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# federal register

Thursday
February 19, 1981

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12941 **Rescission of Emergency Building Temperature Restrictions** Presidential proclamation

12943 **Federal Exports and Excessive Regulation** Executive order

13168 **Budget** OMB publishes cumulative report on rescissions and deferrals (Part II of this issue)

12945 **Petroleum** DOE publishes questions and answers relating to the effect of the Executive Order decontrolling crude oil and refined petroleum products on the mandatory petroleum allocation and price regulations

12978 **Banks, Banking** Treasury/Comptroller proposes general principles on the eligibility of investment securities for purchasing, underwriting, holding, and dealing in by national banks; comments by 4-20-81

12999 **Crude Oil** DOE/ERA gives notice of entitlement program crude oil cost data from November 1978 through November 1980

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# Highlights

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

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# Presidential Documents

Title 3—

The President

## Proclamation 4820 of February 17, 1981

## Rescission of Emergency Building Temperature Restrictions

By the President of the United States of America

### A Proclamation

Emergency Building Temperature Restrictions were first implemented on July 16, 1979, by Proclamation No. 4667. They were twice extended, first by Proclamation No. 4750 and second by Proclamation No. 4813. Those restrictions set forth in Energy Conservation Contingency Plan No. 2 (44 FR 12911, March 8, 1979) are effective until October 16, 1981, unless earlier rescinded.

Although restrictions on building temperatures may result in reduced consumption of fuel, I have concluded that the regulatory scheme designed to accomplish that objective imposes an excessive regulatory burden and that voluntary restraint and market incentives will achieve substantially the same benefit without the regulatory cost.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 201(a) of the Energy Policy and Conservation Act (42 U.S.C. 6261(a)), do hereby proclaim that:

Section 1. The Energy Building Temperature Restrictions as provided for in Energy Conservation Contingency Plan No. 2 (44 FR 12911, March 8, 1979) are no longer required. Therefore, the effectiveness of that Plan as provided for in Proclamation No. 4813 is hereby rescinded.

Section 2. Proclamation No. 4813 is revoked.

Section 3. The Secretary of Energy shall take such action as may be necessary to ensure the implementation of this Proclamation.

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

Ronald Reagan

[FR Doc. 81-5788
Filed 2-17-81; 3:17 pm]
Billing code 3195-01-M

# Presidential Documents

## Executive Order 12290 of February 17, 1981

### Federal Exports and Excessive Regulation

By the authority vested in me as President by the Constitution of the United States of America, and in order to ensure that the Export Administration Act of 1979 is implemented with the minimum regulatory burden, Executive Order No. 12264 of January 15, 1981, entitled "On Federal Policy Regarding the Export of Banned or Significantly Restricted Substances," is hereby revoked.

Ronald Reagan

THE WHITE HOUSE,
*February 17, 1981.*

[FR Doc. 81-5789
Filed 2-17-81; 3:18 pm]
Billing code 3195-01-M

# Rules and Regulations

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 907

**[Navel Orange Reg. 510; Navel Orange Reg. 509, Amdt. 1]**

### Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 20–26, 1981, and increases the quantity of such oranges that may be so shipped during the period February 13–19, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

**DATES:** This regulation becomes effective February 20, 1981, and the amendment is effective for the period February 13–19, 1981.

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

**SUPPLEMENTARY INFORMATION:** *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A final impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on February 17, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is steady.

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

1. § 907.810 is added as follows:

**§ 907.810 Navel Orange Regulation 510.**

The quantities of navel oranges grown in Arizona and California which may be handled during the period February 20, 1981, through February 26, 1981, are established as follows:

(1) District 1: 1,335,000 cartons;
(2) District 2: 135,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 30,000 cartons.

2. § 907.809 Navel Orange Regulation 509 (45 F.R. 11943), is hereby amended to read:

**§ 907.809 Navel Orange Regulation 509.**

* * * * *

(1) District 1: 1,350,000 cartons;
(2) District 2: 120,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 30,000 cartons.

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

Dated: February 18, 1981.

**D. S. Kuryloski,**

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

[FR Doc. 81-5089 Filed 2-18-81; 11:42 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF ENERGY

### 10 CFR Part 205

### Administrative Procedures and Sanctions; Questions and Answers Relating to the Effect of the Executive Order Decontrolling Crude Oil and Refined Petroleum Products on the Mandatory Petroleum Allocation and Price Regulations

**AGENCY:** Department of Energy.

**ACTION:** Rule.

**SUMMARY:** The Department of Energy (DOE) Office of General Counsel issues the appended Ruling pursuant to 10 CFR 205.150 to respond to questions relating to the effect of the Executive Order decontrolling crude oil and refined petroleum products on the Mandatory Petroleum Allocation and Price Regulations. A written comment of objection to the appended Ruling may be filed at any time with the DOE Office of General Counsel pursuant to the provisions of 10 CFR 205.153.

**FOR FURTHER INFORMATION CONTACT:** Lona L. Feldman, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Forrestal Building, Washington, D.C. 20585, (202) 252–2929.

Issued in Washington, D.C.

Dated: February 12, 1981.

**Lona L. Feldman,**

*Assistant General Counsel for Interpretations and Rulings.*

Title 10 of the Code of Federal Regulations is hereby amended by adding to the Rulings appearing at the end of Chapter II the following Ruling 1981–1 to read as follows:

**Ruling 1981–1—Questions and Answers Relating to the Effect of the Executive Order Decontrolling Crude Oil and Refined Petroleum Products on the Mandatory Petroleum Allocation and Price Regulations**

On January 28, 1981, the President signed Executive Order 12287, 46 FR 9909 (January 30, 1981), exempting all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.* (1976)) (EPAA). This Order was effective at 12:01 a.m., January 28, 1981.[1] This Ruling is issued in order to promote the immediate implementation of this Executive Order. It answers some of the questions received by the Department of Energy (DOE) concerning the Executive Order and DOE regulations after January 27, 1981.

*Questions #1:* Are firms required to follow the reporting, record-keeping, and record maintenance requirements set forth in the Mandatory Petroleum Allocation and Price Regulations after 12:01 a.m., January 28, 1981?

*Answer #1:* Section 2 of the Executive Order states that: "[a] 11 reporting and record-keeping requirements in effect under the Emergency Petroleum Allocation Act, as amended, shall continue in effect until eliminated or modified by the Secretary of Energy." Accordingly, until the Secretary of Energy promulgates regulations changing the record-keeping requirements, all existing records must be maintained in their current form, and no existing records may be altered or destroyed. Records that relate to matters occurring after January 27, 1981 are still subject to ongoing reporting or regulatory requirements, and must also be maintained. For example, crude oil producers and crude oil resellers must continue to certify each barrel of crude oil sold in accordance with 10 CFR 212.131, although after January 27, 1981 the crude oil is exempt from any pricing restrictions. In addition, all reports required to be filed by firms for the periods prior or subsequent to January 28, 1981, must still be filed with the appropriate officials until these reporting requirements are modified or eliminated. The on-going record-keeping and reporting requirements also are subject to 10 CFR 205.202 which prohibits any practice that circumvents or contravenes the requirements of the regulations. The failure to maintain, or the destruction or alteration of records, or the failure to submit reports accurately to the DOE could subject a firm to both civil and criminal penalties.

*Question #2:* How does the Executive Order affect the issuance of entitlements notices for the period prior to January 28, 1981 under 10 CFR 211.66 and 211.67 (the Entitlements Program)?

*Answer #2:* In section 3 of the Executive Order the Secretary of Energy is given authority to promulgate entitlements notices for periods prior to January 28, 1981, and further to establish a mechanism for entitlements adjustments for periods prior to the Executive Order. Thus, the Secretary will publish in February 1981 an entitlements notice which accounts for crude oil runs to stills in December 1980. The Secretary will also publish in March 1981 an entitlements notice reflecting crude oil runs to stills from January 1, 1981 through January 27, 1981.

For the month of January 1981, each refiner is required to report all information required by the Form ERA–49, the Domestic Crude Oil Entitlements Program Refiners Monthly Report, pursuant to the provisions of 10 CFR 211.66 and 211.67 and the instructions set forth in the Form ERA–49. Each refiner will report its actual crude oil runs to stills for that month. However, each refiner shall also report in Item 7 in the Form ERA–49 its actual crude oil runs to stills in the first 27 days of January 1981, or if it does not have that information available, its crude oil runs to stills for the full month of January 1981, multiplied by the fraction 27/31, which will be deemed the firm's crude oil runs to stills for the first 27 days of the month. In a footnote to Item 7, a refiner shall state which method of computation for the first 27 days of January it used in its Form ERA–49.

Each refiner will be required further to report its receipts of crude oil as set forth in 10 CFR 211.66(h) and Form ERA–49, for the entire month of January 1981. Each refiner will also report for the first 27 days of the month its crude oil receipts as set forth in Items 4, 5, 6, 9, and 10 in the Form ERA–49 on the basis of actual crude oil receipts for the first 27 days of January or, if the refiner does not have that information available, on the basis of receipts for the full month, multiplied by 27/31. In a footnote to Items 4, 5, 6, 9, and 10 each refiner shall state which method of computation for the period January 1 through 27, 1981, it used on the Form ERA–49. All reporting and record-keeping requirements will remain in effect. Thus, crude oil must be certified by its proper regulatory classification, such as lower tier, upper tier, etc., even though after January 27 the crude oil could be sold without regard to price controls. Refiners, therefore, should have data as to the tier and type of crude oil received for the entire month of January 1981.

Moreover, each refiner that is otherwise eligible to receive entitlements for eligible products under 10 CFR 211.67(a)(3) or for petroleum substitutes under 10 CFR 211.67(a)(5), or that is required to adjust its volume of crude oil runs to stills pursuant to 10 CFR 211.67(d), shall report in Item 7 or 8 of the Form ERA–49 the volume of eligible products, petroleum substitutes, or reduction in runs to stills for the entire month of January 1981. In addition, each refiner will report its actual volume of eligible products and petroleum substitutes or will adjust its crude oil runs to stills for the first 27 days of January 1981. If that information is not available, a refiner will report the volume of eligible products or petroleum substitutes or will adjust its crude oil runs to stills by multiplying the monthly calculation of such volumes or the crude oil runs to stills, respectively, by the fraction 27/31. In a footnote to Item 7 or 8 of the Form ERA–49 each refiner shall state which method of computation for the first 27 days of January it used.

Each non-refiner that is eligible to receive entitlements for eligible products under 10 CFR 211.67(a)(3) or for petroleum substitutes under 10 CFR 211.67(a)(5) is required to report its volume of the eligible products or petroleum substitutes for the entire month of January 1981. In addition, each firm will report its volume of eligible products or petroleum substitutes for the first 27 days of January 1981. If that information is not available, the firm must multiply the full monthly volume of the eligible products or petroleum substitutes by the fraction 27/31. Each firm shall state which method of computation for the first 27 days of January it used.

The DOE will develop a mechanism to implement any adjustments to the Entitlements Program resulting from changes or corrections in crude oil receipts, runs to stills, volumes of other eligible products or volumes of petroleum substitutes by refiners and other eligible firms for months or partial months prior to January 28, 1981.

*Question #3:* How was a producer to determine the volumes of upper and lower tier crude oil produced and sold from a property during January 1981?

*Answer #3:* Executive Order 12287 does not affect the determination of the base production control level of a property for the full month of January

[1] Executive Order 12287 is effective at 12:01 a.m., January 28, 1981, in each different time zone. *See* 15 U.S.C. 262 (1976). Thus, while the Order was effective on the East Coast at 12:01 a.m., e.s.t., January 28, 1981, it was not effective on the West Coast until 12:01 a.m. p.s.t., January 28, 1981.

1981. Thus, the volumes of old (lower tier) crude oil and new (upper tier) crude oil produced and sold from a property must be determined according to the procedures found in 10 CFR Part 212, Subpart D, for the full month of January 1981. Crude oil produced and sold from a property prior to January 28, 1981, was subject to the pricing requirements of 10 CFR Part 212, Subpart D, and the certification requirements at 10 CFR 212.131. Neither the price regulations of 10 CFR Part 212, Subpart D nor the certification provisions of 10 CFR 212.131 specify any sequence of sale or identify which particular barrels of crude oil are to be sold at lower tier or upper tier ceiling prices. However, a producer was required to deal with purchasers of its crude oil in accordance with its normal business practices as set forth in 10 CFR 210.62 with respect to that purchaser and was not to discriminate among any purchasers of its crude oil in its sale of upper tier or lower tier crude oil during January 1981. A producer's variance from its historical sales practices with respect to a purchaser in January 1981 could be evidence of behavior proscribed under 10 CFR 210.62.

Accordingly, crude oil sold before January 28, 1981 that was properly certified as lower tier or upper tier crude oil was subject to the ceiling price limitations of 10 CFR Part 212, Subpart D. Crude oil sold after January 27, 1981 is exempt from any ceiling price limitation whether or not it was certified as lower tier or upper tier crude oil.

*Question #4:* May a producer obtain market level prices from a purchaser for crude oil produced prior to January 28, 1981, but sold after January 27, 1981?

*Answer #4:* The contract terms between a purchaser and a seller determine whether the producer of controlled crude oil produced prior to January 28, 1981, but sold after the effective date of the Executive Order, may obtain market-level prices for its crude oil production. The Mandatory Petroleum Price Regulations do not affect sales after 12:01 a.m., January 28, 1981. The question of the time of sale is to be answered by reference to the contract or agreement, not by reference to the Mandatory Petroleum Allocation and Price Regulations.

*Question #5:* May crude oil sold in the months of December 1980 and January 1981 be retroactively recertified (or certified) in accordance with 10 CFR 212.131 by a crude oil producer within the consecutive two-month period immediately following the month the sale was made?

*Answer #5:* If crude oil would have otherwise qualified for lawful recertification (or certification) prior to the implementation of the Executive Order, a producer may recertify (or certify) crude oil sold in the months of December 1980 and January 1981 pursuant to 10 CFR 212.131(a)(6) within the consecutive two-month period immediately following the month in which the sale was made. For example, in March 1981 a producer could recertify upper tier crude oil sold in January 1981 as tertiary incentive crude oil if the crude oil would have otherwise qualified for that classification. After March 1981 no such recertifications can be made by a producer of crude oil.

*Question #6:* May a producer or reseller of controlled crude oil, either lower tier or upper tier crude oil sold prior to January 28, 1981 retroactively increase its price to market level after decontrol if the producer or reseller cannot lawfully recertify the crude oil under 10 CFR 212.131(a)(6) or 212.131(b), respectively?

*Answer #6:* A producer or crude oil reseller is not permitted to increase retroactively its price for controlled crude oil that it sold prior to January 28, 1981, if the producer or reseller cannot lawfully recertify the crude oil pursuant to 10 CFR 212.131(a)(6) or 212.131(b), respectively. However, if a producer or crude oil reseller can lawfully certify or recertify crude oil pursuant to 10 CFR 212.131(a)(6) or 212.131(b), respectively, that producer or crude oil reseller may of course do so.

*Question #7:* May a firm first become a qualified producer as defined in 10 CFR 212.78(c) on or after January 28, 1981? Moreover, may the retroactive recertification of crude oil sold in the months of December 1980 and January 1981 as tertiary incentive crude oil be used to recover recoupable allowed expenses that are incurred, paid, and reported after the effective date of the Executive Order, but within the consecutive two-month period within which retroactive certification is permitted under 10 CFR 212.131(a)(6)?

*Answer #7:* The Tertiary Incentive Program provides that first sales of crude oil by or on behalf of a qualified producer are not subject to the ceiling price limitations of 10 CFR Part 212, Subpart D, provided that the tertiary incentive revenue does not exceed the allowed expenses attributable to the producer. Tertiary incentive revenue is the difference between the controlled price and the market price received by the qualified producer in accordance with 10 CFR 212.78 and constitutes the front-end money which is the incentive that the program is intended to provide.

Absent the Executive Order, a qualified producer that would have incurred, paid, and reported its allowed expenses prior to February 28 and March 31, 1981, respectively, could have recovered those expenses through the recertification of crude oil sold in the months of December 1980 and January 1981, respectively, as long as those recertifications were made within the consecutive two-month period within which such certification is permitted under 10 CFR 212.131(a)(6). Executive Order 12287 is intended to provide for an immediate decontrol of crude oil and refined petroleum products. The Order does not abrogate the right that accrued to a firm to establish prices for crude oil prior to January 28, 1981. Thus, a firm may become a qualified producer as defined in 10 CFR 212.78(c) on or after January 28, 1981. A qualified producer may also recover allowed expenses through the recertification of crude oil sold in the months of December 1980 and January 1981, respectively, as long as the producer has incurred, paid, and reported those expenses prior to February 28 and March 31, 1981, respectively.

*Question #8:* How does a crude oil reseller compute its lawful prices pursuant to 10 CFR Part 212, Subpart L for the period January 1 through January 27, 1981?

*Answer #8:* A crude oil reseller must generally compute its average markup on a monthly basis under 10 CFR 212.183(a). The average markup is the total revenue in sales of properly certified crude oil by the reseller, less the lawful costs and expenses associated with such sales of crude oil in the month, divided by the number of barrels of crude oil sold by the reseller in the month. *See* 10 CFR 212.182. Since only a 27-day period rather than the full month was subject to price controls, a crude oil reseller's average markup would also reflect prices charged after the exemption of crude oil from price controls. Since some sales of crude oil could be made at prices that were exempt from the price regulations, the average markup could lawfully exceed the permissible average markup of 20 cents per barrel during January 1981. Accordingly, no valid comparison of a crude oil reseller's average markup with its permissible average markup of 20 cents per barrel can be made for the month of January 1981.

In addition, prior to January 28, 1981, crude oil resellers were subject to 10 CFR 212.183(a) which prohibits any markup in certain specified sales of crude oil and to 10 CFR 212.186 which prohibits any markup in a sale in which a reseller performs no service or other function traditionally and historically

associated with the resale of crude oil. Moreover, crude oil resellers were subject to all other provisions of 10 CFR Part 212, Subpart L and the certification provisions of 10 CFR 212.131 prior to January 28, 1981. Until further notice, crude oil resellers also must continue to maintain records and file reports in conformance with 10 CFR 212.187.

*Question #9:* May a seller of refined petroleum products retroactively increase its selling price to a purchaser for a covered product actually sold prior to January 28, 1981?

*Answer #9:* A seller may not, through a retroactive price assessment, increase its selling price for a covered product sold prior to January 28, 1981 to a level in excess of its maximum lawful price to a purchaser as that concept is discussed in 10 CFR Part 212, Subparts E, F, and K for the period in which the product was sold. A retroactive increase in price will be considered part of the price charged for a product for the period prior to January 28, 1981, and could result in the initiation of enforcement action.

*Question #10:* Must a retailer of motor gasoline continue to post either the maximum lawful selling price for each grade of motor gasoline or a certification that the maximum lawful selling price for each grade of motor gasoline has been calculated by the retail seller and that the actual selling price for that type or grade of gasoline is either equal to or less than the maximum lawful selling price pursuant to 10 CFR 212.129(b)?

*Answer #10:* The posting requirement is neither a reporting nor a recordkeeping requirement. Thus, a retailer of motor gasoline is no longer required to continue posting either its maximum lawful selling prices for each grade of motor gasoline or a certification concerning the lawfulness of its prices under 10 CFR 212.129(b) after January 27, 1981.

*Question #11:* May a firm obtain an exception, stay, modification, or special redress or other relief from the Office of Hearings and Appeals pursuant to 10 CFR Part 205, Subparts D, I, J, and R, respectively, from the terms of Executive Order 12287 which exempts crude oil and refined petroleum products from the Mandatory Petroleum Allocation and Price Regulations as of 12:01 a.m., January 28, 1981?

*Answer #11:* No firm may obtain from the Office of Hearings and Appeals an exception, stay, modification of or special redress relief from the provisions of the Executive Order which exempts crude oil and refined petroleum products from the Mandatory Petroleum Allocation and Price Regulations.

*Question #12:* Is that state set-aside for motor gasoline set forth at 10 CFR 211.17 still in effect?

*Answer #12:* The Executive Order exempts all refined petroleum products, including motor gasoline, from all allocation and pricing regulations promulgated under the Emergency Petroleum Allocation Act of 1973, except as expressly provided. The State set-aside program for gasoline was established as part of those regulations and was not excepted from the provisions of the Executive Order. Therefore, the state set-aside for motor gasoline is no longer in effect. However, under the terms of the Executive Order, the State set-aside program for middle distillates remains in effect until March 31, 1981.

Issued in Washington, D.C., on February 12, 1981.

Eric J. Fygi,

*Acting General Counsel.*

[FR Doc. 81-5573 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-01-M

## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 701

### Organization and Operations of Federal Credit Unions; Share, Share Draft and Share Certificate Accounts

**AGENCY:** National Credit Union Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule concerns the penalties that Federal credit unions assess when members make premature withdrawal of funds held in share certificate accounts. The rule allows, but does not require, Federal credit unions to adopt penalties that result in invasion of principal when funds are withdrawn early in the term of a certificate. The rule gives Federal credit unions greater flexibility to address problems associated with so-called "rate-hopping", that is, instances of very early withdrawal of money market certificates and other market sensitive share certificates during times of rapidly rising rate ceilings. Withdrawal is made in these cases for the purpose of reinvestment in certificates at the new higher rate. The existing maximum penalty (loss of all earned dividends) may not be a sufficient disincentive to premature withdrawal, since the total return on the new certificate less the penalty will exceed the return on the outstanding lower rate certificate. High incidences of withdrawal and reinvestment are administratively burdensome and disruptive to the credit union's financial planning. Pursuant to this rule, Federal credit unions have the option of addressing this problem by adopting penalties that result in invasion of principal.

**EFFECTIVE DATE:** Inasmuch as this rule relieves an existing restriction and imposes no burden on Federal credit unions it is effective immediately, February 12, 1981.

**ADDRESS:** National Credit Union Administration, 1776 G St., N.W., Washington, D.C., 20456.

**FOR FURTHER INFORMATION CONTACT:** Robert M. Fenner, Deputy General Counsel, or Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis. Telephone: 202 357-1030 (Mr. Fenner) and 202 357-1090 (Mr. Miller).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

*DIDC Action*

On June 2, 1980, the Depository Institutions Deregulation Committee (DIDC) adopted a final rule concerning penalties for premature withdrawals from time deposits. The DIDC rule affects federally insured banks, savings and loan associations and mutual savings banks. The rule mandates minimum penalties that have the effect of invading principal in the event a customer withdraws funds from a time deposit very early in the term of the deposit (unless certain standard exceptions to the imposition of the penalty are met). The rule is designed to ease problems faced by financial institutions as a result of high incidences of rate-hopping, described above. The DIDC rule was published at 45 FR 40109.

The DIDC rule establishes the following mimimum penalties: For time deposits with maturities less than three months, the minimum penalty for premature withdrawal is an amount equalling the interest that could have been earned on the amount withdrawn had the deposit been held until maturity. For time deposits with maturities from 3 months to one year, the minimum penalty is an amount equalling 3 months simple interest on the amount withdrawn. (Thus, for example, if the entire deposit is withdrawn earlier than three months from the date of issuance, the penalty will result in some invasion of principal, since sufficient interest will not have been earned to absorb the penalty.) For time deposits with maturities in excess of one year, the minimum penalty is an amount equalling 6 months simple interest on the amount withdrawn.

*NCUA Proposal*

On June 23, 1980, the NCUA Board issued a proposal requesting comment on whether DIDC-like premature withdrawal penalties should be adopted for Federal credit unions. This action was taken in order to determine whether the problem addressed by the DIDC rule was presenting difficulties for Federal credit unions. The NCUA proposal was published on June 25, 1980, at 45 FR 42628.

*NCUA's Present Rule*

NCUA's present rule on early withdrawal penalties is set forth in Section 701.35(e) of NCUA's regulations. (Codified at 12 CFR 701.35(e), and most recently published at 45 FR 75169.) NCUA's rule differs from the DIDC rule in one major respect: NCUA's rule does not allow Federal credit unions to impose penalties that invade principal. (For purposes of this discussion, a penalty is not considered to "invade" principal to the extent that principal is reduced only because dividends against which the penalty would have otherwise been assessed have been previously withdrawn.) NCUA's rule establishes the following minimum penalties: For certificates with maturities of one year or less, the minimum penalty is the *lesser* of (1) 90 days worth of dividends on the amount withdrawn (essentially the equivalent of the DIDC penalty of 3 months simple interest) or (2) all dividends on the amount withdrawn since the date of issuance or renewal (if this latter amount is the lessor of the two, it constitutes the penalty, and thus the penalty does not invade principal). For certificates with maturities greater than one year, the minimum penalty is the *lesser* of (1) 180 days worth of dividends on the amount withdrawn (comparable to the DIDC penalty of 6 months simple interest) or (2) all dividends on the amount withdrawn since the date of issuance or renewal. Again, these are minimum penalties. Federal credit unions are free, in fashioning their share certificate contracts, to require a higher forfeiture of dividends (but no forfeiture of principal).

*Recent Developments*

The comment period on NCUA's proposal ended August 18, 1980. On November 6, 1980, in adopting a comprehensive revision of NCUA's rules on share, share certificate and share draft accounts, the NCUA Board deferred action on the question of revising NCUA's minimum withdrawal penalties, partly to await the outcome of DIDC deliberations on possible amendments to its rule. At its meeting of December 12, 1980, the DIDC considered but declined to adopt revisions concerning waiver of the penalty in the event of personal hardship of the depositor.

*Decision*

Inasmuch as the DIDC has apparently concluded its deliberations on substantive revisions to its penalty rule, the NCUA Board has again reviewed its proposal to adopt DIDC-like penalties. Some 45 comments were received on the NCUA proposal. An analysis of those comments was published at 45 FR 75169, as part of NCUA's aforementioned revisions to its share account rules. In short, the comments did not support adoption of the DIDC rule as a mandatory penalty. Many commentors did support, however, a revision to allow Federal credit unions the option of using the DIDC penalties. Consistent with these comments, the NCUA Board has decided at this time to revise its rules so as to allow, but *not require*, Federal credit unions to adopt penalties similar to those mandated for other institutions. This is accomplished by simply eliminating from the present NCUA rule § 701.35(e)(1), which establishes the prohibition against penalties that invade principal. The remaining of section 701.35(e) are renumbered accordingly. Also, renumbered § 701.35(e)(1) (previously § 701.35(e)(2)) has been revised to more clearly convey its meaning: that it is within the discretion of the board of directors of a Federal credit union to establish penalties for failure to meet the terms and conditions of any account other than a regular share account. Renumbered § 701.35(e)(2) then states the minimum *required* forfeiture of dividends for premature withdrawal from share certificates.

