient use of energy and thereby supporting Bonneville's legislative mandates of providing low cost power and encouraging widespread use of electricity.

The Bonneville staff has completed a preliminary study of several approaches to rate design which may be effective in encouraging energy efficiency. These approaches include: (1) Using long-urn incremental cost and time-differentiated cost information, (2) employing tiered or inverted rates, (3) reflecting variation in price elasticity in rates, (4) offering billing credits for conservation or the development of renewable resources, and (5) encouraging the use of rate design at the retail level to promote efficient use.

Bonneville's proposed rates reflect the use of both long run incremental cost and time-differentiated pricing in an effort to encourage efficient consumption of resources. The rates do not reflect tiered prices or the application of the inverse elasticity rule because of the lack of conclusive evidence concerning the effectiveness or availability of information necessary for valid implementation of these approaches. The proposed rates are designed to recover $15 million to provide billing credits to customers implementing conservation.

(1) *Long-Run Incremental Cost/Time-Differentiated Pricing:* According to economic theory, an optimum distribution of society's resources can be achieved by pricing all goods and services at their marginal cost. For electricity, marginal cost has traditionally been operationally defined as long-run incremental cost. Theoretically, Bonneville could encourage optimum use of electricity by instituting long run incremental cost pricing.

Whereas LRIC information has been used to develop rates intended to encourage a more efficient distribution of use of capacity and energy, time-of-day and seasonal differentiation analyses have been used to develop rates which reflect differences in the costs of providing capacity and energy by season and the costs of providing capacity by time of day. Theoretically, the incorporation of such time-differentiation in rates would again encourage an increase in the efficiency of resource use by discouraging use during peak periods relative to offpeak periods.

LRIC could also be employed by Bonneville as a standard for judging the cost effectiveness of future resource development. In many cases, the employment of such a standard and the granting of a billing credit based on long-run incremental cost would encourage Bonneville's customers to develop resources which would be cost effective for the region and which might otherwise remain undeveloped.

(2) *Tiered Rates:* The primary rationale for employing a tiered rate to encourage conservation is that customers will respond to their incremental as well as their average cost for power. Under an inverted tiered rate, the incremental cost of power would exceed the customer's average cost. To the extent that the customer responds to incremental as well as average cost, consumption would be expected to be lower under an inverted tiered rate than under a flat rate (where incremental and average costs are equal). There is some question among economists regarding the response of customers to the incremental rate. Many would maintain that the average rate, rather than the incremental rate, determines customer demand for electricity.

(3) *Inverse Elasticity Rule:* Under the inverse elasticity rule, those customers which are most sensitive to price are charged rates closer to marginal cost than are customers with lower price sensitivities. Theoretically, this pricing approach would effectively reduce consumption relative to a uniform pricing approach. Although rates reflecting the application of the inverse elasticity rule have a sound theoretical basis, their effective implementation requires accurate information regarding customer price elasticities. The validity and reliability of customer elasticity estimates currently available to Bonneville is questionable. Substantial improvement of these data would be prerequisite to the employment of this approach in future rate proposals.

(4) *Billing Credits:* Under section 6(h) of the Act, billing credits are to be employed by Bonneville to encourage customers to implement cost effective conservation programs and resources. The availability of low-cost power to Bonneville's preference customers destroys the cost effectiveness of many conservation and resource projects which, if evaluated against Bonneville's incremental cost for power would be considered cost effective. Therefore, with the granting of billing credits, additional conservation and resource development will become cost effective because Bonneville will compare the cost of conservation and resources to its incremental costs.

(5) *Retail Rate Design:* In addition to employing rate design at the wholesale level to encourage conservation, Bonneville may be able to work with its preference customers in an effort to implement rate designs at the retail level which may encourge conservation. A preliminary effort has been made to identify a variety of retail rate design features which may hve a conservation potential. One of these features, inverted rates, has been explored in some detail. Those utilities employing inverted rates in the Northwest have been identified and a literature survey of studies of the effectiveness of inverted retail rates in encouraging conservation has been completed.

(e) *Rate Increase Impacts on Customers:* The impact of the proposed wholesale power rates varies with each customer and among customer classes. The range of effects is due to several factors including load factor differences combined with changes in rate design, and the allocation of cost from the resource pools established in accordance with the Act.

The effect of the increases on Bonneville's publicly owned and Federal agency customers, and industrial customers is of particular interest since these customer groups existed prior to the passage of the Act. Bonneville's analysis of impacts indicates that the effect of the Act is minimal on Bonneville's publicly owned and Federal agency customers. The range of increases for these customers is 50 percent to 59 percent. The average proposed rate increase is 53 percent.

The impact of the proposed industrial firm power rate is more difficult to quantify because the level of the rate after October 1, 1981, depends on the cost of the exchange resources as defined in section 5(c) of the Act. The following is a list of the effects of the proposed industrial firm power rate increase assuming three reasonable estimates of values for the average per unit cost of the exchange.

Exchange resource costs (mills/kWh)	DSI average power cost[1] (mills/kWh)	Percent increase
18	16.0	159
23	19.5	216
25	20.6	234

[1] Does not include value of reserves adjustment.

Dated: February 10, 1981.

Earl Gjelde,

Acting Administrator.

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Federal Register

Vol. 46, No. 31

Tuesday, February 17, 1981

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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

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

[Last Listing February 13, 1981]

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.

The list of agency billing codes assigned by the Government Printing Office follows:

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BILLING PROCEDURES FOR AGENCIES

As part of the billing procedures announced in the FEDERAL REGISTER of August 24, 1977, and to insure that each agency is correctly billed for only its own documents, the Office of the Federal Register requests agencies to insert the proper billing code on all of their documents. The six-digit billing code should be typed or handwritten in ink at the top of the first page on all three copies of documents submitted to the Office of the Federal Register for publication, as follows:

BILLING CODE: 0000-00

The list of agency billing codes assigned by the Government Printing Office follows:

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ACTION	6050-01
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Philadelphia District	3710-GR
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