*Minimum Penalty*

The minimum penalty in the existing rule is maintained in order to preserve the integrity of the 7% dividend ceiling on share accounts. For example, in the absence of a minimum penalty, Federal credit unions would be allowed to issue 9% certificates with no minimum denomination and *no* premature withdrawal penalty. As can easily be seen, this would have the effect of permitting a share account (called a share certificate account) from which penalty free withdrawals might be made, but at a rate 2% above the ceiling for accounts described correctly as share accounts.

*Member Interests*

In removing the prohibition against invasion of principal, the NCUA Board has carefully considered the interests of Federal credit union members. The Board believes, for the following reasons, that member interests are adequately protected by this action: First, the new penalties may not be applied to existing share certificates. Rather, they can only be applied prospectively (to new certificates) as a matter of contractual agreement between the credit union and the member. Further, any premature withdrawal penalty is subject to disclosure requirements pursuant to § 701.35(l) of NCUA's rules. Also, FCU's are not required to impose penalties that invade principal. They may choose not to impose the penalties at all, or they may choose to apply them only to those certificates (such as money market certificates) for which rate-hopping has been a problem.

*Related Issue*

Some Federal credit unions have inquired of NCUA whether it would be permissible to protect against premature withdrawal by issuing share certificates that are redeemable solely at the discretion of the credit union. NCUA's regulations do not address this issue. The very essence of a share certificate, however, is that the member receives a higher dividend rate in return for a commitment to leave the funds with the credit union for a specified period of time. Thus, the Board considers it *permissible* for a Federal credit union, by contract, to reserve the right to refuse to allow premature withdrawal. Such a condition must be clearly disclosed to the member pursuant to § 701.35(l) of NCUA's regulations, and the credit union should avoid favoritism in determining, from case to case, whether to exercise the right. Also, if a Federal credit union reserves the right to deny access, the NCUA Board recommends that the credit union adopt an internal policy that defines emergencies for which either premature withdrawal will nonetheless be allowed or a secured loan will be granted. Finally, there are certain instances, specified in § 701.35(f) of NCUA's regulations, where a penalty for premature withdrawal is not permitted. The Board believes it is implicit in these cases that the member or the member's successor may affect premature withdrawal. The cases are (1) death of the member, (2) termination of the membership of a person who has left the field of membership, (3) distribution from an IRA or Keough account following death or disability and (4)

liquidation of the credit union. (On December 29, 1980, the Board proposed an amendment that would add bankruptcy of the member to this list. See 46 FR 920. The comment period on that proposal expires February 23, 1981.)

*Effective Date*

This final rule relieves an existing restriction and imposes no new mandatory requirements on Federal credit unions. Accordingly, it is being issued without a delayed effective date.

Dated: February 12, 1981.

**Rosemary Brady,**

*Secretary, National Credit Union Administration Board.*

(12 U.S.C. 1757(6); 12 U.S.C. 1766(a))

**§ 701.35 [Amended]**

1. Section 701.35(e) is revised to read as follows:

* * * * *

(e) *Penalty Provisions.* (1) The board of directors may establish a penalty to be imposed for failure to comply with any terms or conditions of any account other than a regular share account.

(2) The board of directors shall establish a penalty to be imposed for premature withdrawal from a share certificate account. The penalty established shall, at a minimum, require:

(i) If the qualifying period is one year or less the member shall forfeit an amount equal to the lesser of:

(A) All dividends for 90 days on the amount withdrawn, or

(B) All dividends on the amount withdrawn since the date of issuance or renewal.

(ii) If the qualifying period is greater than one year, the member shall forfeit an amount equal to the lesser of:

(A) All dividends for 180 days on the amount withdrawn, or

(B) All dividends on the amount withdrawn since the date of issuance or renewal.

[FR Doc. 81-5577 Filed 2-18-81; 8:45 am]

BILLING CODE 6750-01-M

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 80-NE-43; Amdt. 39-4043]**

## Airworthiness Directives; Sikorsky S-76A Helicopters Certificated in All Categories

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** On October 24, 1980, a telegraphic airworthiness directive (AD), T80-22-55, was issued requiring visual and dye penetrant inspections for cracks in the piston rods of main rotor dampers and the removal from service of these dampers if cracks were found. On November 21, 1980, an emergency AD (air mail) revision to the AD, T80-22-55 R1, was issued to add requirements for a one-time dye penetrant inspection for cracks and inspections for main rotor damper bearing wear. This revised AD was published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations on January 15, 1981. Subsequent to the adoption of that amendment, an additional failure in flight of a damper piston rod occurred. The FAA has determined that the requirement for the visual inspections of AD T80-22-55 R1 was ineffective and must be replaced with the more stringent repetitive dye penetrant inspections. Therefore, this amendment revises AD T80-22-55 R1 to require repetitive dye penetrant inspections and to eliminate the requirement for visual inspections.

**DATES:** Effective date February 15, 1981. Comments must be received on or before April 15, 1981.

**ADDRESSES:** Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 80-NE-43, 12 New England Executive Park, Burlington, Massachusetts 01803.

**FOR FURTHER INFORMATION CONTACT:** William E. Garlock, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

The applicable Sikorsky publications may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. Copies of the maintenance manual revisions are contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

**SUPPLEMENTARY INFORMATION:**

### Prior Regulatory History

Because of recent fatigue failures and the separation of the piston rods of main rotor dampers, a telegraphic AD, T80-22-55, was issued on October 24, 1980, requiring visual inspections and, if any indications of a crack was found, dye penetrant inspections of the piston rods. The AD also required that the dampers be removed from service if a crack was found. Subsequent to the issuance of the telegraphic AD, engineering research and tests indicated that the wear and metal-to-metal contact within the damper spherical bearings can increase the loads sustained by the damper piston rods and therefore contribute to the fatigue failure of these rods. There was also an additional failure of a piston rod in service. Therefore, emergency AD T80-22-55 R1 was issued on November 21, 1980, effective November 28, 1980, to add requirements for a one-time dye penetrant inspection of all damper piston rods, based upon time in service and previous replacement of bearings, and repetitive inspections of the damper rod end bearings for wear. Emergency AD T80-22-55 R1 was published in the Federal Register on January 15, 1981, as Amendment 39-4018 (46 FR 3496). Subsequent to the adoption of that amendment, an additional failure in flight of a damper piston rod occurred. The FAA has determined that the requirement for the visual inspections of AD T80-22-55 R1 was ineffective and must be replaced with the more stringent repetitive dye penetrant inspections. Therefore, this amendment revises Amendment 39-4018 (46 FR 3496), AD T80-22-55 R1, to eliminate the requirement for visual inspections and to establish a requirement for repetitive dye penetrant inspections.

Since a situation exists that requires 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.

### Request for Comments on the Rule

Although this action is in the form of a final rule, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

### 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 effective February 15, 1981, by revising Amendment 39–4018 (46 FR 3496), AD T80–22–55 R1, to read as follows:

Sikorsky Aircraft. Applies to S–76A series helicopters certificated in all categories.

To prevent operation with cracked or separated main rotor damper piston rods accomplish the following:

1. Within 25 hours time in service, after the effective date of this AD, and thereafter at intervals not to exceed 30 hours time in service, conduct dye penetrant inspections for cracks in the piston rods of P/N 76106–08000 main rotor dampers with more than 400 hours time in service or that have had a damper spherical bearing replaced. Accomplish these inspections in accordance with specification MIL–I–6866, Type II, Method C, and with at least a 3-power magnifying glass. Protect piston seals and rod end bearings from cleaning and inspection fluids. If a crack is found, replace the piston rod prior to further flight with a serviceable piston rod.

2. On damper spherical bearings with more than 100 hours time in service: Within the next 25 hours time in service, after the effective date of this AD, and thereafter at intervals not to exceed 15 hours time in service, conduct a bearing wear inspection of the damper spherical bearings in accordance with Item 88 of Temporary Revision 5–27 (Reference Paragraph 9 of Temporary Revision 5–23) of Sikorsky S–76 Maintenance Manual No. SA4047–76–2.

When a damper spherical bearing fails to meet the wear criteria of this inspection, conduct a dye penetrant inspection in accordance with the specification in paragraph 1 of the damper piston rod for cracks. If a crack is found, replace the piston rod prior to further flight with a serviceable piston rod.

3. Other methods of compliance with this directive must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

4. Report any discrepancies found and associated main rotor blade damper times in service to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

(Reporting approved by the Office of Management and Budget Under OMB No. 04–40174)

Note.—The following revisions to the Sikorsky S–76 Maintenance Manual No. SA 4047–76–2 pertain to the subject matter of this directive:

a. Item 28 of Temporary Revision No. 5–21, dated January 28, 1981.

b. Item 88 of Temporary Revision No. 5–27, dated January 28, 1981 (Reference Paragraph 9 of Temporary Revision 5–23).

c. Temporary Revision No. 5–31, dated January 28, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof 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 Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602.

These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C.

A historical file on this AD is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Massachusetts.

(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 FAA has determined that this document involves a regulation which is not considered to be significant under Executive Order 12044, as amended, on June 27, 1980, by Executive Order 12221, as implemented by DOT 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."

The undersigned certifies, pursuant to 5 U.S.C. 605(b), that this final rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The equipment necessary to conduct the inspections required by this Final Rule is standard and so frequently used in the inspection of aircraft components that all operators of S–76A helicopters will have this equipment available. The inspection required by this final rule can be made to coincide with other inspections, and therefore, the down-time on the aircraft would not be solely limited to these inspections. The time to complete these inspections is not considered to be significant.

It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Burlington, Massachusetts, on February 3, 1981.

John B. Roach,

*Acting Director, New England Region.*

[FR Doc. 81-5381 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 80–AAL–20]

## Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Low Frequency Airway

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment realigns Green Airway 10 between Elfee, Alaska, NDB and Port Heiden, Alaska, NDB. The present alignment of G–10 from Humboldt, Alaska, NDB has proven to be unusable. The realignment would enhance the traffic flow in the area.

**EFFECTIVE DATE:** April 16, 1981.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

**SUPPLEMENTARY INFORMATION:** On November 24, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign G–10 from Elfee, Alaska, NDB to Port Heiden, Alaska, NDB (45 FR 77452). The former alignment of G–10 utilizing the Humboldt, Alaska, NDB 345° bearing is not usable, according to flight check data. Therefore, this segment of G–10 between Humboldt NDB and the intersection at G–8 is revoked because it is not usable; however, the new G–10 realignment will enhance air safety and simplify flight planning. This amendment is the same as that proposed in the notice. Section 71.103 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981, (46 FR 407).

### The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters G–10 by redescribing this portion from Elfee, Alaska, NDB to Port Heiden, Alaska, NDB. This action will enhance air safety and improve traffic flow in the area.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.103 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 407) is amended, effective 0901 GMT, April 16, 1981, as follows:

Under § 71.103 Green Federal Airways, G–10 is amended to read as follows:

"G–10 From Elfee, Alaska, NDB, via INT Elfee NDB 041° and Port Heiden, Alaska, NDB 248° bearings; Port Heiden NDB; 67 miles 12 AGL, 77 miles 85 MSL, 67 miles 12 AGL, to Woody Island, Alaska, NDB."

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

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 safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 12, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81–5583 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

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## 14 CFR Part 71

**[Airspace Docket No. 80–EA–56]**

## Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points; Designation and Alteration of Transition Areas: States of Pennsylvania and New York

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule designates a New York State Transition Area over the State, and alters the description of the Pennsylvania Transition Area. The designation will consolidate many separate transition areas presently existing within the territorial boundaries of New York State, but will not expand present controlled airspace. It will permit the revocation of the separate transition areas in the same area in favor of one designation. The alteration will change the description of Pennsylvania from a detailed specification of the geographic area to a general reference to the territory of the State of Pennsylvania.

**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 November 11, 1980, the FAA published a Notice of Proposed Rulemaking on page 75684 of its **Federal Register**, 45 FR 54078 and gave interested parties until January 5, 1981, 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.

(Sec. 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.*

### § 71.181 [Amended]

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, as follows:

a. Designate a New York State 1200 foot floor transition area as follows:

"New York State

That airspace extending upward from 1200 feet above the surface within the boundary of the State of New York including the offshore airspace 3NM east of and parallel to the shoreline".

b. Remove the description of the [State of] Pennsylvania 1200 foot floor transition area in its entirety and substitute therefor, "That airspace extending upward from 1200 feet above its surface within the State of Pennsylvania".

c. Remove the description of the Albany, New York 1200-foot floor transition area in its entirety.

d. Remove the description of the Andover, New Jersey 1200-foot floor transition area in its entirety.

e. Remove the description of the Buffalo, New York 1200-foot floor transition area in its entirety.

f. Remove the caption and description of the Cranberry Lake, New York 1200-foot floor transition area in its entirety.

g. Remove the caption and description of the Delancey, New York 1200-foot floor transition area in its entirety.

h. Remove the description of the Fulton, New York 1200-foot floor transition area in its entirety.

i. Remove the description of the Ogdensburg, New York 1200-foot floor transition area in its entirety.

j. Remove the caption and description of the Oswego, New York 1200-foot floor transition area in its entirety.

k. Remove the description of the Poughkeepsie, New York 1200-foot floor transition area in its entirety.

l. Remove the description of the Rochester, New York 1200-foot floor transition area in its entirety.

m. Remove the description of the Utica, New York 1200-foot floor transition area in its entirety.

n. Remove the description of the Watertown, New York 1200-foot floor transition area in its entirety.

o. Remove the description of the White Plains, New York 1200-foot floor transition area in its entirety.

[FR Doc. 81–5590 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

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## 14 CFR Parts 71 and 73

**[Airspace Docket No. 80–ASO–71]**

## Temporary Restricted Area Camp Lejeune, N.C.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** These amendments designate temporary restricted areas in the vicinity of Camp Lejeune, N.C., to contain hazardous air activity associated with a major joint military exercise. Applicable areas are included in the Continental Control Area. This action prohibits unauthorized flight operations by nonparticipating aircraft within the restricted areas during their designated times of use.

**EFFECTIVE DATE:** April 16, 1981.

**FOR FURTHER INFORMATION CONTACT:** George O. Hussey, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

**SUPPLEMENTARY:**

**History**

On December 15, 1980, the FAA proposed to amend § 71.151 of Part 71 and § 73.53 of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R-5315A, R-5315B, R-5315C, R-5315D, and R-5315E, Camp Lejeune, N.C., to contain hazardous air activity associated with a major joint military exercise (45 FR 82270). This exercise will provide necessary training for several military commands operating under the sponsorship of the United States Atlantic Command, Norfolk, Va. The air activities associated with the exercise will be such that simultaneous flight by nonparticipating aircraft cannot be safely conducted within the temporary restricted areas when they are in the use by the military. These activities will consist of high performance military aircraft and helicopters engaged in fast tempo air-to-air and air-to-ground air operations where pilots may be restricted from properly clearing themselves from nonparticipating aircraft. This situation creates a hazard and requires designation of temporary restricted areas. Live ordnance will not be used and supersonic flight will be prohibited within the temporary restricted areas. Approximately 225 aircraft will be utilized to conduct approximately 270 fixed wing and 150 helicopter daily sorties. Participating aircraft operating outside the exercise areas will file individual flight plans to the maximum extent practicable. The boundary abutments to existing special use airspace areas are necessary to accommodate interarea transition into and out of adjacent areas which will also be utilized extensively during the exercise. Communications equipment will be installed and maintained between appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the exercise areas when military activity permits. Additionally, a reverse charge telephone number and VHF radio communications frequency will be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. This rule is the same as that proposed in the notice. Of the comments received, none were objections to the proposal. The United States Atlantic Command, Norfolk, Va., has certified that the requirements of the National Environmental Policy Act (NEPA) have been met. Section 71.151 of Part 71 and § 73.53 of Part 73 were republished in the **Federal Register** on January 2, 1981 (46 FR 446 and 817).

**The Rule**

These amendments to Parts 71 and 73 of the Federal Aviation Regulations designate temporary restricted areas identified as R-5315A, R-5315B, R-5315C, R-5315D, and R-5315E, Camp Lejeune, N.C. This rule prohibits unauthorized flight by nonparticipating aircraft within the restricted areas during their designated times of use. Applicable areas are included in the Continental Control Area and the areas are designated for joint use. The military will provide reasonable access to private or public use land within the restricted areas.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 817) are amended, effective 0901 GMT, April 16, 1981, as follows:

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

**§ 71.151 [Amended]**

1. In § 71.151 between "R-5314 Dare County, N.C." and "R-5502B Lacarne, Ohio" the following are added:

"R-5313A Camp Lejeune, N.C. Continuous from 0001 May 6 until 2400 local time May 12, 1981.

"R-5315C Camp Lejeune, N.C. Continuous from 0001 May 6 until 2400 local time May 12, 1981.

"R-5315D Camp Lejeune, N.C. Continuous from 0001 May 6 until 2400 local time May 12, 1981.

"R-5315E Camp Lejeune, N.C. Continuous from 0001 May 6 until 2400 local time May 12, 1981."

## PART 73—SPECIAL USE AIRSPACE

**§ 73.53 [Amended]**

2. In § 73.53 the following are added:

**"R-5315A Camp Lejeune, N.C."**

Boundaries. Beginning at Lat. 34°36'05" N., Long. 77°26'08" W.; to Lat. 34°33'00" N., Long. 77°19'00" W.; to Lat. 34°30'20" N., Long. 77°15'50" W.; thence southwest 3 NM from and parallel to the shoreline to Lat. 34°23'30" N., Long. 77°30'00" W.; to Lat. 34°21'45" N., Long. 77°32'30" W.; to Lat. 34°28'30" N., Long. 77°40'00" W.; to point of beginning.

Designated altitudes. Surface to but not including FL 180.

Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

**R-5315B Camp Lejeune, N.C.**

Boundaries. Beginning at Lat. 34°51'00" N., Long. 77°05'30" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 34°41'50" N., Long. 76°56'20" W.; to Lat. 34°37'30" N., Long. 76°56'20" W.; thence southwest 3 NM from and parallel to the shoreline to Lat. 34°34'30" N., Long. 77°09'00" W.; to Lat. 34°44'50" N., Long. 77°14'40" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to point of beginning.

Designated altitudes. Surface to but not including 1,200 feet MSL.

Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

**R-5315C Camp Lejeune, N.C.**

Boundaries. Beginning at Lat. 34°57'00" N., Long. 77°02'45" W.; to Lat. 34°38'30" N., Long. 76°43'00" W.; thence west 3 NM from and parallel to the shoreline to Lat. 34°37'30" N., Long. 76°56'20" W.; to Lat. 34°41'50" N., Long. 76°56'20" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 34°51'00" N., Long. 77°05'30" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to point of beginning.

Designated altitudes. 4,000 feet MSL to but not including FL 180.

Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

**R-5315D Camp Lejeune, N.C.**

Boundaries. Beginning at Lat. 35°12'00" N., Long. 77°25'30" W.; to Lat. 34°57'00" N., Long. 77°02'45" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to Lat. 34°44'50" N., Long. 77°14'40" W.; to Lat. 34°40'30" N., Long. 77°19'00" W.; to Lat. 35°06'00" N., Long. 77°30'00" W.; to point of beginning.

Designated altitudes. Surface to but not including FL 180.

Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

**R-5315E Camp Lejeune, N.C.**

Boundaries. Beginning at Lat. 35°20'30" N., Long. 77°19'00" W.; to Lat. 35°43'50" N., Long. 76°35'30" W.; to Lat. 35°38'55" N., Long. 76°01'00" W.; to Lat. 35°36'45" N., Long. 76°01'20" W.; to Lat. 35°18'15" N., Long. 76°16'40" W.; to Lat. 35°23'15" N., Long. 76°34'40" W.; to Lat. 35°03'00" N., Long. 76°57'00" W.; to Lat. 34°57'00" N., Long. 77°02'45" W.; to Lat. 35°12'00" N., Long. 77°25'30" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to but not including FL 180.

Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

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

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 safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation. It has been determined that this regulation involves a military function of the United States under the President's memorandum of January 29, 1981.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 12, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-5582 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

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**14 CFR Part 73**

**[Airspace Docket No. 80-AWA-14]**

## Special Use Airspace; Alteration of Restricted Area

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment alters the description of Restricted Area R-4305 by changing the time of designation from 5 days per week to continuous. The Minnesota Air National Guard is conducting an increasing amount of training on weekends and this action extends the time of designation for R-4305 to include weekends.

**EFFECTIVE DATE:** April 16, 1981.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-8783.

**SUPPLEMENTARY INFORMATION:** On December 29, 1980, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to extend the time of designation for the utilization of Restricted Area R-4305 from Monday through Friday, to "Continuous" (45 FR 85467). The 148th Tactical Reconnaissance Group (MN ANC), conducts an increasing amount of training missions on weekends and requires additional operating hours. This action extends the operating hours. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal. No comments were received objecting to the proposal. This amendment is the same as that proposed in the notice. Section 73.43 of Part 73 was republished in the **Federal Register** on January 2, 1981 (46 FR 808).

### The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) extends the time for training missions for the Minnesota Air National Guard in Restricted Area R-4305 from 5 days per week to "Continuous." This action allows more flexibility for scheduling military training.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 808) is amended, effective 0901 G.M.T., April 16, 1981, as follows:

In § 73.43

Under R-4305 Lake Superior, Minn.

Time of designation. "0001 local time Monday to 2400 local time Friday." is deleted and "Continuous." is substituted therefor.

Using agency. "Commander, Eighth Air Force, Barksdale AFB, La." is deleted and "Commander, Eighth Air Force, Barksdale AFB, LA/DOOBS. (Autovon 781-3917/3857)." is substituted therefor.

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

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 safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 13, 1981.

**Harold W. Becker,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-5631 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

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**14 CFR Part 73**

**[Airspace Docket No. 81-ANW-4]**

## Special Use Airspace; Amendments to Restricted Areas R-6701, Admiralty Inlet, Wash., and R-6714 A, B, C and D, Yakima, Wash.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment changes the times of use of existing restricted areas to accurately reflect operational requirements and reduced usage. This action will result in more efficient joint utilization of the affected airspace.

**EFFECTIVE DATE:** April 16, 1981. Comments must be received on or before March 23, 1981.

**ADDRESSES:** Send comments on the rule in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANW-4, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

The official docket may be examined at the following location: FAA, Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** George O. Hussey, Airspace Regulations and Obstructions Branch, AAT-230, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

**The Rule**

This amendment to § 73.67 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) changes the time of use for Restricted Area R–6701, Admiralty Inlet, Wash., to read "Sunrise to Sunset, Monday through Friday. Other times by NOTAM."; and for R–6714 A, B, C, and D, Yakima, Wash., to read "Intermittent by NOTAM." The current provision in R–6701 to issue a NOTAM 24 hours in advance of Saturday and Sunday usage frequently causes unnecessary denial of access to civil aircraft resulting from reservation 24 hours in advance by the military based on anticipated usage. Removal of the 24 hour advance notice requirement will improve real time scheduling of the area and result in enhanced joint use efficiency. This same rationale applies in the case of R–6714 A and D. The continuous use of R–6714 B and C is no longer required by the military. Because this action results in increased public access to the affected airspace, I find that notice and public procedure are unnecessary; however, comments are invited on the rule. When the comment periods ends, the FAA will use the comments and any other available information to review the regulation. Section 73.67 of Part 73 of the Federal Aviation Regulations was republished on January 2, 1981 (46 FR 827).

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, § 73.67 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 827) is amended, effective 0901 GMT, April 16, 1981, as follows:

1. Under R–6701 Admiralty Inlet, Wash., Time of designation, delete "Saturday and Sunday as published by NOTAM 24 hours in advance." and substitute therefor "Other times intermittent by NOTAM."

2. Under R–6714 A, B, C, and D, Yakima, Wash., Time of designation, delete all of the existing words and substitute for them the words "Intermittent by NOTAM."

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

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 safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C. on February 12, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81–5032 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF COMMERCE

### International Trade Administration

### 15 CFR Parts 385 and 399

### Expansion of Foreign Policy Control; Correction

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

**ACTION:** Interim final rule; correction.

**SUMMARY:** This notice corrects three errors in the "Expansion of Foreign Policy Control; Correction" notice printed in the January 21, 1981 **Federal Register** (46 FR 5864). The action is necessary to correct errors in citations and dates.

**DATE:** These corrections are effective February 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Daniel E. Cook, Assistant to the Director, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377–4159.

Dated: February 12, 1981.

**William V. Skidmore,**

*Director, Office of Export Administration, International Trade Administration.*

Accordingly, the following corrections are made to FR Doc. 81–1964 appearing on page 5864 of the issue of January 21, 1981.

1. The CFR reference "15 CFR Parts 371 and 374" is changed to read "15 CFR Parts 385 and 399."

2. The date "January 6, 1980" appearing in the **SUMMARY** is corrected to read "January 6, 1981."

3. The citation "45 FR 1258" appearing in the **SUPPLEMENTARY INFORMATION** is corrected to read "46 FR 1258."

[FR Doc. 81–5049 Filed 2–18–81; 8:45 am]

BILLING CODE 3510–25–M

### 19 CFR Part 355

### Countervailing Duties, Certain Textiles and Textile Products From Pakistan; Preliminary Results of Administrative Review and of Revocation of Countervailing Duty Order

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review and of Revocation of Countervailing Duty Order.

**SUMMARY:** This notice is to advise the public that, as a result of a negative injury determination by the International Trade Commission, the Department of Commerce ("the Department") is revoking the countervailing duty order on certain textiles and textile products from Pakistan effective April 3, 1980. Further, the Department has tentatively determined that the net subsidies given under the programs cited in that countervailing duty order were *de minimis* from July 13, 1979, through April 2, 1980, the period during which the order was in effect. Interested parties are invited to comment on this decision.

**EFFECTIVE DATE:** February 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774).

**SUPPLEMENTARY INFORMATION:** On July 13, 1979 a notice of "Final Countervailing Duty Determination," T.D. 79–188, was published in the **Federal Register** (44 FR 40884). The notice stated that the Treasury Department had determined that exports of textile mill products and men's and boys' apparel from Pakistan were provided bounties and grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). The notice also stated that the *ad valorem* benefits of the programs investigated were possibly *de minimis* but that they were based on information that was 2 years old. Therefore, Treasury suspended liquidation of entries of the merchandise and a deposit of estimated countervailing duty of 1 percent *ad valorem* was required pending the receipt of more current information

regarding utilization of the programs investigated.

For purposes of this notice, "textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified handloomed and folklore products, made of cotton, wool and man-made fibers as specified in U.S. bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) set forth in the appendix to the **Federal Register** notice published on October 13, 1978 (43 FR 47340). "Men's and boys' apparel" includes those items described by TSUSA item numbers in the appendix to the above-cited **Federal Register** notice. The order excluded cotton towels. The countervailable programs under the order were: (1) reduction in the total income tax liability of firms that export, and (2) preferential short-term export financing.

On January 1, 1980, title I of the Trade Agreements Act of 1979 ("the TAA") went into effect. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Treasury Department to the Department of Commerce ("the Department"). On March 31, 1980, the Government of Pakistan requested that the International Trade Commission ("the ITC") conduct an injury investigation under section 104(b) of the TAA. On April 3, 1980, the ITC notified the Department of that request. The ITC published a negative material injury decision in the **Federal Register** of July 24, 1980 (45 FR 49398). (The decision by the ITC also applied to the programs found countervailable under a second determination by the Department on June 5, 1980 (45 FR 37873) concerning textiles from Pakistan.)

As a result, the Department hereby revokes T.D. 79-188 with respect to certain textiles and textile products from Pakistan following the requirement of section 104(b)(4)(B) of the TAA. The Department will instruct Customs officers to liquidate all entries of such merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980 without regard to countervailing duties.

The Department has conducted an administrative review of the original order for the period July 13, 1979 (the date of suspension of liquidation) through April 2, 1980. For that period we tentatively determine that the *ad valorem* benefits for each product are: (1) cotton thread, cotton yarn, cotton cloth—0.47%; (2) cotton hosiery—0.33%; (3) cotton garments and other made-ups—0.39%. The Department considers these rates of net subsidy to be *de minimis* in this case. Therefore, the Department intends to instruct the Customs Service that entries of this merchandise entered, or withdrawn from warehouse, for consumption from July 13, 1979 through April 2, 1980 shall be liquidated without regard to countervailing duties.

Interested parties may submit written comments concerning this administrative review on or before March 23, 1981 and may request disclosure and/or a hearing on or before March 6, 1981. The Department will publish a notice of final results of administrative review after analysis of issues raised in written comments or at a hearing.

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended by removing from the column headed "Country" the name "Pakistan;" from the column headed "Commodity," the words "Certain textile products;" from the column headed "Treasury decision," the number "79-188;" and from the column headed "Action," the words "Bounty declared."

This revocation, administrative review, and notice publication are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note), section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

**John D. Greenwald,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 81-5576 Filed 2-18-81; 8:45 am]

BILLING CODE 3510-25-M

## ENVIRONMENTAL PROTECTION AGENCY

### 21 CFR Part 561

**[PH-FRL 1756-3; FAP 9H5241/R75]**

### Thiophanate-Methyl; Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule amends 21 CFR Part 561 by establishing a feed additive tolerance for the fungicide thiophanate-methyl [dimethyl[(1,2-phenylene)bis(iminocarbonothioyl)] bis[carbamate]], its oxygen analogue dimethyl-4,4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl). This amendment to the regulation was requested by Pennwalt Corporation. This rule establishes maximum permissible level for residues of thiophanate-methyl in or on the commodity dried apple pomace.

**EFFECTIVE DATE:** Effective on February 19, 1981.

**ADDRESSES:** Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7060).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that was published in the **Federal Register** of February 15, 1980 (45 FR 10402) the Pennwalt Corporation, P.O. Box C, King of Prussia, PA 19406, had filed a feed additive petition (FAP 9H5241) with the EPA. The petition proposed that 21 CFR Part 561 be amended by permitting residues of the fungicide thiophanate-methyl (dimethyl[(1,2-phenylene)bis (iminocarbonothioyl)]bis[carbamate]) its oxygen analogue dimethyl-4,4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl) in or on the commodity dried apple pomace with a tolerance limitation of 70 parts per million (ppm). Subsequently, an amended notice of filing was made which proposed a reduction of the proposed permissible residues of thiophanate-methyl in dried apple pomace from 70 ppm to 40 ppm (45 FR 84850). No comments were received in response to this notice of filing.

On February 15, 1980 (45 FR 10402) and February 29, 1980 (45 FR 13528) petitions for tolerances in raw agricultural commodities were published in response to requested tolerances for residues of thiophanate-methyl in the raw agricultural commodities almonds (nuts) at 0.2 ppm, almond hulls at 1.0 ppm, apples (pre- and post-harvest) at 7.0 ppm, beans (snap and dry) at 2.0 ppm, bean forage and hay at 50.0 ppm, cattle liver at 0.5 ppm, cattle kidney at 0.2 ppm, celery at 3.0 ppm (pre-H), eggs at 0.1 ppm, meat, fat, and meat byproducts of cattle (excluding liver and kidney), goats, hogs, horses, poultry (excluding liver) and sheep at 0.1 ppm, pecans at 0.2 ppm (pre-H), peanuts, meats (hulls removed) at 0.2 ppm, peanut hulls at 2.0 ppm and peanut hay at 15.0 ppm, pineapple (preplant seed piece treatment only) at 0.1 ppm, poultry liver at 0.2 ppm, soybeans at 0.2 ppm,

sugar beets (roots) at 0.2 ppm, sugar beets (tops) at 15.0 ppm and sugarcane (preplant seed piece treatment only) at 0.1 ppm. Subsequently, an amended notice of filing was published which proposed increasing the tolerance for thiophanate-methyl in milk from 0.1 ppm to 1.0 ppm, in cattle liver from 0.5 ppm to 2.5 ppm, in liver of horses and hogs from 0.1 ppm to 1.0 ppm, in liver of goat and sheep from 0.1 ppm to 2.5 ppm, in kidney of goats and sheep from 0.1 ppm to 0.2 ppm (45 FR 84850). No comments were received in response to this notice of filing.

The scientific data considered in support of this tolerance were a 2-year rat oncogenic study (negative, with a no-observed-effect level (NOEL) of 160 ppm) a 2-year mouse oncogenic study (negative at highest dose of 640 ppm), a 2-year dog feeding study (NOEL at 10 mg/kg/day), a 6-litter rat reproduction study (NOEL of 160 ppm), a mouse teratology study (negative at 1,000 mg/kg, a rat mutagenic study (negative at 1,000 mg/kg, no chromosomal aberrations in somatic and spermatogonial cells), and dominant lethal study in mice (negative at 500 mg/kg). Based on the rat feeding study, the no-observed-effect level is 8.0 mg/kg/day. Using a 100-fold safety factor, the allowable daily intake (ADI) is 0.08 mg/kg/day and the maximum permissible intake (MPI) is 4.8 mg/day for 60-kg person. Established tolerances and these proposed tolerances result in a maximum theoretical exposure of 0.7667 mg/day for a 60-kg person and utilizes 15.97 percent of the ADI. Tolerances have previously been established for residues of thiophanate-methyl in or on a variety of raw agricultural commodities, ranging from 0.2 to 15 ppm (40 CFR 180.371). A related document establishing tolerances for residues of thiophanate-methyl on certain raw agricultural commodities (PPOF2274/OF2293/R307) appears elsewhere in this issue of the Federal Register.

Thiophanate-methyl was subjected to a rebuttable presumption against registration (RPAR) review, based on the mutagenic potential of its metabolite methylbenzimidazole carbamate (MBC). The agency determined that the presumption was rebutted on the basis of low exposure potential (40 CFR 162.11(a)(4)(ii), and that the current use patterns of thiophanate-methyl do not pose unreasonable adverse effects on the environment. Subsequent to this determination, a positive oncogenicity study on MBC was submitted to the agency. Upon completion of the review of this study, the agency will reconsider whether the use of thiophanatemethyl poses unreasonable adverse effects on the environment.

The data submitted in the petition and all other relevant material have been evaluated. The proposed analytical method for determining residues is UV spectrofluorometry. Based on the information considered by the agency, the pesticide is considered useful for the purposes for which the tolerances are sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973–999 89 Stat. 751; 7 U.S.C. 136(a) et seq.). Therefore, the regulation 21 CFR Part 561 is amended as set forth below to establish a tolerance of 40 ppm for residues of the fungicide thiophanatemethyl in or on dried apple pomace.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other "specialized" procedures. EPA labels these other regulations "specialized". This regulation has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044. Effective date: February 19, 1981.

(Sec 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348))

Dated: January 29, 1981.

**Edwin L. Johnson,**

*Deputy Assistant Administrator for Pesticide Programs.*

Therefore, Part 561 of 21 CFR is amended by establishing § 561.387 to read as follows:

**§ 561.387 Thiophanate-methyl.**

Tolerances are established for residues of the fungicide thiophanate-methyl (dimethyl [(1,2-phenylene)bis (iminocarbonothioyl)], its oxygen analogue dimethyl-4, 4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanatemethyl) in or on the following commodity:

| Feed | Parts per million |
|---|---|
| Apple, dried pomace | 40.0 |

[FR Doc. 81–5892 Filed 2–18–81; 8:45 am]

BILLING CODE 6560–32–M

## DEPARTMENT OF STATE

**[Departmental Reg. 108.801]**

**22 CFR Part 18**

## Benefits for Spouses and Former Spouses of Participants in the Foreign Service Retirement and Disability System

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Department of State is adopting regulations to implement new provisions of the Foreign Service Retirement and Disability System providing benefits for spouses and former spouses of participants and certain former participants in that System. The System was recently amended by chapter 8 of title I of the Foreign Service Act of 1980 (Pub. L. 96–465, 94 Stat. 2102; 22 U.S.C. 4041 *et seq.*) (hereafter "the Act"). The Foreign Service Retirement and Disability System includes Foreign Service employees of the Department of State, United States International Communication Agency, Agency for International Development, Foreign Commercial Service of the Department of Commerce and Foreign Agricultural Service of the Department of Agriculture. The regulations set forth below, which are excerpts from the comprehensive retirement regulations for the Foreign Service, describe those benefits and how they will be administered, impose certain notification requirements on Foreign Service employees, former employees and their former spouses, and are considered to be of interest to a larger group than the employees themselves, unlike the comprehensive regulations as a whole.

**EFFECTIVE DATE:** February 15, 1981.

**FOR FURTHER INFORMATION CONTACT:** Gertrude Wiekoski, Chief, Retirement Division, Bureau of Personnel, Department of State, Washington, D.C. 20520, Phone (202) 632–9315.

**SUPPLEMENTARY INFORMATION:** Proposed regulations to implement these provisions of the Foreign Service Retirement and Disability System were published in the **Federal Register** on January 15, 1981 (46 FR 3547) as Part 17. They are published here in final form as Part 18.

The public was invited to send written comments to the Department. As of February 10, 1981, none has been received. Because of the February 15, 1981 effective date of the Act, comments received after February 10, 1981 cannot be considered prior to the publication of this regulation. If written comments are subsequently received, they will be considered for possible amendments.

As a result of further management review, the following substantive changes in the proposed regulations have been incorporated in the regulations set forth below:

1. Sections 18.5–1 and 18.9–1 were amended to indicate that a former spouse of an annuitant is only eligible for a pro rata share of the annuity if the annuitant separated from the Foreign Service after February 15, 1981.

2. Paragraph (c) of § 18.9–3 was amended to make clear that pension payments to former spouses discussed therein are increased by cost-of-living adjustments received by other annuitants and to explain the special rule applicable to former spouses of disability annuitants.

3. Subparagraph (e)(2) of § 18.11–2 was amended to give more time to annuitants to elect survivor benefits for former spouses who are not eligible for survivor annuities under other sections of the regulation. The time for election was extended from March 31, 1982 to December 31, 1982.

4. Section 18.13 was amended to indicate (1) that only former spouses of persons separated from the Foreign Service on or after February 15, 1981 are eligible for a pro rata share of lump-sum payments that may accrue to these individuals and (2) to make clear that if a participant or former participant dies and no claim for annuity is payable, the lump-sum credit is payable to surviving beneficiaries.

Accordingly, Part 18 is added as set forth below.

Dated: February 12, 1981.

**Thomas M. Tracy,**

*Assistant Secretary for Administration.*

## PART 18—BENEFITS FOR SPOUSES AND FORMER SPOUSES OF PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Sec.
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**Authority:** Secs. 206 and 801 of Foreign Service Act of 1980 (94 Stat. 2079, 2102); Sec. 4 of Act of May 26, 1949 (22 U.S.C. 2658).

### § 18.1 Authorities.

Chapter 8 of the Foreign Service Act of 1980 (Pub. L. 96–465, 94 Stat. 2102) (hereafter "the Act"), and any Executive order issued under authority of section 827 of the Act.

### § 18.2 Definitions.

(a) "Agencies" means the Department, the Agency for International Development (AID), the International Communication Agency (USICA), the Foreign Agricultural Service (FAS), and the Foreign Commercial Service (FCS).

(b) "Annuitant" means any person including a former participant or survivor who meets all requirements for an annuity from the Fund under the provisions of the Foreign Service Act of 1980, or any other law and who has filed claim therefore.

(c) "Basic salary" means the salary fixed by law or administrative action before deductions and exclusive of additional compensation of any kind. It includes the salary fixed by sections 401, 402, 403, and 406 of the Act and salary incident to assignment under section 503 of the Act. Basic salary excludes premium pay for overtime, night, Sunday and holiday work, allowances, post and special differentials, and chargé pay.

(d) "Chief of Mission" means a principal officer in charge of a diplomatic mission of the United States or of a United States Office abroad which has been designated diplomatic in nature or any member of the Foreign Service assigned under the terms of the Act to be chargé d'affaires or head of such a mission or office.

(e) "Child" means, except with reference to lump-sum payments, an unmarried child, under the age of 18 years, or such unmarried child regardless of age who because of physical or mental disability incurred before age 18 is incapable of self-support. In addition to the offspring of the participant, the term includes:

(1) An adopted child;

(2) A stepchild or recognized natural child who received more than one-half support from the participant; and

(3) A child who lived with and for whom a petition of adoption was filed by a participant, and who is adopted by the surviving spouse of the participant after the latter's death. "Child" also means an unmarried student under the age of 22 years. For this purpose, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while a student, is deemed to have become 22 years of age on the first day of July after the birthday.

(f) "Court" means any court of any State or of the District of Columbia.

(g) "Court Order" means any court decree of divorce or annulment, or any court approved property settlement agreement incident to any court decree of divorce or annulment.

(h) "Department" means the Department of State.

(i) "Divorce" means the dissolution of a marriage by a final decree of divorce or annulment.

(j) "Expressly provided for" means a direction by a court order to divide a member's Foreign Service Retirement benefits or survivor benefits and awarding a portion of such benefits to a previous spouse.

(k) "Former spouse"[1] means a former wife or husband of a participant or former participant who was married to such participant for not less than ten years during periods of service by that participant which are creditable under section 816 of the Act provided the participant was making contributions to the Fund under section 805 of the Act during some portion of such service, and provided the divorce occurred after February 15, 1981. For this purpose, a former spouse shall not be considered as married to a participant for periods assumed to be creditable under section 808 of the Act in the case of a disability annuity or section 809 of the Act in the case of a death in service. A former spouse will be considered married to a participant for any extra period of creditable service provided under section 817 of the Act for service at an unhealthful post during which the former spouse resided with the participant. See § 18.5–3 for procedures to determine this extra period of marriage.

(l) "Fund" means the Foreign Service Retirement and Disability Fund.

(m) "M/MED" means the Department's Office of Medical Services.

(n) "Military and naval service" means honorable active service:

(1) In the Armed Forces of the United States;

(2) In the Regular or Reserve Corps of the Public Health Service after June 30, 1960; or

(3) As commissioned officer of the National Oceanic and Atmospheric Administration or predecessor organization after June 30, 1961.

However, this definition does not include service in the National Guard, except when ordered to active duty in the service of the United States.

(o) "Participant" means a person as described in § 18.3.

(p) "Previous spouse" means any person formerly married to a principal, whether or not such person qualifies as a former spouse under paragraph (k) of this section.

(q) "Principal" means a participant or former participant whose service forms the basis for a benefit under chapter 8 of the Act for a spouse, previous spouse, former spouse or child of a participant.

(r) "PER/ER/RET" means the Department's Retirement Division in the Bureau of Personnel.

(s) "Pro Rata Share" means, in the case of any former spouse of any participant or former participant, a percentage which is equal to the percentage that (1) the number of years and months during which the former spouse was married to the participant during the creditable service of that participant is of (2) the total number of years and months of such creditable service. When making this calculation, item (1) is adjusted in accordance with paragraph (k) of this section and item (2) is adjusted in accordance with § 18.4. In the total period, 30 days constitutes a month and any period of less than 30 days is not counted.

(t) "Spousal Agreement" means any written agreement between a participant or former participant, and the participant's spouse or former spouse.

(u) "Student" means a child regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, university, or comparable recognized educational institution. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years, semesters, or terms if the interim or other period of nonattendance does not exceed 5 calendar months and if the child shows to the satisfaction of the Retirement Division (PER/ER/RET) that the child has a bona fide intention of continuing to pursue such course during the school year, semester, or term immediately following the interim.

(v) "Surviving Spouse" means the surviving wife or husband of a participant or annuitant who, in the case of death in service or marriage after retirement, was married to the participant or annuitant for at least one year immediately preceding death or is the parent of a child born of the marriage.

(w) "System" means the Foreign Service Retirement and Disability System.

### § 18.3 Participants.

The following persons are participants in the System:

(a) Members of the Service serving under a career appointment or as a career candidate under section 306 of the Act (1) in the Senior Foreign Service, or (2) assigned to a salary class in the Foreign Service Schedule;

(b) Any person not otherwise entitled to be a participant who has served as chief of mission or an ambassador at large for an aggregate period of 20 years or more, exclusive of extra service credit for service at unhealthful posts, and who has paid into the Fund a special contribution for each year of service;

(c) Any individual who was appointed as a Binational Center Grantee and who completed, prior to February 15, 1981, at least 5 years of satisfactory service as a grantee, as determined by the Director of Personnel of USICA, or under any other appointment under the Foreign Service Act of 1946, as amended, who has paid into the Fund a special contribution for such service.

(d) Any person converted to the competitive service pursuant to section 2104 of the Act who elects to participate in the System pursuant to section 2106(b)(1) or (2) shall remain a participant so long as he/she is employed in an agency which is authorized to utilize the Foreign Service personnel system.

### § 18.4 Special rules for computing creditable service for purposes of payments to former spouses.

For purposes of determining the pro rata share of annuity, survivor annuity or lump-sum payable to a former spouse, the following shall be considered creditable service—

(a) The entire period of a principal's approved leave without pay during full-time service with an organization composed primarily of Government employees irrespective of whether the principal elects to make payments to the Fund for this service;

(b) The entire period of Government service for which a principal received a refund of retirement contributions which he/she has not repaid unless the former

[1] Note: Section 804(6) of the Act defines "former spouse" with respect to duration of marriage as being married to a participant "for not less than 10 years during periods of service by that participant which are creditable under section 816." The Department interprets this as necessarily implying that the marriage must have covered a period of at least one day while the member of the Foreign Service was a participant in the System.

spouse received under § 18.13 a portion of the (lump-sum) refund or unless a spousal agreement or court order provided that no portion of the refund be paid to the former spouse; and

(c) All creditable service including service in excess of 35 years;

The period covered by the credit for unused sick leave is not creditable for this purpose.

**§ 18.5 Required notifications to Department respecting spouses and former spouses.**

**§ 18.5–1 Notification from participant or annuitant.**

If a participant or former participant becomes divorced on or after February 15, 1981, he/she shall notify the Department (PER/ER/RET) of the divorce on or prior to its effective date. The notice shall include the effective date of the divorce, the full name, mailing address, and date of birth of the former spouse and the date of the member's marriage to that person, and enclose a certified copy of the divorce decree. If there is a court order or spousal agreement concerning payment or nonpayment of Foreign Service benefits to the former spouse, the original or a certified copy of the order or agreement shall also be forwarded to PER/ER/RET. In the absence of a court order or spousal agreement providing otherwise, the Department will pay a pro rata share of the member's benefits to the former spouse. (A former spouse of a former participant who separated from the Service on or before February 15, 1981 is not eligible for a pension under § 18.9, i.e. not eligible for a pro rata share of the principal's annuity.) Upon receipt of notice of a divorce, a court order, or spousal agreement, the Department will proceed as indicated in § 18.6 or § 18.7. Delinquent notice to the Department of the divorce of an annuitant will result in retroactive payments to any qualified former spouse to the extent that the retroactive payments can be deducted from future annuity payments to the principal as stated in § 18.6–4.

**§ 18.5–2 Notification to Department from former spouses.**

A former spouse is obligated to notify the Department of the following on a timely basis:

(a) A divorce from a participant or former participant when the former spouse is notified by the court of the divorce before the participant is notified;

(b) Any change in address; and

(c) Any remarriage.

Notices shall be sent to the Department of State, Attention PER/ER/RET, Washington, D.C. 20520.

**§ 18.5–3 Residence of spouse during service at unhealthful post.**

(a) The calculation of the pro rata share of benefits for a former spouse, and the determination of whether a person qualifies as a "former spouse" depends on the length of the marriage. The latter, under the definition in the Act and when the principal has received extra service credit for an assignment to an unhealthful post, depends upon whether a spouse has resided with the principal at the unhealthful post. In order to determine residency for this purpose, whenever a married participant is assigned to an unhealthful post for which he/she *does not* receive post differential and *does* receive or request extra service credit, the participant shall report on Form OF–140, Election to Receive Extra Service Credit Towards Retirement, whether his/her spouse is or is not residing at the post. Although a chief of mission is not required to submit Form OF–140 in order to receive extra credit for service at an unhealthful post, he/she must nevertheless submit this form if the chief of mission has a spouse that does not accompany him/her at post for the entire assignment. Both the participant and spouse shall sign the completed form. If there is a change in residence of the spouse during the assignment, a new joint Form OF–140 shall be filed to report the change.

(b) Whenever a participant retires or becomes divorced, or whenever a former participant becomes divorced who has extra service credit for assignment at unhealthful posts completed prior to the issuance of this regulation who was married during at least a portion of the assignment, the participant or former participant shall submit a statement to PER/ER/RET reporting on whether his/her spouse resided at the unhealthful post and the dates of such residence. The statement shall be signed by the principal and his/her spouse or former spouse whenever possible.

(c) In the event of a disagreement between a principal and his/her spouse or former spouse concerning residency at an unhealthful post, or the submission of a report or statement by a principal showing a period of nonresidence at a post by a spouse which is not signed by the spouse, the determination of residence will be made by PER/ER/RET and based on records in the Department of payments for travel and allowances plus any other evidence that can be adduced. In the absence of any evidence to the contrary, the assumption will be made that the spouse resided at the post.

**§ 18.6 Court orders and divorce decrees.**

**§ 18.6–1 Orders by a court.**

(a) A court may—

(1) Fix the amount of any pension to a former spouse under § 18.9, or order that none be paid;

(2) Fix the amount of any regular survivor annuity to a former spouse under paragraphs (a) and (b) of § 18.11, or order that none be paid;

(3) Order provision of an additional survivor annuity for a spouse or former spouse under § 18.10–5;

(4) Fix the amount of any benefit under § 18.10–6 based on recall service payable to a former spouse to whom the annuitant was married during any portion of the recall service, or order that none be paid;

(5) Fix the amount of any lump-sum payable to a former spouse under § 18.13 or order that none be paid;

(6) Order, to the extent consistent with any obligation stated in § 18.8 between a participant and a former spouse, and pursuant to any court decree of divorce, legal separation or annulment or any court ordered or approved property settlement agreement incident to any court decree of divorce, legal separation, or annulment, that any payment from the Fund which would otherwise be made to a former participant based on his/her service shall be paid (in whole or in part) by the Secretary of State to a previous spouse or child of such participant. No apportionment under this paragraph may be made of a payment authorized to be paid to a survivor of a participant or annuitant.

(b) An order by a court that does not meet the definition of "court" in § 18.2(f) is not valid for purposes of this section even though a divorce decree issued by such court may be a basis for pro rata share payments to a former spouse as described in these regulations.

**§ 18.6–2 Qualifying court order.**

(a) To be valid for purposes of this section, a court order must be found to be "qualified" by PER/ER/RET acting for the Secretary of State. A qualifying court order must—

(1) Be consistent with the terms of the Act and applicable regulations;

(2) Not direct payment of an amount in excess of the maximum amount authorized to be paid by the relevant regulation;

(3) Expressly provide that payments be made to the beneficiary by the Secretary of State as distinguished from a principal. If an order is ambiguous in

this respect, it will be considered a qualifying order if the principal does not object during the 30-day notice period provided under § 18.6–6;

(4) Define the amount to be paid to a beneficiary in way so that it can be readily calculated from information in the normal files of the Department;

(5) Not make payment contingent upon events other than those on which other payments from the Fund are based such as age, marital status and school attendance; and

(6) Not be in conflict with any previously issued court order which remains valid.

(b) No apportionment of annuity to a beneficiary under § 18.6–1(a) (1) or (6) shall exceed the net annuity of the principal. The net annuity is computed by excluding from the gross annuity the amounts which are:

(1) Owed by the individual to the United States;

(2) Deducted for health benefits premiums pursuant to section 8906 of title 5, United States Code;

(3) Deducted for life insurance premiums under the Government Life Insurance Program;

(4) Owed due to overpayment of annuity;

(5) Properly withheld for Federal income tax purposes, if amounts withheld are not greater than they would be if the individual claimed all dependents to which he/she was entitled.

**§ 18.6–3 Application for payment.**

(a) To receive payment from the Fund pursuant to a court award, the beneficiary must submit an application in writing to the Chief of the Retirement Division (PER/ER/RET), Department of State, Washington, D.C. 20520. The application must be typed or printed, signed by the beneficiary, and include—

(1) The full name, date of birth, current address and current marital status of the beneficiary;

(2) Full name and date of birth of the participant or former participant and his/her date of birth or other identifying information;

(3) Relationship to the beneficiary, and if a spouse or former spouse, date of marriage to and/or divorce from the participant;

(4) A statement that the court order has not been amended, superseded, or set aside;

The original of the court order or a recently certified copy must be enclosed with the application, or a statement appended that such a copy has been sent to the Department by other means.

(b) When payments are subject to termination upon the occurrence of a condition subsequent, such as marriage, remarriage or termination of schooling, or death of the principal, no payment will be made until the beneficiary submits a statement to PER/ER/RET that—

(1) The condition has not occured;

(2) He/she will notify the Department (PER/ER/RET) within 15 calendar days of the occurrence of the condition subsequent; and

(3) He/she will be personally liable for any overpayment to him/her resulting from the occurrence of the condition subsequent. PER/ER/RET may require periodic recertification of these statements.

**§ 18.6–4 Date of court orders.**

(a) A court order directing or barring payment of a pension to a former spouse under § 18.9 may not be given effect by the Department if it is issued more than 12 months after the divorce becomes final. A court order adjusting the amount of a regular or additional survivor annuity to a former spouse under §§ 18.11–2 or 18.10–5 may not be given effect by the Department if it is issued after the death of the principal.

(b) A court order issued within 12 months after a divorce becomes final directing payment of a pension to a former spouse in an amount other than provided in § 18.9 may be made retroactively effective to the first of the month in which the divorce becomes final if so specified by the court. In such event, the Department will adjust any future payments that may become due to an annuitant and a former spouse by increasing one and correspondingly reducing the other in order to give effect to the order of the court. However, if future payments to one party are not due, as for example if a court orders that no payments be made to a former spouse, or that 100 percent of an annuity be paid as pension to a former spouse, the Department will not give retroactive effect to a court order by collecting overpayments from one party in order to pay them to the other party and will not make overpayments from the Fund.

(c) A court order under this chapter involving any payment other than a pension to a former spouse under § 18.9 may not be given retroactive effect and shall not be effective until it is determined to be a qualifying order under § 18.6–5.

**§ 18.6–5 Preliminary review.**

(a) Upon receipt of an application for payment under § 18.6–3, PER/ER/RET will determine whether—

(1) The application is complete;

(2) The applicant is an eligible beneficiary under this chapter; and

(3) The court order is a qualifying order. If the application is completed, the beneficiary is eligible and the court order appears on its face to be a qualifying order, PER/ER/RET will provide the notification required by § 18.6–6, otherwise, it will notify the applicant of any deficiency or requirement for additional information, and if the order is determined to be non-qualifying, the basis for such determination.

(b) Upon receipt of a certified copy of a final decree of divorce, PER/ER/RET will determine whether—

(1) it is a valid decree. Any decree recognized as valid by the parties will be considered valid for this purpose. In addition, any non-recognized decree will be considered valid for this purpose unless:

(i) (A) Neither party was domiciled within the court's jurisdiction, and

(B) The party denying recognition did not participate in the proceedings, or

(ii) The party denying recognition was not afforded notice of the proceedings (actual or constructive);

(2) a related court order has been submitted by either party; and

(3) a pro rata share payment is or may become due the former spouse. If it determines that a pro rata share payment is due, it will provide the notification required by § 18.6–6, otherwise, unless action is being taken pursuant to a related court order, it will notify both parties to the divorce the reason a pro rata share payment is not payable.

**§ 18.6–6 Notification.**

(a) *Notification to a principal.* Whenever PER/ER/RET receives from a former spouse or other eligible beneficiary—(1) a court order which it deems qualified that requires payment to the beneficiary; or

(2) a final decree of divorce which it deems valid together with a request for a pro rata share payment—PER/ER/RET will send a copy of the document to the principal and a notice stating: (1) that PER/ER/RET deems the order qualified or the divorce decree valid, (2) that payments will be made from the principal's account to the beneficiary and the effective date of such payments, (3) the effect of such payments on the principal's retirement benefit. In the case of any court order with retroactive or immediate effect, and in the case of pro rata share payments, the amounts will be withheld from future payments to the principal but will not be paid to the beneficiary for 30 days from the notice date in order to give the principal an opportunity to contest the court order or the validity of the divorce.

PER/ER/RET will provide the former spouse or other beneficiary the same information, stating the exact amount that will be payable to the beneficiary and explaining how that amount was calculated.

(b) *Notification to a former spouse.* When PER/ER/RET receives from a principal—(1) a court order which it deems qualified that requires or forbids payment to a former spouse; or (2) a final decree of divorce which it deems valid without an accompanying court order—PER/ER/RET will send a copy of the document to the former spouse and a notice stating: (1) that PER/ER/RET deems the court order qualified or the divorce decree valid, (2) that PER/ER/RET intends to honor the court decree or to make pro rata share payments because of the divorce, (3) the effective date, exact amount, and method of calculation of any payments to the former spouse.

PER/ER/RET will provide the same information to the principal and will explain the effect any payment to a former spouse will have on the principal's retirement benefit.

**§ 18.6–7 Decision.**

(a) When a response has not been received by PER/ER/RET from a principal within the 30-day period under § 18.6–6a, payment will be made in accordance with the notification. When a response is received, the Chief, PER/ER/RET will consider the response. If it is shown that a court order is not qualifying or that a divorce is not valid under terms of the Act and these regulations, payment proposed in the notification will not be made. In such a case, PER/ER/RET will advise both parties of the basis for its decision and the alternative action, if any, that it proposes to take.

(b) If a principal responding to a notification under § 18.6–6a objects to the payment or other action proposed by the Department in the notification based on the validity of the court order or divorce decree, and the record contains support for the objection, PER/ER/RET will grant the principal 30 days to initiate legal action to determine the validity of the objection, will continue to delay payment to the former spouse or other beneficiary during this period, and will notify the beneficiary of this action. If evidence is submitted that legal action has been started within the 30-day period, the amount of any proposed payment to a former spouse or other beneficiary will continue to be withheld from any payments due the principal, but no payment will be made to the former spouse or other beneficiary until a judicial decision is rendered or agreement reached between the parties.

**§ 18.6–8 Allotment to beneficiary.**

If a court order is not a qualifying court order because it directs or implies that payment to the beneficiary is to be made by the principal rather than the Secretary of State, the principal may make an allotment to the beneficiary from his/her annuity. An annuitant may also make an allotment from his/her annuity to a previous spouse in the absence of a court order.

**§ 17.6–9 Limitations.**

(a) Retirement benefits are subject to apportionment by court order under § 18.6–1(6) only while the principal is living. Payment of apportioned amounts will be made only to a previous spouse and/or the children of the principal. Such payments will not be made to any of the following:

(1) Heirs or legatees of the previous spouse;

(2) Creditors of either the principal or the previous spouse; or

(3) Assignees of either the principal or the previous spouse.

(b) The amount of any court ordered payment may not be less than one dollar and, in the absence of compelling circumstances, shall be in whole dollars.

(c) In honoring and complying with a court order, the Department shall not be required to disrupt the scheduled method of accruing retirement benefits or the normal timing for making such payments, despite the existence of any special schedule relating to a previous spouse or other beneficiary.

(d) In cases where the court order apportions a percentage of the retirement benefits, PER/ER/RET will initially determine the amount of proper payment. That amount will only be increased by future cost-of-living increases unless the court directs otherwise.

**§ 18.6–10 Liability.**

(a) The Department shall not be liable for any payment made from retirement benefits pursuant to a court order if such payment is made in accordance with the provisions of this chapter.

(b) In the event that the Secretary is served with more than one court order with respect to the same retirement benefits, the benefits shall be available to satisfy the court orders on a first-come, first-served basis.

(c) A previous spouse or other beneficiary may request that an amount be withheld from the retirement benefits of a principal or survivor of a principal which is less than the amount stipulated in a court order, or otherwise scheduled to be paid to the beneficiary under this chapter. This lower amount will be deemed a complete fulfillment of the obligation of the Department for the period in which the request is in effect. See § 18.14.

**§ 18.7 Spousal agreements.**

**§ 18.7–1 Purpose.**

A spousal agreement may be used by both parties to establish an agreed-upon level of benefits to a spouse or a former spouse and to relieve the participant of responsibility for providing a higher level of benefits.

**§ 18.7–2 Agreement with spouse.**

(a) A spousal agreement between a participant and a spouse may waive or fix the level of a regular survivor annuity under § 18.11–3. If an agreement is filed, it will assure the spouse that the agreed-upon level of survivor annuity will be paid, irrespective of a future divorce provided the survivor meets the definition of "former spouse" in § 18.2(k). If an agreement is not filed, the participant's annuity will be reduced under § 18.10–2 to provide the maximum regular survivor annuity for the spouse, but in the event of a future divorce if the spouse meets the definition of "former spouse," that person will be entitled only to a pro rata share of the survivor annuity. An agreement under this paragraph may be filed with PER/ER/RET at any time prior to retirement (commencement of the principal's annuity).

(b) A spousal agreement between an annuitant and a spouse filed with PER/ER/RET before commencement of a supplemental annuity for recall service may waive a supplemental survivor annuity that would otherwise be provided for a spouse under § 18.10–6.

(c) A spousal agreement between a participant or former participant and a spouse may be filed with PER/ER/RET at any time in accordance with § 18.10–5 and provide for an additional survivor annuity for the spouse.

(d) A spousal agreement filed under paragraph (a) (b) or (c) remains valid and binding in the event of divorce if the spouse qualifies as a former spouse.

**§ 18.7–3 Agreement with former spouse.**

(a) A spousal agreement between a participant or former participant and a former spouse may waive, reduce or increase the following benefits for a former spouse:

(1) A pension under §18.9;

(2) A regular survivor annuity under §18.11–2;

(3) A supplemental survivor annuity under §18.10–6;

(4) A lump sum payment for regular or recall service under §18.13.

A spousal agreement shall also be used by a participant or former participant who has a former spouse on February 15, 1981, to elect a regular survivor annuity for such former spouse in accordance with §18.11–2(e). An agreement to establish or increase any benefit for a former spouse entered into while the principal is married to someone else, must be signed and agreed to by both the spouse and the former spouse. An agreement affecting pension benefits may be filed at any time and will govern payments made after its acceptance by PER/ER/RET. An agreement affecting a regular survivor annuity must be filed before the end of the 12-month period after the divorce involving that former spouse or at the time of retirement, whichever occurs first, except as authorized in §18.11–2(b) for persons retired on February 15, 1981, or in §18.11–2(e) with respect to persons who were former spouses on February 15, 1981. This filing requirement stated in the Act makes it impossible to adjust, other than by court order, a regular survivor annuity for a former spouse when the divorce occurs after a retirement which occurs on or after February 15, 1981. The survivor annuity for the former spouse in such case is fixed by any spousal agreement entered into prior to the divorce, by §18.11–2 or by court order. An agreement affecting supplemental survivor benefits or lump-sum payments must be filed before the supplemental annuity of the principal begins or lump-sum payment is made.

(b) A spousal agreement between a participant or former participant and a former spouse may be filed with PER/ER/RET at any time in accordance with §18.10–5 to provide an additional survivor annuity for the former spouse.

**§18.7–4 Form of agreement.**

(a) A spousal agreement is any legal agreement between the parties accepted by PER/ER/RET as meeting the requirements of this section. If in accordance with the regulations, PER/ER/RET will accept as a valid spousal agreement a property settlement agreed to by the parties and approved by a court regardless of the date of the agreement.

(b) A spousal agreement must either be authenticated by a court or notarized.

**§18.7–5 Limitations.**

(a) A spousal agreement may not provide for any payment from the Fund in excess of the amount otherwise authorized to be paid, or at a time not authorized by these regulations, or to a person other than a spouse or former spouse.

(b) A spousal agreement must be filed with the Department, Attention PER/ER/RET, and accepted by that office as in conformance with the Act and these regulations prior to the times specified in sections 18.7–2 and 18.7–3. That office will provide advice to the parties on the validity of any proposed agreement and on proper format.

(c) A spousal agreement may apply only to payments from the Fund for periods after receipt of a valid agreement by the Department.

(d) Paragraphs (b), (c) and (d) of §18.6–9 and §18.6–10 apply to spousal agreements and payments made pursuant to spousal agreements to the same extent that they apply to court orders and court ordered payments.

**§18.7–6 Duration and precedence of spousal agreements.**

(a) A spousal agreement may be revised or voided by agreement of the parties (by filing a new agreement under this section) at any time prior to the last day for filing an agreement determined in accordance with §18.7–2 or §18.7–3, except spousal agreements for additional survivor annuities are irrevocable. After the last day for filing a particular agreement, such agreement is irrevocable.

(b) A valid spousal agreement entered into subsequent to the issuance of a court order affecting the same parties will override the court order, and shall govern payments from the Fund.

(c) A spousal agreement may not override a previous spousal agreement involving the same principal but a different spouse or former spouse without agreement of such spouse or former spouse.

**§ 18.8 Obligations of members.**

Participants and former participants are obligated by the Act and these regulations to provide the following benefits to others and must accept the necessary reductions in their own retirement benefits to meet these obligations:

(a) A pension to a former spouse pursuant to § 18.9;

(b) A court ordered apportionment of annuity to a previous spouse or child under § 18.6–1(6) (the benefit to a child referred to here is paid during the annuitant's lifetime as distinguished from the automatic survivorship annuity to a child described in § 18.11–7);

(c) A regular survivor annuity to a former spouse who has not remarried prior to age 60, and to a spouse to whom married when annuity commences, pursuant to § 18.11–2 and 18.11–3;

(d) An additional survivor annuity for a spouse or former spouse under § 18.10–5 when elected by the participant or ordered by a court;

(e) Lump-sum payments to a former spouse pursuant to § 18.13;

(f) Benefits ordered by a court under § 18.6 or specified in a spousal agreement under § 18.7.

**§ 18.9 Pension benefits for former spouses**

**§ 18.9–1 Entitlement.**

(a) Unless otherwise expressly provided by a spousal agreement under § 18.7 or a court order under § 18.6, a person who, on or after February 15, 1981, becomes a former spouse of a participant (or former participant who separated from the Service after February 15, 1981) and who has not remarried prior to becoming 60 years of age, becomes entitled to a monthly pension benefit effective on a date determined under § 18.9–2 in an amount determined under § 18.9–3.

(b) A former spouse shall not be qualified for a pension under this subsection if, before the commencement of that pension, the former spouse remarries before becoming 60 years of age.

(c) A pension benefit under this section is treated the same as a survivor annuity for purposes of § 18.11–5(b): a former spouse who elects to receive a pension under this section must waive simultaneous receipt of any survivor annuity.

**§ 18.9–2 Commencement and termination.**

(a) The pension of a former spouse under this subsection commences on the latter of the day the principal becomes entitled to a Foreign Service annuity or on the first day of the month in which the divorce becomes final. (Suspension or reduction of a Foreign Service annuity because or reemployment does not affect the commencement of a pension to a former spouse.) In the case of any former spouse of a disability annuitant, the pension of such former spouse shall commence on the latter of:

(1) The date the principal would qualify for an annuity (other than a disability annuity) on the basis of his/her creditable service;

(2) The date the disability annuity begins; or

(3) The first of the month in which the divorce becomes final.

(b) The pension of a former spouse and the right thereto terminate on:

(1) The last day of the month before the former spouse dies or remarries before 60 years of age; or

(2) The date the annuity of the former participant terminates unless the

termination results from recall, reappointment or reinstatement in the Foreign Service or reemployment in Government service.

**§ 18.9–3 Computation and payment of pension to former spouse.**

(a) A pension to a former spouse is paid monthly on the same date that annuity is paid to the principal.

(b) No spousal agreement or court order may provide for a pension or any combination of pensions to former spouses of any one principal which exceeds the net annuity of the principal as defined in § 18.6–2(b).

(c) A pension to a former spouse not fixed by a spousal agreement or court order shall equal the former spouse's pro rata share of 50 percent of the annuity to which the principal is entitled on the date the divorce becomes final, or, if not then entitled to an annuity, 50 percent of the annuity to which the principal first becomes entitled following that date. A pension to a former spouse of a disability annuitant shall be calculated on the basis of an annuity for which the participant would qualify if not disabled. A pension to a former spouse will be increased by the same percentage of each cost-of-living adjustment received by the principal.

(d) The Department will initiate payment of a pension to a former spouse after complying with the notification and other procedures described in § 18.6.

(e) If a pension can not be paid because a former spouse is missing, the principal may file an affidavit with PER/ER/RET that he/she does not know the whereabouts of the former spouse. In such an event, the principal and the Department will follow the procedures in § 18.11–4 in an effort to locate the former spouse. The annuity of the principal will be reduced by the amount of the pension to the former spouse even though the latter is not being paid. If the former spouse has not been located during the 12-month period following the date the principal files an affidavit under this section, the annuity of the principal will be recomputed effective from its commencing date (or on the date following the last month a pension payment was made to the former spouse) and paid without reduction of the amount of pension to the former spouse. If the former spouse subsequently is located, pension payments to him/her will be initiated at that time at the rate that would have been payable had they been paid continuously from the original effective date. The Department shall not be liable to make any pension payments to the former spouse for the missing period if the procedures under this section were faithfully complied with nor will the Department be responsible for recovering any payments made to the principal for the benefit of the former spouse.

**§ 18.9–4 Effect on annuitant.**

Any pension payable to a former spouse under this section or pursuant to any spousal agreement or court order shall be deducted from the annuity of the principal. (See § 18.6–4 concerning retroactive adjustments.) If the annuity of such a principal in any month is discontinued or reduced so that the net amount payable is less than the pension to the former spouse or spouses of the principal because of recall, reappointment or reinstatement in the Foreign Service or reemployment in the Government service, the principal's salary, rather than annuity, shall be reduced by the amount of the pension payment(s). Such salary reductions shall be deposited in the Treasury to the credit of the Fund. If a pension to a former spouse is discontinued for any reason except a suspension pending a determination of entitlement, the annuity of the principal shall be recomputed effective as of the date of discontinuance of the pension, and paid as if the pension to the former spouse had never been deducted.

**§ 18.10 Types of annuities to members.**

**§ 18.10–1 Full annuity.**

If a participant retires and does not provide a survivor annuity to a spouse, former spouse or designated beneficiary, the participant receives a "full" annuity. A full annuity means an annuity computed without any survivorship reduction. Example: Average salary $20,000 and maximum of 35 years of service.

| | |
|---|---|
| Average basic annual salary for high 3 consecutive years of service | $20,000 |
| Multiplied by 2 pct | .02 |
| | $400.00 |
| Multiplied by 35 yr of creditable service | 35 |
| Full annuity | $14,000 |

**§ 18.10–2 Reduced annuity with regular survivor annuity to spouse or former spouse.**

(a) At commencement of annuity, a participant or former participant may provide a regular survivor annuity for any eligible former spouse and, within the limits of paragraph b, a regular survivor annuity to any spouse to whom he/she is then married as described in §§ 18.11–2 and 18.11–3, respectively. A regular survivor annuity for a spouse or former spouse equals 55 percent of the portion of the retiree's annuity (up to the full amount) designated as the base for the survivor annuity. To provide the survivor annuity, the participant must accept a reduction in his/her full annuity equal to 2 1/2 percent of the first $3,600 of the designated base, plus 10 percent of the balance of the base. If a regular survivor annuity is being provided for both a spouse and a former spouse, the bases for each are added and the calculation made as in the following example:

Participant's full annuity as computed in § 18.10–1: $14,000.

Maximum regular survivor annuity is 55 percent of full annuity: $7,700.

*Case I* (Participant has a spouse and former spouse at retirement) If the pro rata share for a former spouse is 75 percent, the base for this benefit will be 75 percent of $14,000: $10,500.

The base for the maximum regular survivor annuity for a spouse would then be 25 percent of $14,000, or $3,500.

Combined base: $14,000.

Participant's full annuity reduced as follows:

2 1/2 percent of first $3,600 of the base: $90.

Plus 10 percent of the amount over $3,600 ($14,000–3,600) $10,400: $1,040.

Total reduction in participant's full annuity: $1,130.

Participant's reduced annuity: $12,870.

Survivor annuity for former spouse: 55 percent of $10,500 or $5,775.

Survivor annuity for spouse: 55 percent of $3,500 or $1,925.

*Case II* (Participant married at retirement with no former spouse. All calculations made without reference to cost-of-living increases described in section 18.11–5d.)

Joint election of base for regular survivor annuity of 90 percent of the maximum, or 90 percent of $14,000: $12,600.

Participant's full annuity reduced as follows:

2 1/2 percent of first $3,600 of the base: $90.

Plus 10 percent of the amount over $3,600 ($12,600–3,600) $9,000: $900.

Total reduction in participant's full annuity: $990.

Participant's reduced annuity: $13,010.

In this example, if divorce occurs subsequent to retirement and a court orders a 75 percent share for the former spouse, the base for the survivor annuity for the former spouse would be 75 percent of $14,000: $10,500.

The participant's full annuity would then be reduced by $780 in accordance with the above formula for this survivor benefit, and the reduced annuity would be $14,000–780: $13,220.

If the former spouse qualifies for a pension as described in section 18.9 based on a pro rata share of 75 percent, the pension would equal 50 percent of the participant's reduced annuity times 75 percent (50% × $13,220 × 75%): 4,957.50.

The participant's reduced annuity would then be further reduced by this pension

($13,220–$4,957.50) to provide an annuity to the former participant of $8,262.50.

If this annuitant later remarried, the maximum base for the regular survivor annuity for the new spouse would be the amount designated at retirement, $12,600, less the amount committed to the former spouse, $10,500: $12,600–10,500 or $2,100.

The survivor annuity for this spouse: 55 percent of $2,100 or $1,555.

The election of this benefit for the new spouse would be made individually by the annuitant since a marriage after retirement does not give a spouse a right to participate in the election.

If the election is made to provide a regular survivor annuity to the new spouse, all of the above calculations would be recomputed effective the first day of the month beginning one year after the date of the remarriage, as follows:

Base for survivor annuity for former spouse: 75% of $14,00 or $10,500.

Survivor annuity for former spouse: 55% of $10,500 or $5,775.

Base for survivor annuity for spouse: 15% of $14,000 or $2,100.

Survivor annuity for spouse: 55% of $2,100 or $1,555.

The combined base for the survivor benefits is $10,500 plus $2,100 or $12,600. The annuity reduction on this combined base as computed above is $990.

The participant's annuity after reduction for survivor benefit would be $14,000–$990 or $13,010.

The pension for the former spouse would be 50%×$13,010×75% or $4,878.75.

The participant's annuity would be further reduced by this amount: $13,010–$4,878.75 to provide an annuity after this recalculation of $8,131.25.

(b) The maximum regular survivor annuity or combination of regular survivor annuities that may be provided under this section is limited to 55% of the principal's full annuity computed at retirement. If an annuitant is recalled to active duty in the Foreign Service, he/she may provide additional regular survivor annuities under § 18.10–6. The maximum regular survivor annuity or combination of regular survivor annuities that an annuitant who was married at retirement may elect or provide, pursuant to a court order or otherwise, after retirement in the event of his/her divorce or remarriage, is limited to the amount provided at the time of initial retirement or reversion to retired status following recall service.

**§ 18.10–3 Marriage after retirement.**

If an annuitant who was unmarried at the time of retirement, marries, he/she may within one year after such marriage irrevocably elect to receive a reduced annuity and to provide, subject to any obligation to provide a survivor annuity for a former spouse, a survivor annuity for the new spouse. If such an election is made, the principal's annuity shall be reduced in accordance with § 18.10–2 effective on the first day of the first month which begins at least one year after the date of the marriage. The reduction is computed on the commencing rate of the principal's annuity.

**§ 18.10–4 Death or divorce of a spouse and remarriage after retirement.**

(a) If the marriage of an annuitant who received a reduced annuity at retirement under § 18.10–2 to provide a survivor annuity for a spouse is dissolved by divorce or by death of the spouse, the retiree's annuity shall be recomputed, if necessary, as of the first of the month following the death or divorce. If the marriage was dissolved by death, the annuity shall be recomputed and paid at its full amount. If the marriage is dissolved by divorce, procedures in § 18.11–2(b) shall be followed.

(b) In the event an annuitant affected by this paragraph remarries, the annuitant may elect within one year of remarriage to provide a survivor annuity for the new spouse equal in amount to the survivor benefit formerly in effect for the previous spouse less any amount committed for a former spouse. The annuity of a retiree making such an election shall be reduced effective on the first day of the first month which begins at least one year after the remarriage to the amount that would have been payable had there been no recomputation under paragraph a.

**§ 18.10–5 Reduced annuity with additional survivor annuity to spouse or former spouse.**

(a) *General.* This section provides an opportunity for a participant or former participant who has provided a regular survivor annuity to a former spouse to provide a survivor annuity to a second spouse or to another former spouse. The additional survivor annuity provided under this section generally is more costly than the regular survivor annuity because the participant is required to pay it's full cost by deduction from salary or annuity, or otherwise, as specified in paragraph (e) of this section. The participant must also be in normal health for his/her age and pass a physical examination prescribed by the Secretary of State (M/MED) to be eligible to provide an additional survivor annuity under this section.

(b) *Limitation on amount.* Neither the total amount of additional survivor annuity or annuities under this section provided by any participant or former participant nor any combination of regular or additional survivor annuities for any one surviving spouse or former spouse of a principal may exceed 55 percent of the principal's full annuity counting any supplemental annuity or recomputation of annuity because of recall service. An additional survivor annuity provided by any principal shall be further limited to the amount that can be provided by a monthly payment which is not greater than the principal's net annuity described in §§ 18.6–2(b). The amount of any additional survivor annuity provided by a spousal agreement effective prior to the principal's retirement, shall be reduced as necessary by PER/ER/RET after the principal's retirement to comply with this limitation. Any amount paid by a participant for the portion of additional survivor annuity cancelled pursuant to this paragraph shall be treated as an additional lump sum payment under paragraph (e) and used to increase the amount of the additional annuity. A participant who separates from the Service without entitlement to any annuity is not entitled to provide an additional survivor annuity. Payments in such a case would be discontinued as described in paragraph (e) of this section.

(c) *Procedures to grant additional survivor annuity.* A participant or former participant who has provided a regular survivor annuity to a former spouse who wishes to provide, or who is ordered by a court to provide an additional survivor annuity under this section to a spouse or another former spouse, shall do so by filing a spousal agreement with PER/ER/RET on a form acceptable to PER/ER/RET. Such an agreement will be irrevocable when accepted by PER/ER/RET unless the beneficiary of the additional survivor annuity is subsequently made a beneficiary of a regular survivor annuity in equal amount. Within the limitations specified in paragraph (b) of this section, an individual may be made the beneficiary of both a regular and an additional survivor annuity. A spousal agreement granting an additional survivor annuity to a spouse will remain valid in the event the marriage is dissolved and the spouse qualifies as a former spouse under the definition § 18.2(k).

(d) *Eligibility for additional survivor annuity.* A spouse or former spouse must meet the same criteria (§ 18.2(v) or 18.2(k)) to be eligible for an additional survivor annuity as a spouse or former spouse must meet to be eligible for a regular survivor annuity. Payment of a special survivor annuity will commence on the day after the participant dies and shall terminate on the last day of the month before death or remarriage before attaining age 60. If it is discontinued

because of remarriage, it will not be resumed.

(e) *Payment for additional survivor annuity.* (1) Payment *for* an additional survivor annuity will commence on the first of the month following the effective date of a spousal agreement provising the additional survivor annuity. The effective date will be the date of acceptance of the spousal agreement by PER/ER-RET (upon a finding that the agreement conforms to the law and regulations) or such later date as may be specified in the agreement. No payment will be made to a beneficiary under the agreement if the principal dies before its effective date. Accordingly, in order to give protection to a beneficiary during active service, the agreement must be made effective, and payment commence, during active service. Payment will be made by a participant or annuitant by deduction from salary or annuity. Payment will be made by a former participant while awaiting commencement of a deferred annuity by direct payment to the Department, Office of Financial Operations (M/COMP/FO). Payments not received by the due date may, at the option of M/COMP/FO and with notice to the principal and the beneficiary be collected from the principal's lump-sum account. Amounts so collected must be repaid by the principal with interest compounded at 10 percent annually to prevent exhaustion of the lump-sum account. If the lump-sum account does become exhausted, any rights to the lump-sum payment under § 18.13 and survivorship rights under this paragraph will expire on that date. If the principal dies with an amount owing, it shall be collected by set off from the survivor annuity or lump-sum account.

(2) Monthly payments may be reduced or eliminated by direct payment to M/COMP/FO by any participant or former participant under terms mutually agreed upon by the participant and PER/ER/RET. Minimum monthly payments will be based upon actuarial tables prescribed from time to time by the Director General of the Foreign Service (M/DGP) with the advice of the Secretary of Treasury. Such tables will be calculated so that the present value of all payments equal the present value of the survivor annuity. If new tables are prescribed, they would be applicable to additional survivor annuities provided by spousal agreements that become effective on or after the effective date of the new tables. Additional survivor annuities will be increased by regular cost-of-living adjustments from their commencing dates only when so specified at the option of the participant or former participant in a spousal agreement. Monthly payments will be higher if cost-of-living adjustments are provided.

(3) In the event of the disqualification of a beneficiary for an additional survivor annuity because of death, remarriage prior to age 60 or divorce from the principal and failure to meet the definition of "former spouse," or in the event of an authorized reduction or cancellation of an election for an additional survivor annuity, the monthly payment for such discontinued or reduced additional survivor annuity will be discontinued or reduced, as appropriate, effective at the beginning of the first month following termination or reduction of the benefit. Except as otherwise specified in paragraph (b) of this section, any amount paid for such discontinued or reduced benefit by a participant or former participant in excess of the minimum monthly payments described above shall be refunded to the participant or former participant with interest calculated at the annual rate used in the last evaluation of the System or at such higher rate as may be authorized by M/COMP/FO as will not cause a loss to the Fund. The following table illustrates the minimum monthly payments schedule in effect February 15, 1981.

| Age of principal and beneficiary on effective date of spousal agreement | Minimum monthly payment required to provide an additional survivor annuity of $100 per month. | |
|---|---|---|
| | Without COLA | With COLA |
| 40 | $7.49 | $12.34 |
| 50 | 14.18 | 22.01 |
| 60 | 23.55 | 33.90 |
| 70 | 35.57 | 47.12 |

(4) Reduction from annuity to a principal to pay for an additional survivor annuity will be in the nature of an allotment and will not affect computations of cost-of-living adjustments to the principal.

**§ 18.10-6 Benefits for recall service.**

(a) *Annuity of recalled participant.* Any participant who is recalled to the Service under section 308 of the Act, shall, while serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service, the recalled annuitant shall make contributions to the Fund under section 805(a) of the Act. If a share of the annuity is being paid as a pension to a former spouse under § 18.9, that share shall be deducted from the salary of the recalled annuitant during the period of the recall service. Upon reversion of the annuitant to retired status, any pension payable to a former spouse that was being deducted from the salary of the principal shall again be deducted from the annuity of the principal which shall be determined as follows:

(1) If the recall service lasts less than one year, a refund of retirement contributions made during the recall period will be refunded under § 18.13 and the former annuity will be resumed at the previous rate adjusted by any cost-of-living increases that became effective during recall service.

(2) If the recall service lasts between one and five years, the annuitant will be entitled to elect benefits under paragraph (a)(1) of this section or receive both the former annuity adjusted by cost-of-living increases and a supplemental annuity computed under § 18.10 on the basis of service credit and average salary earned during the recall period, irrespective of the number of years of service credit previously earned.

(3) If the recall service lasts five years or more, the annuitant will be entitled to recomputation of the annuity as if there had been no previous retirement, or elect benefits under paragraph (a) (1) or (2) of this section.

(4) An annuitant may receive credit in any computation under paragraph (a) (2) or (3) of this section for any Federal service performed subsequent to the separation upon which the original annuity was computed provided a special contribution is made for such service under section 805 of the Act.

(5) An annuitant entitled to a supplemental annuity under paragraph (a)(3) of this section or a recomputated annuity under paragraph (a)(4) of this section is obligated, in the absence of a court order or spousal agreement to the contrary, to have those annuities reduced to provide the benefits described in § 18.8 to any spouse or former spouse to whom married during any portion of the recall service. An annuitant must accept a reduction of 10 percent of his/her supplemental annuity in order to provide a supplemental survivor annuity to a spouse or former spouse. The maximum supplemental survivor annuity equals 55 percent of the supplemental annuity. If, upon reversion to retired status, an annuitant has a former spouse entitled to a pro rata share or some other share of the supplemental survivor annuity, but no spouse, the appropriate share of the supplemental annuity shall be reduced by 10 percent to provide such former spouse a share of the maximum supplemental survivor annuity.

(b) *Survivor benefit for death during recall service.* (1) If an annuitant

entitled to a reduced annuity under § 18.10–2 dies in service after being recalled and is survived by a spouse or former spouse entitled to a survivor annuity based on the service of such annuitant, such survivor annuity shall be computed as if the recall service had otherwise terminated on the day of death and the annuity of the deceased had been resumed in accordance with paragraph (a). If such death occurs after the annuitant had completed sufficient recall service to attain eligibility for a supplemental annuity, a surviving spouse or surviving former spouse who was married to the participant at any time during a period of recall service shall be entitled to elect, in addition to any other benefits and in lieu of a refund of retirement contributions made during the recall service, a supplemental survivor annuity computed and paid under § 18.10–6a(5) as if the recall service had otherwise terminated. If the annuitant had completed sufficient recall service to attain eligibility to have his/her annuity determined anew, a surviving spouse or such a surviving former spouse may elect, in lieu of any other survivor benefit under § 18.11, to have the rights of the annuitant redetermined and to receive a survivor annuity computed under §§18.11–2 or 18.11–3 on the basis of the total service of the annuitant. In the event such an annuitant is survived both by a spouse and such a former spouse, the former spouse will be entitled to a pro rata share of any refund or supplemental survivor benefit under this section computed on the basis of total service during the recall period and months of marriage during such period. If the surviving spouse and surviving former spouse elect different benefits under this paragraph, the former spouse will receive the pro rata share of the benefit he/she elects and the spouse will receive the reciprocal share of the benefit he/she elects.

(2) In the event an annuitant dies during recall service and is survived by a former spouse to whom not married during any period of the recall service, such former spouse will not be entitled to any benefits based on the recall service.

### § 18.11 Survivor benefits.

### § 18.11–1 Kinds of survivor benefits.

If a participant or former participant dies in active service or after retirement, regular survivor annuities are payable under terms of this section to an eligible surviving spouse, former spouse or child. Also, if all rights to annuity and survivor annuity terminate prior to exhaustion of the participant's lump-sum credit, a lump-sum payment is made pursuant to § 18.13. In addition to the above, an additional survivor annuity, and a supplemental survivor annuity may be payable to an eligible survivor under §§ 18.10–5 and 18.10–6, respectively. If any participant or former participant makes an election, files a spousal agreement or becomes subject to a court order to provide a regular survivor annuity for a spouse or former spouse and does not subsequently become entitled to leave a survivor annuity under these regulations (because of separation from the Service and withdrawal of contributions, death after separation but before commencement of a deferred annuity, or for any other reason), none will be paid and such election, spousal agreement or court order to provide such survivor annuity will have no force or effect.

### § 18.11–2 Regular survivor annuity for a former spouse.

(a) *Divorce prior to retirement.* If a participant or former participant is divorced prior to commencement of annuity, any former spouse shall be entitled to a pro rata share of such a principal's maximum regular survivor annuity (based on service performed prior to the first date the principal becomes eligible for an annuity following the divorce) unless a different amount is elected in a spousal agreement filed with PER/ER/RET within 12 months after the divorce becomes final or at the time of the retirement, whichever occurs first, or unless a different amount is specified by a court prior to the death of the principal. The principal's annuity shall be reduced at the commencing date under § 18.10–2 in order to provide the survivor annuity committed to the former spouse.

(b) *Divorce after retirement.* In the event an annuitant is divorced after retirement (commencement of annuity), the maximum survivor annuity that may be provided for that former spouse is limited to the amount provided for that person at the time of retirement. Within that limit, the former spouse is entitled to a pro rata share of the participant's maximum survivor benefit (based on service performed prior to the divorce) unless a different amount was elected in a spousal agreement filed with PER/ER/RET at the time of retirement, or in the case of retirement before February 15, 1981, filed with PER/ER/RET within 12 months after the divorce becomes final, or unless a different amount is specified by a court prior to the death of the principal. For this purpose, a joint election filed with PER/ER/RET at the time of retirement is considered a spousal agreement. If the survivor annuity for the former spouse is reduced at the time of the divorce (because the pro rata share or the amount specified in a spousal agreement or court order is less than the amount elected at retirement), the principal's annuity shall be recomputed and paid, effective on the date the survivor benefit is reduced, as if the lower amount had been elected at the outset of retirement.

(c) *Death or remarriage of former spouse and transfer of survivor benefit to a spouse.* Remarriage below age 60 or death of a former spouse while a principal is alive will disqualify the former spouse for benefits under this section. In the event of such a remarriage or death of a former spouse, the portion of a principal's survivor annuity committed to that person will become available for transfer to any spouse. If such a remarriage or death of the former spouse occurs after the principal's annuity commences, any reduction in the principal's annuity for that former spouse will be discontinued effective at the beginning of the first month following the remarriage or death unless the annuitant elects to provide or to increase a survivor benefit for a spouse. Such an election may be made within one year after the annuitant receives notice of the remarriage or death of his/her former spouse. The Department (PER/ER/RET) and the annuitant shall each notify the other promptly whenever either receives independent notice of such a remarriage or death. If an election to transfer survivor benefits to a spouse is not made by the annuitant, his/her annuity will be recomputed and paid as if there had been no reduction for the discontinued survivor benefit. If an annuity is so recomputed and an election is subsequently made to designate as beneficiary a spouse to whom married for at least one year at the time the election is made, the principal's annuity shall be restored retroactively to its former, lower rate and then adjusted by cost-of-living increases that have occured since the date of the first recomputation. If an election is made for a spouse when the marriage has not yet lasted a year, the procedures in § 18.10–4 shall be followed.

(d) *Amount of survivor annuity.* The amount of a regular survivor annuity is determined under § 18.11–3(c).

(e) *Special rules for election of survivor annuity for a person who is a former spouse on February 15, 1981.* (1) Any participant, or former participant eligible for a deferred annuity which has not yet commenced, who, on February

15, 1981 has a former spouse, may at any time prior to commencement of annuity, elect, with the consent of any spouse to whom married at the time of the election, to receive a reduced annuity and provide a regular survivor annuity for such former spouse. Such survivor annuity shall be limited by § 18.10–2(b). An election under this paragraph for a former spouse will reduce the amount of any regular survivor annuity that may subsequently be provided for any spouse or other former spouse.

(2) Any former participant in receipt of an annuity who has a former spouse on February 15, 1981 and who has not committed his/her entire annuity as a base for a regular survivor annuity for a spouse or any other former spouse, may, prior to December 31, 1982, designate any portion of the uncommitted base as the base for a regular survivor annuity for such former spouse.

(3) The annuity of a former participant making an election under this paragraph shall be reduced under § 18.10–2(a) effective February 15, 1981, or from its commencing date if later.

(4) An election under this paragraph shall be made by filing a spousal agreement with PER/ER/RET under § 18.7. A spousal agreement to provide a regular survivor annuity under this paragraph for a former spouse may be revoked or amended after its acceptance by PER/ER/RET as in accordance with the Act and these regulations, only by agreement of the parties up to the last day allowed by this paragraph for filing such an agreement. Thereafter, it is irrevocable. If a participant dies in service after having filed a valid election under this section, a survivor annuity will be paid to an eligible former suriving spouse in accordance with the terms of the election.

**18.11–3 Regular survivor annuity for a spouse.**

(a) In the absence of a joint election or a spousal agreement to the contrary, a participant or former participant who is separated from active service on or after February 15, 1981 who is married at the commencement of his/her annuity shall provide a regular survivor annuity for a spouse under § 18.10–2 equal to the maximum amount that remains available under limitations stated in paragraph (b) of that section after allowing for any commitment of a regular survivor annuity for a former spouse who has not remarried prior to age 60 and who is alive on the date the former participant becomes eligible for an annuity.

(b) A regular survivor annuity is also payable to a surviving spouse for whom a principal elected an annuity under §§ 18.10–3, 18.10–4, or 18.11–2(c) following a marriage after comencement of his/her annuity.

(c) The amount of a regular survivor annuity equals 55 percent of the base designated for the benefit at the time the principal's annuity commenced, adjusted by the total percentage of cost-of-living increases the principal was receiving at death. In the case of a marriage after retirement, the regular survivor annuity for a surviving spouse equals 55 percent of the base designated for the benefit at the time the benefit was elected, adjusted by the percentage of all cost-of-living increases received by the principal from the effective date of the election.

(d) A survivor annuity is payable to a surviving spouse only if that person was married to the principal at the time of his/her death or if the spouse became a former spouse under the definition in § 18.2(k).

**§ 18.11–4 Procedure in event a spouse or former spouse is missing.**

If a participant or former particpant has a spouse or former spouse whose whereabouts are unknown, such participant may elect to reduce or eliminate the share of a regular survivor annuity provided for that person under §§ 18.11–2 or 18.11–3 by filing an affidavit with PER/ER/RET stating that his/her spouse or former spouse is missing and giving full name, last known address, date last heard from, circumstances of the disappearance and a description of the effort that has been made to locate the individual. Thereafter, the participant shall take such additional steps to locate the missing person as may be directed by PER/ER/RET. That Office shall also attempt to locate the missing person by sending a letter to the individual's last known address given in the Department's files, to the address given on the affidavit, and, if a Social Security number is known, to the Social Security Administration for forwarding. The election and affidavit may be filed at any time before commencement of annuity. It must remain on file with PER/ER/RET for at least one year before being given irrevocable effect by the Department. If the annuity to the former participant becomes effective prior to the expiration of this one year period, the annuity shall be computed and paid without reference to the election filed under this section. Following this one-year period, or at the commencement of annuity, if later, if the missing person has not been located, the affidavit may be reaffirmed by the participant, after which an election by the participant to reduce or eliminate the share of regular survivor annuity for the missing person shall be given irrevocable effect by the Department. If the annuity to the former participant has commenced, it shall be recomputed and paid retroactively to give effect to any election made under this section.

**§ 18.11–5 Commencement, termination and adjustment of annuities.**

(a) An annuity payable from the Fund to a surviving spouse or former spouse begins on the day after the participant or annuitant dies and stops on the last day of the month before the survivor's (1) marriage before age 60, or (2) death. If a survivor annuity is terminated because of remarriage, the annuity is restored at the same rate effective on the date such remarriage is terminated, provided any lump-sum paid upon termination of the annuity is returned to the Fund. The termination of a surviving spouse annuity due to remarriage does not apply to a survivor annuitant who is a surviving spouse of a participant who died in service or retired before October 1, 1976, unless elected following a marriage after retirement under circumstances described in §§ 18.10–3 or 18.10–4.

(b) A surviving spouse or former spouse shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the Fund unless the survivor elects to receive it instead of any other survivor annuity to which entitled under this or any other retirement system for Government employees. (For this purpose, neither the Social Security system nor the military retirement system is considered a retirement system for Government employees.) This restriction does not apply to a survivor annuitant who is a surviving spouse of a participant who died in service or retired before October 1, 1976, unless the survivor annuity was elected under circumstances described in § 18.10–3 or § 18.10–4.

(c) A child's annuity begins on the day after the participant dies, or if a child is not then qualified, on the first day of the month in which the child becomes eligible. A child's annuity shall terminate on the last day of the month which precedes the month in which eligibility ceases.

(d) Regular and supplemental survivor annuities to a spouse or former spouse of an annuitant described in §§ 18.11–2, 18.11–3 and 18.10–6(b) are increased from their effective date by the cumulative percentage of cost-of-living increases the annuitant was receiving under section 826 of the Act at death. All annuities payable to survivors on the date a cost-of-living adjustment

becomes effective are increased by that percentage except (1) the first increase to a surviving spouse or former spouse of a participant who dies in service shall be pro rated and (2) additional survivor annuities under § 18.10–5 when the spousal agreement authorizing the annuity makes no provision for cost-of-living increases.

(e) The annuity of survivors becomes effective as specified in this section but is not paid until the survivor submits Form JF–38, Application for Death Benefits, supported by such proof as may be required, for example, death, marriage, and/or divorce certificates. In the event that such is not submitted during an otherwise eligible beneficiary's lifetime, no annuity is due or payable to the beneficiary's estate.

**§ 18.11–6 Death during active duty.**

(a) *Annuity for surviving former spouse.* In the event a participant dies before separation from the Service and leaves a former spouse, such former spouse is entitled to a regular survivor annuity under § 18.11–2 computed as if the participant had retired on the date of death unless a court order or spousal agreement is on file in the Department waiving such entitlement or providing for some other computation, or unless the former spouse had been found missing and an election filed under the procedures of § 18.11–4 waiving a survivor benefit for that person. Any assumed service authorized to be used under paragraph (b) of this section in computing the annuity for a surviving spouse may not be counted as "years of marriage" when determining whether the previous spouse qualifies as a "former spouse" under the definition in § 18.2(k) or when computing the pro rata share under § 18.2(s). A former spouse is entitled to an additional survivor annuity under § 18.10–5 provided death occurs on or after the effective date of a spousal agreement providing for the additional annuity.

(b) *Annuity for surviving spouse.* If a participant who has at least 18 months of civilian service credit toward retirement under the System, excluding extra service credited for unhealthful post duty in accordance with section 816 of the Act, dies before separation from the Service, and is survived by a spouse as defined in § 18.2(v) such survivor shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with § 18.10–1 less any annuity payable to a former spouse under paragraph a. If the participant had less than three years of creditable civilian service at the time of death, the survivor annuity is computed on the basis of the average salary for the entire period of such service. If, at time of death, the participant had less than 20 years of cerditable service, the annuity shall be computed on the assumption that the participant has had 20 years of service, but such additional service credit shall in no case exceed the difference between the participant's age on the date of death and age 65. A spouse is entitled to an additional survivor annuity under § 18.10–5 provided death occurs on or after the effective date of a spousal agreement providing for the additional annuity.

(c) *Annuity for a child or children.* If a participant described in paragraph (b) is survived by a child or children, each surviving child is entitled to an annuity as described in § 18.11–7.

(d) *Annuity changes.* Annuities based on a death in service are subject to the provisions of § 18.11–5 governing commencement, adjustment, termination and resumption of annuities.

**§ 18.11–7 Annuity payable to surviving child or children.**

(a) If a participant who has at least 18 months of civilian service credit under the System dies in service, or if an annuitant who was a former participant dies, annuities are payable to a surviving child or children, as defined in § 18.2(e) as follows:

(1) *When survived by spouse and child or children.* If a principal is survived by a wife or husband and by a child or children, in addition to any other annuity, there shall be paid to or on behalf of each child an annuity equal to the smallest of:

(i) $900

(ii) $2,700 divided by the number of children—adjusted under paragraph (b).

(2) *when Survived by a child or children but no spouse.* If the principal is not survived by a wife or husband, but by a child or children, each surviving child shall be paid an annuity equal to the smallest of:

(i) $1,080

(ii) $3,240 divided by the number of children—adjusted under paragraph (b) of this section.

(b) *Adjusted rates.* In order to reflect cost-of-living increases, the amounts referred to in paragraphs (a)(1) and (2) are increased from the commencing date of the annuity to each child by the cumulative percentage of all cost-of-living increases that have occurred under 5 U.S.C. 8340 since October 31, 1969.

(c) *Recomputation of annuity for child or children.* If a surviving wife or husband dies or the annuity of a child is terminated, the annuities of any remaining children shall be recomputed and paid as though such spouse or child had not survived the participant. If the annuity to a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities to all currently eligible children in the family were then being initiated.

**§ 18.11–8 Required elections between survivor benefits.**

(a) *Bar against concurrent payment under this Act and Workers' Compensation Act.* Except as stated below, survivor annuities and survivors' compensation for work injuries under 5 U.S.C. 8102 are not payable concurrently if both are based on the death of the same employee. A survivor entitled to both must elect which of the two benefits he/she prefers. Should all eligible survivors of a deceased employee elect to receive the compensation benefit rather than the survivor annuity, their rights to the latter are terminated and, if the lump-sum credit has not been exhausted, a lump-sum payment will become due under § 18.13. The one exception to this rule occurs when a widow or widower is being paid the balance of a scheduled compensation award under 5 U.S.C. 8107 due the deceased employee. If so, the widow or widower may receive the survivor annuity and compensation award concurrently.

(b) *Election between survivor annuity and social security benefits.* Pursuant to 42 U.S.C. 417 (a) and (e), survivors who are eligible for annuity which is based in part on military service performed by a principal between September 16, 1940, and December 31, 1956, and also for survivor benefits under the Social Security system, may elect to have the military service credited toward the Social Security benefit. In practice, the survivors should apply for both benefits, ask the Department and the Social Security Administration for statements showing the amount of each benefit, and then make their election of where to credit the military service. If Social Security benefits are elected, the rights of *all* survivors to a foreign service annuity are terminated.

**§ 18.12 Employment in a government agency.**

An annuitant who is reemployed by a Federal Government agency may not

receive a combination of salary and annuity which exceeds his/her Foreign Service salary at the time of retirement. Refer to § 18.9–4.

**§ 18.13 Lump-sum payment.**

**§ 18.13–1 Lump-sum credit.**

"Lump-sum credit" is the compulsory and special contributions to a participant's or former participant's credit in the Fund for his/her first 35 years of service plus interest thereon computed from the midpoint of each service period and compounded at four percent annually to the date of separation or December 31, 1976, whichever is earlier, and after such date, for a participant who separates from the Service after completing at least one year of civilian service and before completing 5 years of such service, at the rate of three percent annually to the date of separation. Interest shall not be paid for a fractional part of a month in the total service or on compulsory and special contributions from the annuitant for recall service or other service performed after the date of separation which forms the basis for annuity.

**§ 18.13–2 Share payable to a former spouse.**

A former spouse of a participant or annuitant is entitled to a prorata share of 50 percent of any lump-sum payment authorized to be paid to a former participant under this section who separated from the Service on or after February 15, 1981, unless otherwise directed in a court order or a spousal agreement.

**§ 18.13–3 Payment after death of principal.**

If a participant or former participant dies and no claim for annuity is payable, the lump-sum credit is paid to surviving beneficiaries.

**§ 18.14 Waiver of annuity.**

An individual entitled to be paid an annuity may, for personal reasons, decline to accept all or any part of the annuity. However, a principal may not waive the portion of his/her annuity authorized to be paid to a former spouse under § 18.7 or 18.9 or to a beneficiary under § 18.6. An annuity waiver shall be in writing and sent to the Department (PER/ER/RET). A waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver was in effect.

[FR Doc. 81–5506 Filed 2–18–81; 8:45 am]
BILLING CODE 4710–15–M

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Parts 2608, 2610, 2613 and 2615

### Deferral of Effective Date of Regulations and Change of Date in Notification

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of deferral of effective date of regulations and change of date in notification.

**SUMMARY:** This notice defers the effective date of four regulations that were published by the Pension Benefit Guaranty Corporation ("PBGC") in the Federal Register on January 28, 1981 [46 FR 9480–9542 and corrected at 46 FR 10720, February 4, 1981]. This document also extends the time period within which certain employers may pay their liability to PBGC without interest [46 FR 9545]. This action is taken in response to a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. The effect of this notice is to defer the effective date of certain regulations and to relieve certain employers of a liability for interest they would otherwise incur.

**EFFECTIVE DATE:** Accordingly, the effective date of each of the following final rules as well as the "Notification of change in procedure for payment of employer liability" is deferred until April 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Renae R. Hubbard, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–4895.

**SUPPLEMENTARY INFORMATION:** On January 28, 1981, the PBGC published the following four regulations in the Federal Register:

1. 29 CFR Part 2608—Allocation of Assets in Non-Multiemployer Plans, 46 FR 9480;
2. 29 CFR Part 2610—Valuation of Plan Benefits in Non-Multiemployer Plans, 46 FR 9492;
3. 29 CFR Part 2613—Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals from and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans, 46 FR 9520; and
4. 29 CFR Part 2615—Determination of Plan Sufficiency and Termination of Sufficient Plans, 46 FR 9532.

Each of these regulations provided for an effective date of March 1, 1981. On the same day, PBGC published, at 46 FR 9545, a "Notification of change in procedure for payment of employer liability", effective March 1, 1981.

On January 29, 1981, President Ronald Reagan issued a memorandum, which was published at 46 FR 11227 (February 6, 1981), requesting that the executive agencies postpone for 60 days the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during the 60-day period following the date of the memorandum. In accordance with the President's memorandum, the PBGC hereby postpones the effective date of each of the above-named regulations and the "Notification of change in procedure for payment of employer liability" to April 1, 1981, in order to allow for a full and appropriate review of these rules.

(Secs. 4002(b)(3), 4041, 4044, 4062–4064, 4067, 4068, Pub. L. 93–406, 88 Stat. 1004, 1020–21, 1025–27, 1029–33 (29 U.S.C. 1302(b)(3), 1341, 1344, 1362–1364, 1367, 1368), as amended by secs. 403(1), 403(d), 402(a)(7), 403(g)–(i), Pub. L. 96–364, 94 Stat. 1299–1302)

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

**Robert E. Nagle,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 81–5191 Filed 2–18–81; 8:45 am]
BILLING CODE 7708–01–M

## PANAMA CANAL COMMISSION

### 35 CFR Part 103

### Order of Passage of Vessels Through the Panama Canal

**AGENCY:** Panama Canal Commission.

**ACTION:** Interim rule.

**SUMMARY:** On December 4, 1980, [45 FR 80313] the Panama Canal Commission published a notice of proposed rulemaking to provide for a system of scheduling vessels for transit through the Panama Canal. The Commission began testing the plan on January 11, 1981, and on January 30, 1981, [46 FR 9942] published an interim rule effective for the duration of the test. In the January 30th publication, the Commission gave notice that, based on certain comments received from interested parties on the proposed rule, it would change the minimum period for cancellation of booked transits from seven days to four days, after the fourth or fifth week of the test. This rule implements that change.

**DATES:** Interim rule effective February 19, 1981. Comments must be received on or before March 13, 1981.

**ADDRESSES:** Comments may be mailed to the Secretary, Panama Canal

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

**FOR FURTHER INFORMATION CONTACT:**

Michael Rhode, Jr., Secretary, Panama Canal Commission, Room 312, Pennsylvania Bldg., 425 Thirteenth Street, NW. Washington, D.C. 20004, (202) 724–0104.

Captain John D. Thurber, Marine Director, Panama Canal Commission, (telephone Republic of Panama 52–7917)

**SUPPLEMENTARY INFORMATION:** This document changes the minimum period prior to which a booked transit may be canceled without penalty from seven days to four days. The purpose of the change is to make booking more readily available to short haul operators whose transit times from final loading ports to the Canal are so short as to preclude booking transits without undue risk of incurring a penalty. The Commission considers that the reduction to four days is workable from the point of view of scheduling and administration; however, this will be evaluated during the operational test.

## PART 103—GENERAL PROVISIONS GOVERNING VESSELS

For the reasons set out in 46 FR 9942, 9944 and in this notice, § 103.8 of Part 103 of Title 35 of the Code of Federal Regulations is amended by revising paragraph (b) to read as follows:

**§ 103.8 Preference with transit schedule; Order of transiting vessels.**

* * * * *

(b) The Canal Authorities shall impose a penalty of 24 hours' delay in placing a vessel in the transit schedule when such vessel has been booked or prescheduled and does not arrive at a terminus of the Canal by midnight of the day prior to the intended transit. This penalty will not be applied if the late arrival is due to *force majeure* or to delay for humanitarian purposes. A prescheduled transit may be canceled without penalty if notice of the cancellation is received by the Canal authorities at least 48 hours prior to the day of the intended transit. A booked transit may be canceled without penalty if notice of the cancellation is received by the Canal authorities at least four days prior to the day of the intended transit. Requests for booking or prescheduling may be denied in the case of vessel operators or agents who establish a record of numerous or repeated cancellations.

**Michael Rhode, Jr.,**

*Secretary.*

[FR Doc. 81-5589 Filed 2-18-81; 8:45 am]

BILLING CODE 3640-01-M

## POSTAL SERVICE

## 39 CFR Part 111

## Enclosures With Special Fourth-Class Matter

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule amends regulations to permit mailers to enclose loose printed matter which would be mailable as third-class mail with qualifying materials mailed at the special fourth-class postage rates and to make several editorial changes. The Postal Service believes that the present limitations on enclosures in special fourth-class mail are no longer necessary because the tax subsidies for that subclass of mail have expired.

**EFFECTIVE DATE:** February 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Earnest J. Collins, 202–245–4749.

**SUPPLEMENTARY INFORMATION:** On December 12, 1980, the Postal Service published for comment in the **Federal Register** proposed changes in sections 136, 722, 723, 724 and 764 of the Domestic Mail Manual (45 FR 81787–81789). The Postal Service received six comments in response to the proposal, four written and two oral.

All the commenters favored adoption of the proposed rule. In addition, one commenter assumed there will not be a limitation as to the number of loose enclosures that can be mailed at the special fourth-class rate along with qualified material. The proposed rule did not not specify a limitation as to the number of loose enclosures or the maximum weight for the printed third-class loose enclosures. If the quantity of loose enclosures should become a problem, the Postal Service may have to initiate action to impose limitations.

One commenter believes the proposed rule will create significant new mail volume for the Postal Service. Another commenter believes the proposed rule is a proper step forward by the Postal Service to maintain the most efficient possible service at the lowest possible rates.

In view of the full support of mailers, the Postal Service hereby adopts, without change, the following amendments to the *Domestic Mail Manual*, which is incorporated by reference in the **Federal Register** (39 CFR 111.1).

### Part 136—Mixed Classes of Mail

1. In part 136, amend section 136.322 to read as follows:

136.322 *Third-Class Enclosures.* Third-class mail may be enclosed in any forth-class parcel mailed at the rates in 711 or mailed free under 135. Postage at the applicable third-class rate must be paid on such matter except as provided in 721.2, 722.3, 723.3, 724.3, and 725.5.

### Part 722—What May Be Mailed at Parcel Post Rates

2. In part 722, renumber section 722.23 as section 722.3.

### Part 723—What May Be Mailed at Bound Printed Matter Rates

3. In part 723 renumber section 723.23 as section 723.3.

### Part 724—What May Be Mailed at Special Fourth-Class Rates

4. In part 724, amend section 724.1 to read as follows:

*724.1 General Description.* Only the following specifically described articles may be mailed at the special fourth-class rates (see 711.3):

a. Books, including books issued to supplement other books, of 24 pages or more (at least 22 of which are printed) consisting wholly of reading matter, scholarly bibliography, or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books. Advertising includes paid advertising and the publishers' own advertising in display, classified, or editorial style.

b. 16-millimeter or narrower width films (which must be positive prints in final form for viewing) and catalogs of such films of 24 pages or more (at least 22 of which are printed). Films and film catalogs sent to or from commercial theaters do not qualify for the special fourth-class rate.

c. Printed music whether in bound form or in sheet form.

d. Printed objective test materials and their accessories used by or in behalf of educational institutions to test ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark.

e. Sound recordings and guides or scripts prepared solely for use with such recordings.

Note: Video recordings and player piano rolls are classified as sound recordings.

f. Playscripts and manuscripts for books, periodicals, and music.

g. Printed educational reference charts, including but not limited to:
(1) Mathematical tables,
(2) botanical tables,
(3) zooligical tables, and
(4) maps produced primarily for educational reference purposes.
h. Looseleaf pages, and binders thereof, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students.

5. In part 724, amend section 724.3 to read as follows:

*724.3 Enclosures.*
.31 *Specific items.* The specific enclosures and additions listed in 721.2 may be included with any qualifying material mailed at the special fourth-class rates in 711.3.
.32 *Loose Enclosures.* Any printed matter which would be mailable as third-class mail may be included loose with any qualifying material mailed at the special fourth-class rates in 711.3.
.33 *Bound Enclosures in Books.*
.331 *Envelopes.* Either one envelope or one addressed post card may be bound into the pages of a book mailed at the special rates in 711.3. If also serving as an order form, the envelope or card may be in addition to the order form permitted by 724.332.
.332 *Order Forms.* One order form may be bound into the pages of a book mailed at the special rates in 711.3. If also serving as an envelope or post card, the order form may be in addition to the envelope or card permitted by 724.331.
.333 *Announcements of Books.* Books mailed at the special fourth-class rates in 711.3 may also contain announcements of books appearing as book pages. These announcements of books must be incidental, and must be exclusively devoted to books. They may not contain extraneous advertising of book related materials or services.
*Exception:* Announcements may fully describe the conditions and methods of ordering books (such as by membership in book clubs) and may contain ordering instructions for use with a separate order form.
.334 *Order Forms with Announcements.* No more than three of the announcements permitted by 724.333 may contain as part of their format a single order form, which may also serve as a post card. The order forms permitted with announcements of books are in addition to, and not in lieu of, order forms which may be enclosed by virtue of any other provisions of this section.

**Note.**—This provision is applicable only to books mailed at the special fourth-class rate. Such order forms are not permitted in books mailed at the library rate.

**Part 764—Preparation of Special Fourth-Class Presort Rate Mail**

6. In part 764, amend the title of 764 to read "Preparation of Special Fourth-Class Mail"; amend the title of 764.2 to read *"Sack Labeling Requirements for Presort Rate Mail"*; amend the title of 764.3 to read *"Container or Pallet Labeling Requirements for Presort Rate Mail"*, and amend 764.1 to read as follows:

*764.1 Marking.*
.11 *Single Piece Rate.* Each piece mailed at a special fourth-class rate in 711.3, must be legibly marked "Special Fourth-Class Rate" on the address side. This marking must be incorporated as part of the permit indicia or be printed or rubber stamped above the address and to the left or below the permit indicia, meter strip or postage stamps.
.12 *Presorted Special Fourth-Class Rate.* Each piece mailed at the presorted special fourth-class rate in 711.3 must be legibly marked "Presorted Special Fourth-Class Rate" on the address side. This marking must be incorporated as part of the permit indicia or be printed or rubber stamped above the address and to the left or below the permit indicia.

This rule is being adopted on the date of publication because it provides for a relaxation of existing restrictions on the types of materials which may be attached to or enclosed with qualifying matter mailed at the special fourth-class rates of postage (commonly known as the book rate). It permits mailers of special fourth-class matter to include previously prohibited materials but does not require any mailer to do so. For these reasons, the Postal Service believes there is no justification for a delay in the rule's implementation.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2)).

**W. Allen Sanders,**

*Associate General Counsel, General Law and Administration.*

[FR Doc. 81-5651 Filed 2-18-81; 9:29 am]

BILLING CODE 7710-12-M

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

**[OPP-300038A; PH-FRL 1756-2]**

### Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Certain Inert Ingredients

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation amends 40 CFR 180.1001(c) and (e) by revising (broadening) the exemption to read: "alpha-alkyl ($C_{8}$-$C_{18}$-omega-hydroxypoly(oxyethylene)): the poly (oxyethylene) content averages 2–20 moles." This regulation was requested by Shell Oil Co.

**EFFECTIVE DATE:** Effective on February 19, 1981.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** John A. Shaughnessy, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7110).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that published in the **Federal Register** of November 21, 1980 (45 FR 77078) that Shell Oil Co., 1025 Connecticut Ave., NW., Washington, D.C. 20036, requested that the Administrator amend 40 CFR 180.1001 (c) and (e) by broadening the range of alkyl groups in alpha-alkyl ($C_{10}$-$C_{18}$)-omega-hydroxypoly (oxyethylene) from ($C_{10}$-$C_{18}$) to ($C_{8}$-$C_{18}$), and the range of poly(oxyethylene) groups from 3–20 moles to 2–20 moles in this inert ingredient.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the amendment to 40 CFR 180.1001 will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: February 19, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: January 26, 1981.

**Edwin L. Johnson,**

*Deputy Assistant Administrator for Pesticide Programs.*

Therefore, Subpart D of 40 CFR Part 180 is amended by revising the entry "alpha-alkyl($C_{10}$-$C_{18}$)-omega-hydroxypoly (oxyethylene): the poly(oxyethylene) content averages 3–20 moles" under § 180.1001 paragraphs (c) and (e) to read as follows:

**§ 180.1001 Exemption from the requirement of a tolerance.**

(c) * * *

| Inert ingredients | Limits | Uses |
|---|---|---|
| * * * * * | | |
| Alpha-alkyl ($C_{10}$-$C_{18}$)-omega-hydroxypoly (oxyethylene): the poly (oxyethylene) content averages 3–20 moles. | | Solvent, cosolvent, surfactant, and related adjuvants of surfactants. |

* * * * *

(e) * * *

| Inert ingredients | Limits | Uses |
|---|---|---|
| * * * * * | | |
| Alpha-alkyl ($C_{10}$-$C_{18}$)-omega-hydroxy poly (oxyethylene): the poly (oxyethylene) content averages 3–20 moles. | | Solvent, cosolvent, surfactant, and related adjuvants of surfactants. |
| * * * * * | | |

[FR Doc. 81-5691 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

## 40 CFR Part 180

**[PP 9F2205/R260; PH-FRL 1757-5]**

## Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 3-(3,5-Dichlorophenyl)-5-Ethenyl-5-Methyl-2,4-Oxazolidinedione

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites in or on strawberries at 10 parts per million (ppm). The regulation was requested by BASF Wyandotte Corp. This rule establishes a maximum permissible level for residues of the fungicide in or on strawberries.

**EFFECTIVE DATE:** Effective on February 19, 1981.

**ADDRESSES:** Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M Street, SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

**SUPPLEMENTARY INFORMATION:** Notice was published in the **Federal Register** of June 15, 1979 (44 FR 34693) that BASF Wyandotte Corp., 100 Cherry Hill Road, Parsippany, NJ 07054, had filed a pesticide petition (PP 9F2205). This petition proposed that 40 CFR Part 180 be amended by establishing a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites resulting from preharvest application in or on the raw agricultural commodity strawberries at 10 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a mouse teratology study (negative at 600 ppm), a three-generation rat reproduction study (negative at 1,458 ppm, the highest dose fed), a chronic feeding 130 week oncogenic study in rats (negative oncogenic potential; NOEL was 486 ppm), a chronic feeding 26 month oncogenic study in mice (negative oncogenic potential; NOEL was 1,458 ppm), a dominant lethal assay in mice (negative at 2,000 mg/kg for 5 days), a repeated oral dosing metabolism study in rats, a 90-day rat study (NOEL was 450 ppm), and 90-day dog study (NOEL was 300 ppm). Based on the 90-day dog study, the no-observed-effect level (NOEL) is 300 ppm, or 7.5 milligrams (mg)/kilogram (kg) of body weight (bw) per day. Using a 2,000 fold safety factor, the acceptable daily intake (ADI) is 0.0038 mg/kg of bw/day and the maximum permissible intake (MPI) is 0.2250 mg/day for a 60 kg person.

This tolerance results in a maximum theoretical exposure of 0.027 mg/day for a 1.5 kg diet, and utilizes 12.0 percent of the ADI. An adequate analytical method (gas chromatography using an electron capture detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the tolerance is sought. The proposed tolerance is adequate to cover residues in or on the raw agricultural commodity strawberries, and there is no reasonable expectation of residues in eggs, milk, meat, or poultry.

Hence, the agency has determined that establishing a tolerance for residues of the fungicide 3-(3-5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites in or on strawberries at 10 ppm will protect the public health. Therefore, the regulation amending 40 CFR 180.380 is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must be supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other "specialized" procedures. EPA labels these other regulations "specialized." This regulation has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: February 19, 1981.

(Sec. 408(e), 68 Stat. 614, (21 U.S.C. 346a(e)))

**Edwin L. Johnson,**

*Deputy Assistant Administrator for Pesticide Programs.*

Therefore, Subpart C of 40 CFR Part 180 is amended by adding the raw agricultural commodity "strawberries" under § 180.380 to read as follows:

**§ 180.380 3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione; tolerances for residues.**

* * * * *

| Commodity | Parts per million |
|---|---|
| Strawberries | 10 |

[FR Doc. 81-5694 Filed 2-18-81; 8:45 am]
BILLING CODE 6560-32-M

## 40 CFR Part 180

**[PP 9F2274/OF2293/R307; PH-FRL 1756-4]**

## Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Thiophanate-Methyl

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes tolerances for residues of the fungicide thiophanate-methyl [dimethyl[(1,2-phenylene)bis(iminocarbonothioyl)]bis [carbamate]], its oxygen analogue dimethyl-4,4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl). The amendment to the regulation was requested by Pennwalt Corporation. This regulation establishes maximum permissible levels for residues of thiophanate-methyl in or on certain raw agricultural commodities.

**EFFECTIVE DATE:** Effective on February 19, 1981.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M Street SW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

**SUPPLEMENTARY INFORMATION:** EPA issued notices that published in the **Federal Register** of February 15, 1980 (45 FR 10402) and February 29, 1980 (45 FR 13528) that Pennwalt Corp. P.O. Box C, King of Prussia, PA 19406, had filed pesticide petitions 9F2274 and 0F2293 with the EPA.

The petitions proposed that 40 CFR 180.371 be amended to establish tolerances for residues of the fungicide thiophanate-methyl [dimethyl [(1,2-phenylene) bis (iminocarbonothioyl)]bis[carbamate]], its oxygen analogue dimethyl-4,4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophenate-methyl) in or on the raw agricultural commodities almonds (nuts) at 0.2 (N) ppm; almond (hulls) at 1.0 ppm; apples, pre- and post-harvest at 7.0 ppm; beans, (snap and dry) at 2.0 ppm; bean vine forage and hay at 50.0 ppm; cattle liver at 0.5 ppm; cattle kidney at 0.2 (N) ppm; celery (pre-harvest) at 3.0 ppm; eggs at 0.1 (N) ppm; meat, fat, and meat byproducts of cattle (excluding liver and kidney), goats, hogs, horses, poultry (excluding liver), and sheep at 0.1 (N) ppm; milk at 0.1 (N) ppm; pecans (pre-plant) at 0.2 ppm; peanuts, meats (hulls removed) at 0.2 (N) ppm; hulls at 2.0 ppm; forage and hay at 15.0 ppm; pineapple (preplant seed piece treatment only) at 0.1 (N) ppm; poultry liver at 0.2 (N) ppm; soybeans at 0.2 (N) ppm; sugar beets, roots at 0.2 (N) ppm; tops at 15.0 ppm; sugarcane (preplant seed piece treatment only) at 0.1 (N) ppm. No comments were received in response to these notices of filing.

Subsequently, an amended notice of filing was made which increased the proposed tolerances for thiophanate-methyl in milk from 0.1 ppm to 1.0 ppm, in cattle liver from 0.5 ppm to 2.5 ppm, in liver of horses and hogs from 0.1 ppm to 1.0 ppm, in liver of goats and sheep from 0.1 ppm to 2.5 ppm, and in kidney of goats and sheep from 0.1 ppm to 0.2 ppm (45 FR 84850). No comments were received in response to this notice of filing.

The data submitted in these petitions and all other relevant material have been evaluated. The scientific data considered in support of these tolerances were a 2-year rat oncogenic study (negative, with a no-observed-effect-level (NOEL) of 160 ppm), a 2-year mouse oncogenic study (negative at highest dose of 640 ppm), a 2-year dog feeding study (NOEL of 10 mg/kg/day), a six-litter rat reproduction study (NOEL of 160 ppm), a mouse teratology study (negative at 1,000 mg/kg), a rat mutagenic study (negative at 1,000 mg/kg, no chromosomal aberrations in somatic and spermatogonial cells), and a dominant lethal study in mice (negative at 500 mg/kg). Based on the rat feeding study, the NOEL is 8.0 mg/kg/day. Using a 100-fold safety factor, the allowable daily intake (ADI) is 0.08 mg/kg/day and the maximum permissible intake (MPI) is 4.8 mg/day for a 60-kg person. Established tolerances and these proposed tolerances result in a maximum theoretical exposure of 0.7667 mg/day for a 60-kg person and utilizes 15.97 percent of the ADI. Tolerances have previously been established for residues of thiophanate-methyl in or on a variety of raw agricultural commodities, ranging from 0.2 to 15 ppm (40 CFR 180.371).

The metabolism of thiophanate-methyl is adequately understood and an adequate analytical method is available for enforcement purposes (UV, spectrofluorometry).

Thiophanate-methyl was subjected to a rebuttable presumption against registration (RPAR) review, based on the mutagenic potential of its metabolite methyl benzimidazole carbamate (MBC). The agency determined that the presumption was rebutted on the basis of low exposure potential (40 CFR 162.11(a)(4)(ii)), and that the current use patterns of thiophanate-methyl do not pose unreasonable adverse effects on the environment. Subsequent to this determination, a positive oncogenicity study on MBC was submitted to the agency. Upon completion of the review of this study, the agency will reconsider whether the use of thiophanate-methyl poses unreasonable adverse effects on the environment.

Based on the information cited above the agency has determined that the establishment of tolerances for residues of the fungicide thiophanate-methyl in or on the raw agricultural commodities will protect the public health. Therefore, the regulation is established by amending 40 CFR 180.371 is as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other "specialized" development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on: February 19, 1981.

(Sec. 408(d)(2), 68 Stat. 514, (21 U.S.C. 348(c)(1)))

Dated: January 29, 1981.

**Edwin L. Johnson,**

*Deputy Assistant Administrator for Pesticide Programs.*

Therefore, Subpart C of 40 CFR Part 180 is amended by revising § 180.371 to read as follows:

**§ 180.371 Thiophanate-methyl; tolerances for residues.**

Tolerances are established for residues of the fungicide thiophanate-methyl (dimethyl [(1,2-phenylene)-bis(iminocarbonothioyl)] bis[carbamate]), its oxygen analogue dimethyl-4,4'-*o*-phenylene bis(allophonate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl) in or on the following raw agricultural commodities:

| Commodities | Parts per million |
|---|---|
| Almonds pre-H | 0.2(N) |
| Almonds (hulls) pre-H | 1.0 |
| Apples (pre- and post-H) | 7.0 |
| Apricots (pre- and post-H) | 15.0 |
| Bananas (pre-H) | 2.0 |
| Bananas, pulp (pre-H) | 0.2 |
| Beans (snap and dry) pre-H | 2.0 |
| Bean (forage and hay) pre-H | 50.0 |
| Cattle, fat | 0.1 |
| Cattle, kidney | 0.2(N) |
| Cattle, liver | 2.5 |
| Cattle, meat byproducts (exc. kidney and liver) | 0.1(N) |
| Cattle, meat | 0.1(N) |
| Celery (pre-H) | 3.0 |
| Cherries (pre- and post-H) | 15.0 |
| Eggs | 0.1(N) |
| Goats, fat | 0.1(N) |
| Goats, kidney | 0.2 |
| Goats, liver | 2.5 |
| Goat, meat byproducts (exc. kidney and liver) | 0.1(N) |
| Goat, meat | 0.1(N) |
| Hogs, fat | 0.1(N) |
| Hogs, liver | 1.0 |
| Hogs, meat byproducts (exc. liver) | 0.1(N) |
| Hogs, meat | 0.1(N) |
| Horses, fat | 0.1(N) |
| Horses, liver | 1.0 |
| Horses, meat byproducts (exc. liver) | 0.1(N) |
| Horses, meat | 0.1(N) |
| Milk | 1.0 |
| Nectarines (pre- and post-H) | 15.0 |
| Pecans (pre-H) | 0.2 |
| Peaches (pre- and post-H) | 15.0 |
| Peanuts pre-H | 0.2(N) |
| Peanuts (hulls) pre-H | 2.0 |
| Peanuts (forage and hay) pre-H | 15.0 |
| Plums (pre- and post-H) | 15.0 |
| Poultry, fat | 0.1(N) |
| Poultry, liver | 0.2(N) |
| Poultry, meat byproducts (exc. liver) | 0.1(N) |
| Poultry, meat | 0.1(N) |
| Prunes (pre- and post-H) | 15.0 |
| Sheep, fat | 0.1(N) |
| Sheep, kidney | 0.2 |
| Sheep, liver | 2.5 |
| Sheep, meat byproducts (exc. kidney and liver) | 0.1(N) |
| Sheep, meat | 0.1(N) |
| Soybeans (pre-H) | 0.2 |
| Strawberries (pre-H) | 5.0 |
| Sugar beets (roots pre-H) | 0.2 |
| Sugar beets (tops pre-H) | 15.0 |
| Sugarcane (seed piece treatment pre-H) | 0.1(N) |

[FR Doc. 81-5603 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

**40 CFR Part 205**

**[EN-FRL 1758-3]**

## Noise Emission Standards for Truck-Mounted Solid Waste Compactors: Notice of Reconsideration and Temporary Suspension of Enforcement

**AGENCY:** U.S Environmental Protection Agency (EPA).

**ACTION:** Notice of reconsideration and suspension of enforcement.

**SUMMARY:** Effective immediately, the Environmental Protection Agency is temporarily suspending enforcement of the Noise Emission Standards for New Truck-Mounted Solid Waste Compactors, 40 CFR Part 205, Subpart F (44 FR 56526) pending reconsideration of the testing, reporting, and related provisions of the regulation. While the suspension of enforcement is in effect, the Agency will not enforce any of the requirements of the regulation. At the end of six months, EPA will decide whether to terminate the suspension or, if adequate progress is being made toward improving the testing and reporting requirements, to continue the suspension.

**EFFECTIVE DATE:** February 12, 1981.

**FOR FURTHER INFORMATION CONTACT:** Ms. Martha G. Prothro, Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460 ((703) 557-7470).

**SUPPLEMENTARY INFORMATION:** On October 1, 1979, EPA promulgated a regulation (40 CFR 205.200, *et seq.*) which established noise emission standards for newly manufactured truck-mounted solid waste compactors (44 FR 56526). The regulation became effective and enforceable on October 1, 1980. The practical experience gained since the effective date by the manufacturers subject to the regulation and by the Agency's enforcement personnel suggests that the production verification testing, reporting, and related requirements may be more onerous than the Agency intended or expected at the time the regulation was promulgated.

At a February 4, 1981 meeting between Agency representatives and representatives of the truck-mounted solid waste compactor manufacturing industry and the truck chassis (cab-chassis) manufacturing industry, some compactor manufacturers indicated that they believe the regulation can be amended so as to impose a lesser burden on the regulated manufacturers without sacrificing the Agency's environmental protection objectives. The Agency believes that alternative testing, compliance determination, and related provisions would and should be developed. This will require detailed technical discussion with the industry.

Therefore, I have decided to reconsider the testing, reporting, and related requirements of the Truck-Mounted Solid Waste Compactor regulation. A suspension of enforcement for the regulation is necessary to avoid unintended burdens on the industry pending the outcome of the Agency's reconsideration of the regulatory requirements involved. During this period of reconsideration, the Agency will solicit public comment on whether alternatives to the present regulations should be adopted and on any related issues.

The Agency expects the issues to be resolved and the suspension to be terminated within six months. However, if no solution has been accomplished by that time, the Agency will review the progress being made and will determine whether the suspension should remain in effect. If, at any time, the Agency determines that the suspension should be terminated, the Agency will provide a sixty-day notice prior to such termination. Any termination of the suspension will be prospective only; manufacturers subject to the regulation will not be held responsible for compliance of products distributed before or while the suspension was in effect.

Dated: February 12, 1981.

**Walter C. Barber, Jr.,**

*Acting Administrator.*

[FR Doc. 81-5708 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-33-M

## FEDERAL COMMUNICATIONS COMMISSION

**47 CFR Part 76**

**[Docket No. 21006; FCC 81-51]**

## Amendment of Part 76 of the Commission's Rules To Add Frequency Channeling Requirements and Restrictions and To Require Monitoring for Leakage From Cable Television Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The rules in question are intended to "assure that cable television systems operating on frequencies used by air navigation and aeronautical and marine emergency radio services to not cause harmful interference to those

safety of life services. . . ." The change is adopted because it has now become impossible to complete review of the aeronautical interference notifications within the sixty day period provided in the rule. The Commission hereby amends § 76.610(b) of its rules to require that cable television systems intending to use a frequency or frequencies in the frequency bands 108–136 MHz and 225–400 MHz shall not commence such operation without prior Commission authorization. Pursuant to Section 553(b)(B) of the Administrative Procedure Act, the Commission finds that the paramount need to protect the public health and safety warrants adoption of the new rule without prior notice and comment.

**EFFECTIVE DATE:** February 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Robert Ratcliffe, Cable Television Bureau, (202) 254–3407.

**SUPPLEMENTARY INFORMATION:**

In the matter of amendment of Part 76 of the Commission's rules to add frequency channeling requirements and restrictions and to require monitoring for signal leakage from cable television systems.

Adopted: February 3, 1981.

Released: February 4, 1981.

By the Commission: Chairman Ferris not participating.

1. By *Report and Order* in this proceeding, FCC 77–541, 65 FCC 2d 813 (1977), the Commission adopted §§ 76.610 and 76.611 of the Rules to "assure that cable television systems operating on frequencies used by air navigation and aeronautical and marine emergency radio services do not cause harmful interference to those safety of life services. . . ." *Id.* The Commission further specified that the underlying purpose of the rules is "to eliminate *the possibility* of interference" to these services. *Id.* at 815, emphasis added. To achieve that purpose § 76.610(b) provides that, on or after January 1, 1978, cable television systems intending to use frequencies within the 108–136 MHz and 225–400 MHz bands must notify the Commission of their intention to do so at least sixty days prior to commencing use.

2. The procedure contained in § 76.610(b) was promulgated in the belief that sixty days would afford a sufficient period of time for Commission staff to review the incoming notifications, coordinate as necessary with other interested federal agencies, and notify the concerned cable television systems of any restrictions on or preclusions to their planned frequency use necessary to protect air traffic safety. However, in recent months the television industry's demand for utilization of these frequencies has increased to an unexpected extent, and the Commission is now receiving many more notifications than it had initially anticipated. As a result it has now become impossible to complete review of these notifications within the sixty day period provided in the rule. Because § 76.610(b) does not provide for Commission grant of authorization prior to use, this situation is resulting in a number of instances in which system operators are commencing use of these frequencies without the opportunity for Commission review. In some instances this frequency use has conflicted with existing aeronautical navigation frequency usage and thus has posed a threat of interference to air navigation and ground-to-air communication. As a result, § 76.610(b) has become critically ineffective as a means of eliminating the possibility of dangerous interference to safety of life radio services by cable television systems.

3. In view of the foregoing and in order to most effectively insure that the health and safety of the public is preserved, the Commission is hereby amending § 76.610(b) to include the requirement that prior Commission authorization be obtained before a cable system may commence using a frequency or frequencies in the 108–136 MHz and 225–400 MHz bands. Pursuant to Section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B)(1966), the Commission finds that the overriding need to protect the health and safety of the public by eliminating the possibility of cable system interference with aeronautical frequency use which, under present circumstances, § 76.610(b) fails to accomplish, renders it contrary to the public interest to elicit notice and comment in this matter. Moreover, pursuant to Section 553(d)(3) of the Administrative Procedure Act, 5 U.S.C 553(d)(3)(1966), the Commission finds that the demonstrable urgency of the need to immediately set in place procedures designed to most effectively eliminate potential interference to air navigation and communications services justifies dispensing with the thirty-day pre-effective period. In adopting this rule change the Commission cautions all cable television system operators that unauthorized use of the referenced frequencies is irreconcilable with the public interest.

Authority for the rule adopted herein is contained in Sections 2, 3, 4(i) and (j), 301, 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective upon publication in the **Federal Register**, Part 76 of the Commission's Rules and Regulations is amended as set forth in the attached Appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 76.610 is amended by revising paragraph (b) to read as follows:

**§ 76.610 Operation in the frequency bands 108–136 and 225–400 MHz.**

* * * * *

(b) The operator of the cable system shall notify the Commission of proposed use of any new frequency or frequencies in these bands. Notification shall include carrier and subcarrier frequencies, types of modulation, and maximum peak power occurring at any location in the cable distribution system. No system shall commence use of any frequency or frequencies in these bands without prior Commission authorization.

* * * * *

[FR Doc. 81-5714 Filed 2-18-81; 8:45 am]

**BILLING CODE 6712-01-M**

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**47 CFR Part 81**

## Stations on Land in the Maritime Services and Alaska—Public Fixed Stations; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects an editorial amendment updating the rules on Stations on Land in the Maritime Services and Alaska—Public Fixed Stations which was published in the **Federal Register** on November 18, 1980 (45 FR 76179) by adding an omitted frequency to § 81.304(a) and an omitted note to § 81.304(b).

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Robert H. McNamara, Private Radio Bureau, (202) 632–7175.

**SUPPLEMENTARY INFORMATION:**

In the matter of editorial amendment of §§ 81.140, 81.142, 81.304, 81.306, 81.308, 81.360, 81.361, and 81.708 of the commission's rules.

Released: February 5, 1981.

The following corrections are made to the Order of the above captioned matter appearing on 76179 in the **Federal Register** issue of November 18, 1980:

**§ 81.304 [Amended]**

1. On page 76180 the frequency table listed in column three under § 81.304 should include the frequency 156.850 MHz after the listing for 156.800 MHz as follows:

| Carrier frequency (kHz) | Conditions of use | |
|---|---|---|
| | Section | Limitations |
| MHz: | | |
| * * * * * | | |
| 156.800 | 81.304 | 25 |
| 156.850 | 81.185 | 7 |
| 161.800 | 81.304 | 6, 22, 24 |
| * * * * * | | |

2. On page 76180, column 3, under § 81.304, a listing should be made for (b)(7) to read "Available for assignment to coast stations on Great Lakes for transmission of scheduled Coded Marine Weather Forecasts (MAFOR), Great Lakes Weather Broadcast (LAWEB) and unscheduled Notices to Mariners or Bulletins as received. Transmissions are permitted on F3 and F4 emissions. Coast stations on the Great Lakes will cease weather broadcasts which cause interference to stations operating on Channel 16 until the interference problem is resolved."

Federal Communications Commission.

**R. D. Lichtwardt,**

*Executive Director.*

[FR Doc. 81-5586 Filed 2-18-81; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 611

### Seamount Groundfish Fishery Resources

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

**ACTION:** Postponement of effective date of final rule.

**SUMMARY:** NOAA published on January 23, 1981 a final rulemaking (46 FR 7386) amending the preliminary fishery management plan (PMP) for seamount groundfish fishery resources. This regulation, which established a joint venture processing capacity (JVP) of zero, was to be effective on February 23, 1981.

In response to President Reagan's Memorandum of January 29, 1981 entitled "Postponement of Pending Regulations," the effective date is being postponed to March 30, 1981.

**EFFECTIVE DATE:** The effective date of the amendment for the Seamount Groundfish Fishery Resources is postponed until March 30, 1981. The postponement is effective February 13, 1981.

**FOR FURTHER INFORMATION CONTACT:** Denton R. Moore, (Chief, Permits and Regulations Division, National Marine Fisheries Service, NOAA), (202) 634-7432.

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

Signed at Washington, D.C., this 13th day of February, 1981.

**Robert K. Crowell,**

*Deputy Executive Director, National Marine Fisheries Service.*

[FR Doc. 81-5690 Filed 2-18-81; 8:45 am]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register
Vol. 46, No. 33
Thursday, February 19, 1981

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

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

### 12 CFR Part 1

[Docket No. 81-4]

### Eligibility of Securities for Purchase, Dealing in, Underwriting and Holding by National Banks; Proposed Rulemaking

**AGENCY:** Office of the Comptroller of the Currency.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Office of the Comptroller of the Currency is proposing to add to 12 CFR 1 a set of general principles on the eligibility of investment securities for purchasing, underwriting, holding, and dealing in by national banks. The general principles would provide more concise guidelines for applying the banking law and regulations in this area than the codification of individual rulings, discontinued in 1979. This notice solicits comments on the proposed principles.

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

**ADDRESS:** Comments should be sent to Docket No. 81-4, Communications Division, 3rd Floor, Office of the Comptroller of the Currency; 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, Attn.: Marie Giblin. Telephone: (202) 447-1800. Comments will be available for inspection and photocopying.

**FOR FURTHER INFORMATION CONTACT:** Raija H. Bettauer, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

**SUPPLEMENTARY INFORMATION:** The principal drafter of this document was Raija H. Bettauer, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, (202) 447-1880.

On January 28, 1980, the Office of the Comptroller of the Currency ("Office") issued an advance notice of proposed rulemaking ("Notice"), which solicited comments from the public and the industry on the need for additional guidance in applying federal banking law and regulations regarding the purchase, dealing in, underwriting and holding of investment securities by national banks. 45 FR 6407. As the Notice indicated, 12 CFR Part 1, which contains regulations on these matters, had traditionally also codified a great number of individual rulings issued by the Office regarding the eligibility of specific investment securities. 12 CFR 1.105–1.480 (1979). In view of the steady growth in the number of such rulings over the years, their continued codification did not appear to be practical or feasible. The Office determined, therefore, to discontinue the future codification of individual rulings, as well as to delete such rulings from 12 CFR Part 1. 44 FR 76263 (December 26, 1979). The discontinued codification of the rulings in the Code of Federal Regulations does not indicate the rescission of the individual rulings but should be viewed as a further effort by the Office to streamline the existing bulk of banking regulations. In the future, the Office will publish periodically as notices in the **Federal Register** any new significant rulings. *See* 45 FR 8934–8937 (February 11, 1980). The rulings deleted from 12 CFR Part 1 and the newly published rulings remain available to the public in the same manner as are other significant letters issued by the Comptroller and his staff.

While the codification of individual rulings in 12 CFR Part 1 may have been cumbersome, the ready reference to the rulings did provide insight into the Office's practice regarding the federal banking law and regulations applicable to the purchase, dealing in, underwriting and holding of investment securities by national banks. Therefore, in discontinuing the codification of individual rulings, the Office anticipated the issuance of more concise and manageable guidelines in this respect. It was expected that, for instance, a set of general principles, to be codified in 12 CFR Part 1, could provide such necessary guidance for the application of the relevant law and regulations by the banking industry. The Notice explained the Office's desire to provide additional guidelines on the eligibility of investment securities and solicited comments from the public regarding the perceived need, form, and extent of such clarification. In response, the Office received four comments, two from banking trade associations, and two from individual banks.

All the commenters agreed on the need to develop guidelines which would provide a more manageable reference to the Office's interpretations than individual rulings aggregated over a number of years. The trade associations particularly felt that such a ready reference could provide substantial assistance to banks in independently evaluating the eligibility of investment securities, and could reduce, if not entirely eliminate, the need for a ruling or informal advice from the Office on specific offerings. The consensus among the commenters appeared to be that such guidelines should reflect the general principles emerging from the Office's past rulings and clarifying particular problem areas, such as municipal obligations indirectly supported by general taxing powers, the effect of quantitative or other limitations on the taxing powers, and the relevant criteria for limited underwriting of obligations issued for housing, university or dormitory purposes.

Accordingly, the Office is proposing to amend Part 1 to add a set of general principles which reflect the rulings published in the last 18 years. Specifically, the general principles focus on those prevalent types of financing, the eligibility of which for underwriting, dealing in or unlimited holding is not immediately obvious, but which has been clarified by the past rulings. In this respect, it appeared particularly useful to address the eligibility of:

1. Obligations issued or guaranteed by the United States or its agencies;

2. Obligations which are issued by a political subdivision or an agency of a State which does not possess general powers of taxation, and which are supported by a contractual or legislative promise by an entity possessing general powers of taxation to provide the necessary funds for the repayment of the obligation (*i.e.*, so-called indirect general obligations);

3. Obligations supported by a State or a political subdivision thereof possessing taxing powers, when such taxing powers are specified or limited by state law; and

4. Obligations issued by a State, a political subdivision, or an agency of a State or a political subdivision for housing, university, or dormitory purposes.

While individual rulings have significantly clarified the scope of the applicable law and regulations, it has not been possible to reduce them into general principles which in the future would provide a ready answer to each potential question regarding the eligibility of investment securities. First, because of their retrospective nature, the general principles obviously cannot provide guidance with respect to new financing techniques, or in situations where amendments to state law(s) impact the relevant features of the obligation. Second, the general principles do not reflect certain past rulings which, because of their complexity and unique considerations, could not at this stage be reduced to a general principle. In instances where the general principles do not provide relevant guidance, the banks may wish to request a ruling from the Office pursuant to the current procedure (12 CFR § 1.9). In view of the evolving nature of public financing, the Office expects that such individual rulings of significant public interest will continue to be issued. In order to reflect such new practice, the Office intends periodically (*e.g.*, annually) to review the need to add new principles, or to amend the existing general principles.

Because these proposals are characteristic of interpretive rules or general statements of policy, the Regulatory Flexibility Act does not apply, and the Administrative Procedure Act does not require the solicitation of comments. Nevertheless, the Office has determined that comments would be in the public interest and would improve the final document.

In accordance with the current initiative of the Department of Treasury to establish specific retention periods for all recordkeeping requirements, the Office is considering establishing specific retention periods for information which is required under 12 CFR § 1.8 to deomonstrate that a national bank has exercise prudence in its investment activity. As part of revision of Part 1, the Office specifically invites the views of the industry regarding the appropriate retention period.

## INVESTMENT SECURITIES REGULATION

### Proposed General Principles

12 CFR Part 1 would be amended as follows:

1. The authority citation for Part 1 would be revised and the following sections added to the table of contents to read as follows:

* * * * *

1.100 Eligibility of securities for purchases, dealing in, and underwriting by national banks; general principles.
1.110 Obligations of the United States; general principles.
1.120 Indirect general obligations; general principles.
1.130 Taxing powers of a State or a political subdivision thereof; general principles.
1.140 Type II securities; general principles.

**Authority.**—R.S. 324, et seq., as amended (12 U.S.C. 1, et seq.); Paragraph Seventh of R.S. 5136, as amended (12 U.S.C. 24(7)).

2. 12 CFR Part 1 would be revised by adding §§ 1.100 through 1.140 to read as follows:

**§ 1.100 Eligibility of securities for purchase, dealing in, and underwriting by national banks; general principles.**

(a) The Office of the Comptroller of the Currency has issued a number of specific rulings at the request of national banks regarding the applicability of federal banking law and regulations to the purchase, underwriting, dealing in, and holding of securities. Certain interpretations of law and regulations are frequently stated in these rulings. Such interpretations are outlined in the following set of general principles.

(b) The general principles are issued to assist national banks and their counsel in independently applying the relevant law. The principles are not, however, intended to address comprehensively all the potentially relevant issues. For instance, the principles cannot provide guidance in evaluating individual offerings which, because of their unique or complex characteristics, are not susceptible to generalization, nor do they anticipate potential legal problems in new financing arrangements. In such instances, national banks may wish to request a specific ruling pursuant to the procedure contained in § 1.9.

**§ 1.110 Obligations of the United States; general principles.**

(a) The limitations and restrictions contained in 12 USC 24(7) regarding the authority of national banks to deal in, underwrite and purchase investment securities do not apply to "obligations of the United States". Obligations issued by a department or an agency of the United States Government, which commit the full faith and credit of the United States for their repayment, constitute such exempt securities.

(b) In instances where the payment of interest on, and principal of, securities issued by a municipal agency or a private corporation is fully and unconditionally guaranteed by the Government of the United States or a department or an agency thereof, such obligations qualify as "obligations of the United States" for the purposes of 12 USC 24(7).

(c) Obligations issued by a department or an agency of the United States or a municipal agency may in some instances represent a legal or beneficial interest in a loan or a pool of loans made to third parties. Such obligations qualify as "obligations of the United States" where the full faith and credit of the United States has been validly pledged for the full and timely payment of interest on, and principal of, such loans in the event of non-payment by the third party obligor(s).

**§ 1.120 Indirect general obligations; general principles.**

(a) As § 1.3(g) indicates, an obligation issued by an obligor not possessing general powers of taxation may qualify as a "general obligation of any State or any political subdivision thereof" for the purposes of 12 USC 24(7), provided that an obligor possessing general powers of taxation has unconditionally promised to make sufficient funds available for all required payments in connection with the obligation. A number of methods, alone or in combination, may demonstrate a commitment of the full faith and credit of a State or a political subdivision in support of an obligation.

(1) *Lease/rental agreement.* (i) A State or a political subdivision thereof prossessing general powers of taxation may pledge its full faith and credit in support of an obligation under § 1.3(g) in a valid and binding lease agreement where the State or the political subdivision has unconditionally promised to pay rentals which, together with any other available funds, are sufficient for the timely payment of interest on, and principal of, the obligation. Such lease/rental agreements may, for instance, provide support for obligations financing the acquisition or operation of public projects in the areas of education, medical care, transportation, recreation, public buildings and facilities, etc.

(ii) The State may designate a special fund from which the rental payments will be made. In the event of a deficiency in such a fund, however, the general revenues of the State or the political subdivision must be available for the rental payments.

(2) *Service/purchase agreement.* (i) A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation under § 1.3(g) in a valid and binding agreement where the State or the political subdivision has

unconditionally promised to make payments for services or resouces provided through or by the issuer of the obligation, and such payments, together with any other available funds, are sufficient for the timely payments of interest on, and principal of, the obligation. An agreement to purchase municipal sewer, water, waste disposal, or electric services may, for instance, provide support for obligations financing the construction or acquisition of facilities supplying such services.

(3) *Refillable reserve fund.* (i) A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation under § 1.3(g) in a statutory provision or a valid and binding agreement where the State or the political subdivision is required by law, or unconditionally promises, to maintain a debt service reserve fund for the obligation. Such reserve funds must be maintained at least at the amount necessary to meet any succeeding year's annual requirements for the payment of interest on, and principal of, the obligation. The maintenance of such a refillable reserve fund may be provided, for instance, by statutory direction for an appropriation or by statutory automatic apportionment and payment from the state funds of such amounts as are necessary to restore the fund to the required level.

(4) *Other grants or support.* (i) A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation under § 1.3(g) in a statutory provision or a valid and binding agreement (in instances other than those described above) which unconditionally commits the State or the political subdivision to provide funds which together with other available funds are sufficient for the timely payment of interest on, and principal of, the obligation. Such funds may, for instance, be supplied in the form of annual grants or may be advanced, from time to time, whenever the other available revenues are not sufficient for the payment of principal and interest.

(ii) The State or a political subdivision may designate a special fund consisting of, for instance, excise revenues for the payment of annual grants or appropriations. In order to pledge the full faith and credit of the State or the political subdivisions, the payments on the obligation must not be exclusively limited to such a fund, but must, if necessary, be available from the general revenues of the State or political subdivision.

(5) *Obligations secured by U.S. obligations or general obligations of a State or a political subdivision thereof.* (i) The standards in § 1.3(g) are satisfied where an obligation is secured by an escrow fund consisting of obligations of the United States or general obligation of a State or a political subdivision thereof, and the escrowed obligations produce interest earnings sufficient for the full and timely payment of interest on, and principal of, the obligation. Such escrow accounts may, for instance, guarantee the repayment of certain refunding obligations.

(ii) Where the interest earning from the escrowed general obligations alone are not sufficient to guarantee the full repayment of an obligation, it may be further supported by a promise of a State or a political subdivision thereof (possessing general powers of taxation) to maintain a reserve fund for the timely payment of interest on, and principal of, the obligation.

(iii) A refunding obligation may be supported in a number of ways which in combination are sufficient at all times to pledge the full faith and credit of the United States or a State or a political subdivision thereof (possessing general powers of taxation) for the payment of the obligation. For instance, during the initial period, the proceeds of the obligations may be invested in U.S. obligations or municipal general obligations, which produce sufficient interest income for payment of principal and interest. Subsequently, upon the retirement of outstanding general obligation bonds which may be supported, for instance, by an unconditional lease obligation, the refunding bonds will be supported by the same lease obligation.

(6) *Tax and bond anticipation notes.* (i) Tax anticipation notes, which are repayable from the current and future general revenues of a State or a political subdivision thereof possessing general powers of taxation, are supported by the full faith and credit of the State or the political subdivision.

(ii) Bond anticipation notes, which are repayable from the proceeds of general obligations to be issued at a later date by a State or a political subdivision thereof possessing general powers of taxation, are supported by the full faith and credit of the State or the political subdivision.

**§ 1.130 Taxing powers of a State or a political subdivision thereof; general principles.**

(a) Quantitative restrictions on the general powers of taxation of a State or a political subdivision thereof do not imply that an obligation supported by such limited taxing powers could never qualify as a "general obligation of a State or a political subdivision thereof" for the purposes of 12 USC § 24(7). In order to determine the eligibility of such obligations, it is necessary to estimate whether the tax revenues available under the limited taxing powers appear to be sufficient for the full and timely payment of interest on, and principal of, the obligation. Current and reasonable financial projections may be used in calculating the availability of revenues for the payment of the obligation.

(b) As § 1.3(g) indicates, an obligation is supported by the full faith and credit of a State or a political subdivision possessing general powers of taxation, when the promise or other commitment of the State or the political subdivision will produce funds "which (together with any other funds available for the purpose) will be sufficient to provide for all required payments in connection with the obligation." In order to evaluate whether a commitment of a State or a political subdivision is likely to generate such sufficient funds, the Office has considered the impact of any possible limitations regarding the State's or political subdivision's taxing powers, as well as the availability of funds in view of the projected revenues and expenditures.

(c) Obligations supported exclusively by excise taxes or license fees are not "general obligations" for the purposes of 12 USC § 24(7). However, an obligation which is primarily payable from a fund consisting of excise revenues, may qualify as a "general obligation", provided that, in the event of a deficiency of such revenues, it is also supported by the general revenues of a State or a political subdivision thereof possessing general powers of taxation.

**§ 1.140 Type II securities; general principles.**

(a) *Investment quality.* Pursuant to 12 USC § 24(7), obligations issued for "housing, university, or dormitory purposes" may be eligible for dealing in and underwriting (subject to the 10 percent limitation) provided that they "are at the time eligible for purchase by a national bank." Consequently, in determining whether an obligation is eligibile for underwriting and dealing in as a Type II investment security, it is first necessary to evaluate whether the obligation is of sufficient investment quality and marketability, as indicated in § 1.5, and, as a second step, whether the obligation has been issued for the appropriate purpose and by a qualifying issuer.

(b) *Obligations issued for universtiy purposes.* (1) Obligations issued by any State or political subdivision or any agency of a State or a political

subdivision for the purpose of financing the construction of facilities at a university or an institution of higher education or financing loans for studies at such institutions demonstrate a "university" purpose sufficient to qualify as Type II securities. Facilities financed in this manner have included student buildings, classrooms, university utility buildings, cafeterias, stadiums, and university parkings lots.

(2) Obligations which finance the improvement of facilities used by a hospital which trains students of a university medical school may be eligible as Type II securities. In such instances, the hospital may be a department or a division of a university, or may have an affiliation agreement with the university providing training for medical students.

(c) *Obligations issued for housing purposes.* (1) Obligations issued by any State or political subdivision or any agency of a State or a political subdivision for the primary purpose of financing low- or moderate-income housing qualify as Type II securities.

(2) Obligations issued for such housing purposes by a nonprofit corporation acting as an agent or an instrumentality of a public housing agency may qualify as Type II securities. For instance, such obligations may be issued to finance housing projects under Section 8 of the Housing Act of 1937, as amended, and found by the Department of the Housing and Urban Development to be tax-exempt under Section 11(b) of the Housing Act.

Dated: February 6, 1981.

John G. Heimann,

*Comptroller of the Currency.*

[FR Doc. 81-5696 Filed 2-18-81; 8:45 am]

BILLING CODE 4810-33-M

## FEDERAL RESERVE SYSTEM

### 12 CFR Parts 204 and 217

[Docket No. R-0214]

### International Banking Facilities; Extension of Comment Period

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Proposed rulemaking: Extension of comment period.

**SUMMARY:** The Board of Governors of the Federal Reserve System has extended the period for receipt of public comments on its proposal to amend Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) and Regulation Q—Interest on Deposits (12 CFR Part 217) to facilitate the establishment in the United States of international banking facilities of depository institutions, Edge and Agreement corporations, and branches and agencies of foreign banks located in the United States. The comment period is extended through March 16, 1981.

**DATE:** Comments must be received by March 16, 1981.

**ADDRESS:** Comments, which should refer to Docket No. R-0214, should be addressed to James McAfee, Assistant Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or should be delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

**FOR FURTHER INFORMATION CONTACT:** Gilbert T. Schwartz, Associate General Counsel (202/452-3625), or Paul S. Pilecki, Attorney (202/452-3281), Legal Division; or Robert F. Gemmill, Associate Director (202/452-3733), Division of International Finance, board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** On December 16, 1980 [45 FR 84070, December 22, 1980], the Board of Governors proposed amendments to Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) and Regulation Q—Interest on Deposits (12 CFR Part 217) that would facilitate the establishment in the United States of international banking facilities ("IBFs") by depository and other institutions to promote international banking activity in the United States. Under the proposal, IBFs in all U.S. depository institutions, Edge and Agreement Corporations, and U.S. branches and agencies of foreign banks would be permitted to accept time deposits from foreign residents and to borrow from foreign depository institutions or other IBFs. All such funds would be exempt from Federal reserve requirements. Funds raised by an IBF could be used only to extend credit to foreign residents, to other IBF's or to the institution establishing the IBF. Funds derived by an institution from its own IBF would be subject to Eurocurrency reserve requirements. In addition, member banks, Edge and Agreement Corporations, and U.S. branches and agencies of foreign banks that are subject to Regulation Q[1] would be authorized to offer and pay interst on an IBF time deposit with a minimum maturity or required notice period prior to withdrawal of two days if the funds were received from non-United States residents and used to extend credit only to non-United States residents, other IBFs or the U.S. offices of the depository institution conducting the IBF business.

Comment was requested on the proposal by February 13, 1981. Several request have been received from depository institutions for additional time in which to submit comments. In light of the issues involved in the proposal and in order to provide interested parties with additional time in which to present their views, the comment period has been extended through March 16, 1981.

By order of the Board of Governors, acting through its Assistant Secretary under delegated authority, February 12, 1981.

James McAfee,

*Assistant Secretary of the Board.*

[FR Doc. 81-5573 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

[1] Regulation Q applies to the following offices of parent foreign banks having total worldwide consolidated bank assests in excess of $1 billion: insured and uninsured Federal branches, uninsured State branches, and Federal and State agencies. Under Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. § 1828(g)), 12 CFR Part 329 applies to all insured State branches and those insured Federal branches of foreign banks with total worldwide consolidated bank assets of $1 billion or less.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Ch. I

[Summary Notice No. PR-81-3]

### Summary of Petitions Received and Dispositions of Petitions Denied

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for rulemaking and of dispositions of petitions denied.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not 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 be received on or before: April 20, 1981.

**ADDRESSES:** Send comments on the 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:** 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), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on February 11, 1981.

**Edward P. Faberman,**

*Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.*

| Docket No. | Petitioner | Description of the rule requested |
|---|---|---|
| | **Petitions for Rulemaking** | |
| 21133 | Orestes J. DioGuardi, petition dated Dec. 14, 1980 | To amend § 61.58(b)(1) to allow a certificated flight instructor who has past experience in a particular type aircraft (vintage) to conduct pilot-in-command proficiency checks in aircraft requiring more than one required pilot crewmember. Section 61.58(b)(1) states that a pilot in command of an airplane type certificated for more than one required pilot crewmember must have completed a proficiency check in an airplane or approved simulator since the beginning of the 12th calendar month before the month in which the pilot acts as pilot in command. |
| 20912 | Hawk Industries, petition dated Oct. 19, 1980 | To amend § 1.1 to redefine "small airplanes" to include airplanes weighing up to 14,500 pounds for use in "freight operations" only. "Small aircraft" is defined in § 1.1 as aircraft weighing less than 12,500 pounds maximum certificated takeoff weight. |
| 19344 | Aviation Training Enterprises, petition dated Dec. 15, 1977 | To amend Part 141 to change the requirement for one solo cross-country flight with landings at three points. Petitioner proposes to requires two flights with landings at three points, each of which is more than 100 nautical miles from the other points, and that the only airport that could be used on both flights would be the home base. |
| 20511 | Richard L. Taylor | To amend certain sections of Part 61 to standardize the time period specifications used to determine pilot privileges and limitations. Petitioner contends the present language is confusing, lacks definition, and is open to interpretation. |
| 20843 | Air Transport Association of America, petition dated Oct. 9, 1980 | To amend § 121.391(a) to allow less flight attendants than presently required to be on board a passenger-carrying airplane when passengers are on board other than during flight time. Section 121.391 sets forth the minimum flight attendant requirements for airplanes based on passenger seating capacity. |
| 21277 | Peter W. Fairchild, petition dated July 14, 1977 | To amend § 61.57(a) to allow solo flight privileges by a certificated pilot who does not meet the recent flight experience requirements. Section 61.57(a) prohibits a person from serving as pilot in command of an aircraft unless, within the preceding 24 months, that person has satisfactorily accomplished a flight review in an aircraft for which he is rated. Petitioner contends the current rule does not necessarily promote safety and good operating practice. |
| | **Petitions for Rulemaking: Denied** | |
| 17885 | Mr. David Bogart | To require intercommunications (intercom) systems be installed in all powered aircraft primarily intended for dual flight instruction. This requirement would include all powered aircraft used to give more than 5 hours of dual flight instruction per month for hire having a cockpit noise level exceeding 75 decibels during any normal operation. *Denied Feb. 2, 1981.* |

[FR Doc. 81-5584 Filed 2-18-81; 8:45 am]
BILLING CODE 4910-13-M

## 14 CFR Part 71

**[Airspace Docket No. 80-ASW-55]**

## Alteration of VOR Federal Airway

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to alter V-77E, in part, by revoking that segment between Pioneer, Okla., and Oklahoma City, Okla., and to extend V-354 from Pioneer via Trump, Okla., Intersection to Oklahoma City. This action would improve traffic flow in the Oklahoma City terminal area by providing flexibility for maneuvering arrival and departure aircraft.

**DATES:** Comments must be received on or before March 23, 1981.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 80-ASW-55, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An information docket may be examined at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before March 23, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being

placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

**The Proposal**

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would revoke the portion of alternate airway V-77E between Pioneer, Okla., and Oklahoma City, Okla. In addition, V-354 would be extended from Pioneer to Oklahoma City, via TRUMP, Okla., Intersection. This proposed amendment would permit more flexibility for maneuvering traffic in the Oklahoma City terminal area, thereby reducing delays, improving safety and aiding flight planning. Subpart C of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 409).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

Under V-77 "Pioneer, OK., Including an E alternate via INT Oklahoma City 037° and Pioneer 186° radials;" is deleted, and "Pioneer, Okla.;" is substituted therefor.

Under V-354 "From Pioneer, Okla.," is deleted and "From Oklahoma City, Okla., via INT Oklahoma City 045°T(036°M) and Pioneer, Okla., 186°T(177°M) radials; Pioneer;" is substituted therefor.

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

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.

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 safe flight operations, the anticipated impact is so mininal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on February 12, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-5033 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

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**14 CFR Part 71**

**[Airspace Docket No. 80-AWE-17]**

## Designation of New VOR Federal Airway

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to designate new VOR Federal Airway V-388 between Paradise, Calif., and Palm Springs, Calif. This new airway would permit a lower minimum en route altitude (MEA) in the area, thereby reducing controller workload and increasing aviation safety.

**DATES:** Comments must be received on or before March 23, 1981.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 80-AWE-17, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SE., Washington, D.C. 20591; telephone: (202) 426-8783.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before March 23, 1981 will be considered before

action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

**Availability of NPRM**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

**The Proposal**

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate new VOR Federal Airway V–388 from Paradise, Calif., to Palm Springs, Calif., via a north dog-leg. This airway was designed to provide a route which would permit a lower minimum en route altitude (MEA) between those terminal areas. The MEA for the current direct route is 13,000 feet. This action would increase aviation safety, provide an airway in an area where aircraft are vectored, and aid flight planning. Subpart C of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 409).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

Under § 71.123

"V–388 From Paradise, Calif., via INT Paradise 087°T (072°M) and Palm Springs, Calif., 287°T (272°M) radials; to Palm Springs." is added.

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

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.

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 safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on February 12, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81–5034 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

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**14 CFR Part 71**

**[Airspace Docket No. 80–AWE–18]**

## Designation of New VOR Federal Airway

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to designate new VOR Federal Airway V–386 from Palmdale, Calif., to Thermal, Calif., via a dog-leg. This airway would permit a lower minimum en route altitude (MEA) and aircraft would be given radar service. This action would increase aviation safety by providing an airway in an area where aircraft are normally vectored.

**DATES:** Comments must be received on or before March 23, 1981.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 80–AWE–18, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–204), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426–8783.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before March 23, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

**Availability of NPRM**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

**The Proposal**

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate new VOR Federal Airway V-386 from Palmdale, Calif., to Thermal, Calif. V-386 would permit a lower minimum en route altitude (MEA) between these two points. Currently, traffic utilizing V-137, the direct route, are required to maintain a MEA of 14,000 feet which is the service ceiling of some light aircraft. Also, V-386 would permit radar coverage. Subpart C of Part 71 was republished in the Federal Register on January 2, 1981, (46 FR 409).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

Under § 71.123 "V-386 From Palmdale, Calif., via INT Palmdale 096° T (081° M) and Thermal, Calif., 335° T (320° M) radials; Thermal, Calif." is added.

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

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.

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 safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C. on February 12, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-5035 Filed 2-18-81; 8:45 am]

**BILLING CODE 4910-13-M**

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**14 CFR Part 71**

**[Airspace Docket No. 81-AEA-1]**

## Amendment to North Atlantic Control Area

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to expand the North Atlantic Control Area to provide additional control area airspace offshore. This action would ensure efficient joint use of warning area airspace by permitting the application of domestic rather than oceanic air traffic control procedures within the affected airspace.

**DATES:** Comments must be received on or before March 23, 1981.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-1, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before March 23, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

**Availability of NPRM**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

**The Proposal**

The FAA is considering an amendment to § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would expand the North Atlantic Control Area to coincide with scheduled expansions of Warning Areas W-72 and W-386 by separate nonregulatory action. The North Atlantic Control Area is one of several additional control areas which are categories of controlled airspace

designated for the purpose of extending the application of domestic air traffic control procedures into offshore airspace. Without this action, efficient civil joint use of the expanded warning areas would be severely impaired because of the complex coordination that would be required to apply domestic procedures in one portion and oceanic procedures in another portion of the affected airspace. Section 71.163 of Part 71 was republished in the Federal Register on January 2, 1981 (46 FR 449).

**ICAO Considerations**

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend North Atlantic Control Area under § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 449) by deleting the description in its entirety and substituting the following therefor:

That airspace extending upward from 2,000 feet MSL within the area bounded by a line beginning at Lat. 35°29'30" N., Long. 75°24'50" W.; thence along a line 3 NM east of and parallel to the U.S. shoreline to Lat. 41°40'00" N.; to Lat. 41°40'00"N., Long. 67°00'00" W.; to Lat. 39°00'00" N., Long. 67°00'00" W.; to Lat. 38°35'00" N., Long. 68°53'00" W.; to Lat. 38°20'00" N., Long. 69°57'00" W.; to Lat. 37°31'00" N., Long. 71°41'00" W.; to Lat. 37°13'39" N., Long. 72°40'00" W.; to Lat. 35°05'35" N., Long. 72°40'00" W.; to Lat. 34°29'17" N., Long. 73°34'23" W.; to Lat. 34°33'10" N., Long. 73°40'50" W.; to Lat. 34°21'18" N., Long. 73°58'53" W.; to point of beginning.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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.

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 safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on February 12, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-5636 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 75**

**[Airspace Docket No. 80-AWE-9]**

## Establishment of Jet Routes and Area High Routes; Alteration of Jet Route—Revocation

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** This action withdraws a proposal published on July 31, 1980, (45 FR 50814) to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75). Part 75 was republished on January 2, 1981, (46 FR 834). The proposed amendment would have realigned Jet Route J-4 between Twentynine Palms, Calif., and San Simon, Ariz. After analysis of additional information, the amendment does not satisfy current operational requirements; therefore, the proposal is withdrawn.

**EFFECTIVE DATE:** February 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

**Discussion of Comments**

The Department of Air Force objected to the proposed realignment of Jet Route 4. They stated, the realignment would adversely impact the Undergraduate Pilot Training Program. Also, the current minimum assigned airspace will be additionally impacted due to proposed increase in students and training missions. The proposed realignment would add additional restrictions to the present confined airspace.

**Withdrawal of the Proposal**

Accordingly, pursuant to the authority delegated to me by the Administrator, effective February 19, 1981, the proposal to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75), as specified in Airspace Docket No. 80-AWE-9 and published in the Federal Register on July 31, 1980, (45 FR 50814) is hereby withdrawn.

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

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 safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on February 12, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Airtraffic Rules Division.*

[FR Doc. 81-5581 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

## Coast Guard

### 33 CFR Parts 1, 92, 161

**[CGD 78-079]**

### St. Marys River Vessel Traffic Service

**AGENCY:** Coast Guard.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Coast Guard has proposed to revoke the anchorage and navigation regulations for the St. Marys River, Michigan (46 FR 946, January 5, 1981), and to establish a vessel traffic service (VTS) under the authority of the Ports and Waterways Safety Act (33 U.S.C. 1221–1227). Because navigation on this part of the Great Lakes is largely secured at present, it is quite likely that a number of interested persons would be unavailable to comment before the present deadline. This action will extend the comment period 45 days beyond the projected date for a resumption of navigation.

**DATES:** Comments must be received on or before May 15, 1981.

**ADDRESSES:** Comments should be submitted to Commandant (G-CMC/24), (CGD 79-079), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1477 between the hours of 7 a.m. and 5 p.m., Monday through Thurday.

**FOR FURTHER INFORMATION CONTACT:** Bruce Novak, (202) 426-1477.

Dated: February 11, 1981.

**W. E. Caldwell,**

*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc. 81-5503 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-14-M

## VETERANS ADMINISTRATION

### 38 CFR Part 3

### Changes in Veterans' Disability Compensation and Survivors Benefits

**AGENCY:** Veterans Administration.

**ACTION:** Proposed Regulation.

**SUMMARY:** The Veterans Administration is proposing to amend its adjudication regulations to implement a new law, the Veterans' Disability Compensation and Housing Benefits Amendments of 1980. This law (1) increases the rates of disability compensation and the rates of dependency and indemnity compensation (DIC) payable to surviving spouses and children, (2) amends the rules on reduction of pension due to hospitalization, (3) eliminates waiver of retired pay in improved pension cases, (4) authorizes a new limited specially adapted housing grant, (5) provides that compensation and DIC shall be substantially reduced if the payee is incarcerated as a result of conviction of a felony, and (6) directs that a total compensation rating based on unemployability may not be assigned to an incarcerated veteran.

**DATES:** Comments must be received on or before March 23, 1981. Except for reduction of compensation and DIC due to incarceration, it is proposed to make these changes effective October 1, 1980 (or for months beginning after September 30, 1980) the date specified in the new law designated as Pub. L. No. 96-385. The proposed effective date of the incarceration regulations is October 7, 1980.

**ADDRESSES:** Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until March 31, 1981.

**FOR FURTHER INFORMATION CONTACT:** T. H. Spindle (202-389-3005).

**SUPPLEMENTARY INFORMATION:** References to monetary rates in §§ 3.350 and 3.552 have been replaced with citations to the provisions of title 38, United States Code where the rates may be found.

Under current law, 38 U.S.C. 3203(a)(1), where any veteran having neither spouse nor child is being furnished domiciliary care by the Veterans Administration, no pension in excess of $60 monthly shall be paid to or for the veteran after the second full calendar month following admission to domiciliary care. In cases involving veterans having neither spouse nor child who are furnished hospital or nursing home care by the Veterans Administration, the pension limitation is applicable after the end of the third full calendar month following the month of admission.

Prior to the enactment of Pub. L. No. 96-385, the law further provided that when a veteran having neither spouse nor child was readmitted to domiciliary, hospital, or nursing home care within 6 months, pension would be limited to $60 monthly after the month of readmission if the earlier period of care was of not less than 2 full calendar months. The anomalous result of this statutory scheme was that a veteran who had been furnished hospital or nursing home care for a period of more than 2 but less than 3 months and, therefore, did not experience a reduction in pension, would experience an immediate reduction of pension if readmitted to such care within 6 months of the initial period of care.

Pub. L. No. 96-385 has amended 38 U.S.C. 3203(a)(1)(C) to provide that upon readmission for hospital or nursing home care, an immediate pension reduction after the month of readmission shall occur only if the initial period of care had been at least 3 full calendar months. The amendment of § 3.551(c)(3) implements this change.

Under 38 U.S.C. 3104(a) and 3105 a veteran could not receive Veterans Administration pension or compensation concurrently with military retired pay without waiving an amount of his or her retired pay that equaled the amount of pension or compensation payable. Pub. L. No. 96-385 has amended § 3104(a) to permit concurrent receipt of retired pay. In determining entitlement to improved pension, military retired pay will be treated as if it were countable pension income from a private source.

For example, a veteran with no dependents who receives military retired pay in the amount of $4,000 yearly establishes entitlement to improve pension. The veteran has no other income. The maximum annual improved pension rate of $4,460 is reduced by $4,000. The veteran would receive pension of $460 annually plus annual military retired pay of $4,000. No waiver of retired pay is required. Under the law previously in effect the veteran would have been required to waive retired pay in the amount of $460 annually. The amendment of § 3.750 implements this change.

A limited specially adapted housing grant of up to $5000 has been extended to certain seriously disabled veterans by the enactment of Pub. L. No. 96-385. This

grant is payable for home adaptations. The addition of § 3.809a sets forth the requirements that a veteran must meet to receive a certificate of eligibility for this benefit.

Certain veterans whose service-connected disabilities are rated less than total may nevertheless receive compensation at the 100 percent rate if their service-connected disabilities make them unemployable. Pub. L. No. 96–385 provides that a veteran incarcerated in a penal institution for conviction of felony may not be assigned a total compensation rating based on unemployability. The amendment of § 3.341 implements this provision of Pub. L. No. 96–385.

A person in receipt of disability compensation, death compensation or dependency and indemnity compensation (DIC) who is incarcerated in a penal institution for conviction of a felony will now forfeit a substantial portion of his or her benefit. The law provides, however, that all or part of the amount withheld may be apportioned for the benefit of the incarcerated person's dependents. The addition of § 3.665 and the amendment of § 3.666 implements this provision of Pub. L. No. 96–385.

The Veterans Administration has determined that these proposed regulation changes are nonsignificant. They impose no compliance costs or reporting burdens and they have no effect on the environment, public business or institutions.

**Additional Comment Information**

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until March 31, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: February 11, 1981.

By direction of the Administrator:

**Rufus H. Wilson,**

*Deputy Administrator.*

Therefore the Veterans Administration proposes to amend 38 CFR Part 3 as set forth below:

**§ 3.340 [Amended]**

1. Section 3.340 is amended by deleting the words, "1945 Schedule for Rating Disabilities" and inserting the words "Schedule for Rating Disabilities" in paragraph (a)(2) and adding the words "or herself" after the word "himself" in the last sentence of paragraph (a)(3)(iii).

2. Section 3.341 is revised to read as follows:

**§ 3.341 Total disability ratings for compensation purposes.**

(a) *General.* Subject to the limitation in paragraph (b) of this section, total-disability compensation ratings may be assigned under the provisions of § 3.340. However, if the total rating is based on a disability or combination of disabilities for which the Schedule for Rating Disabilities provides an evaluation of less than 100 percent, it must be determined that the service-connected disabilities are sufficient to produce unemployability without regard to advancing age. 38 U.S.C. 355.

(b) *Incarcerated veterans.* A total rating for compensation purposes based on individual unemployability which would first become effective while a veteran is incarcerated in a Federal, State or local penal institution for conviction of a felony, shall not be assigned during such period of incarceration. However, where a rating for individual unemployability exists prior to incarceration for a felony, or prior to October 7, 1980 and routine review is required the case will be reconsidered to determine if continued eligibility for such rating exists. (38 U.S.C. 3113(c)).

3. In § 3.342, paragraph (a) is revised to read as follows:

**§ 3.342 Permanent and total disability ratings for pension purposes.**

(a) *General.* Permanent total disability ratings for pension purposes are authorized for disabling conditions not the result of the veteran's own willful misconduct whether or not they are service connected. However, no rating is required in claims for pension if the veteran is 65 years of age or older. In such instances permanent and total disability will be presumed. (38 U.S.C. 502(a)

* * * * *

4. In § 3.350, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

**§ 3.350 Special monthly compensation ratings.**

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation under 38 U.S.C. 314(k) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed the monthly rate set forth in 38 U.S.C. 314(l) when authorized in conjunction with any of the provisions of 38 U.S.C. 314(a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed the monthly rate set forth in 38 U.S.C. 314(o). The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

* * * * *

5. In § 3.551, paragraph (c)(3) is revised to read as follows:

**§ 3.551 Reduction because of hospitalization.**

* * * * *

(c) *Section 306 pension, improved pension, and service pension based on entitlement after June 30, 1960.* * * *

(3) No pension in excess of $60 monthly shall be paid to or for a veteran having neither spouse nor child, or to a veteran who is married or has a child and is receiving pension as a veteran without dependents, for any period after the month in which the veteran is readmitted within 6 months of a period of care for which pension was reduced under paragraph (c) (1) or (2) of this section. (38 U.S.C. 3203(a))

* * * * *

6. In § 3.552, paragraph (g) is revised to read as follows:

**§ 3.552 Adjustment of allowance for aid and attendance.**

* * * * *

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (l), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation at the rate under 38 U.S.C. 314(o) because of entitlement to another rate under section 314(l) on account of need for aid and attendance, the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be at the rate under 38 U.S.C. 314(m) since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p))

(2) If entitlement is under section 314(m), at the rate under 38 U.S.C. 314(n).

(3) If entitlement is under section 314(n), the rate under 38 U.S.C. 314(o) would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314(p).

* * * * *

7. Section 3.665 is added to read as follows:

**§ 3.665 Penal institutions—compensation.**

(a) *General.* Any person specified in paragraph (c) of this section who is incarcerated in a Federal, State or local penal institution in excess of 60 days for conviction of a felony shall not be paid compensation or dependency and indemnity compensation (DIC) in excess of the amount specified in paragraph (d) of this section beginning on the 61st day of incarceration. A person whose benefits are subject to this reduction shall be informed of the rights of the person's dependents to an apportionment while the person is incarcerated, and the conditions under which payments to the person may be resumed upon release from incareration. In addition, the person's dependents shall also be notified of their right to an apportionment if the Veterans Administration is aware of their existence and can obtain their addresses.

(b) *Definitions.* For the purposes of this section the term "compensation" includes disability compensation under 38 U.S.C. 351. The term "dependency and indemnity compensation" (DIC) includes death compensation payable under 38 U.S.C. 321 or 341, death compensation and DIC payable under 38 U.S.C. 351, and any benefit payable under chapter 13 of title 38, United States Code. The term "release from incarceration" includes participation in a work release or halfway house program, parole, and completion of sentence.

(c) *Applicability.* The provisions of paragraph (a) of this section are applicable to the following persons:

(1) A person serving a period of incarceration for conviction of a felony committed after October 7, 1980.

(2) A person serving a period of incarceration after September 30, 1980 (regardless of when the felony was committed) when the following conditions are met:

(i) The person was incarcerated on October 1, 1980; and

(ii) An award of compensation or DIC is approved after September 30, 1980.

(d) *Amount payable during incarceration*—(1) *Veteran rated 20 percent or more.* A veteran to whom the provisions of paragraphs (a) and (c) of this section apply with a service-connected disability evaluation of 20 percent or more shall receive the rate of compensation payable under 38 U.S.C. 314(a).

(2) *Veteran rated less than 20 percent.* A veteran to whom the provisions of paragraphs (a) and (c) of this section apply with a service-connected disability evaluation of less than 20 percent (even though the rate for 38 U.S.C. 314(k) or (q) is paid) shall receive one-half the rate of compensation payable under 38 U.S.C. 314(a).

(3) *Surviving spouse, parent or child.* A surviving spouse, parent, or child, beneficiary to whom the provisions of paragraph (a) and (c) of this section apply shall receive one-half the rate of compensation payable under 38 U.S.C. 314(a).

(e) *Apportionment*—(1) *Compensation.* All or part of the compensation not paid to an incarcerated veteran may be apportioned to the veteran's spouse, child or children and dependent parents on the basis of individual need. In determining individual need consideration shall be given to such factors as the apportionee claimant's income and living expenses, the amount of compensation available to be apportioned, the needs and living expenses of other apportionee claimants as well as any special needs, if any, of all opportionee claimants.

(2) *DIC.* All or part of the DIC not paid to an incarcerated surviving spouse or other children not in the surviving spouse's custody may be apportioned to another child or children. All or part of the DIC not paid to an incarcerated child may be apportioned to the surviving spouse or other children. These apportionments shall be made on the basis of individual need giving consideration to the factors set forth in paragraph (e)(1) of this section.

(f) *Effective dates.* An apportionment under this section shall be effective the date of reduction of payments to the incarcerated person, subject to payments made to the incarcerated person over the same period, if an informal claim is received within 1 year after notice to the incarcerated person as required by paragraph (a) of this section, and any necessary evidence is received within 1 year from the date of request; otherwise, payments may not be made for any period prior to the date of receipt of a new informal claim.

(g) *Incarcerated dependent.* No apportionment may be made to or on behalf of any person who is incarcerated in a Federal, State, or local penal institution for conviction of a felony.

(h) *Notice to dependent for whom apportionment granted.* A dependent for whom an apportionment is granted under this Secton shall be informed that the apportionment is subject to immediate discontinuance upon the incarcerated person's release or participation in a work release or halfway house program. A dependent shall also be informed that if the dependent and the incarcerated person do not live together when the incarcerated person is released (or participated in a work release or halfway house program), the dependent may submit a new claim for apportionment.

(i) *Resumption upon release*—(1) *No apportionment or family reunited.* If there was no apportionment at the time of release from incarceration, or if the released person is reunited with all dependents for whom an apportionment was granted, the released person's award shall be resumed the date of release from incarceration if the Veterans Administration receives notice of release within 1 year following release; otherwise the award shall be resumed the date of receipt of notice of release. If there was an apportionment award during incarceration, it shall be discontinued date of last payment. Payment to the released person shall then be resumed at the full rate from date of last payment. Payment from date of release to date of last payment shall be made at the rate which is the difference between the released person's full rate and the sum of (i) the

apportioned rate and (ii) the rate payable during incarceration.

(2) *Apportionment granted and family not reunited.* If there was an apportionment granted during incarceration and the released person is not reunited with all dependents for whom an apportionment was granted, the released person's award shall be resumed as stated in paragraph (i)(1) of this section except that when the released person's award is resumed it shall not include any additional amount payable by reason of a dependent(s) not reunited with the released person. The award to this dependent(s) will then be reduced to the additional amount payable for the dependent(s).

(3) *Apportionment to a dependent parent.* An apportionment made to a dependent parent under this section cannot be continued the beyond veteran's release from incarceration unless the veteran is incompetent and the provisions of § 3.452(c)(1) and (2) are for application. When a competent veteran is released from incarceration an apportionment made to a dependent parent shall be discontinued and the veteran's award resumed as provided in paragraph (i)(1) of this section.

(j) *Increased compensation during incarceration*—(1) *General.* The amount of any increased compensation awarded to an incarcerated veteran that results from other than a statutory rate increase may be subject to reduction due to incarceration. This applies to a veteran whose compensation is subject to reduction under paragraphs (a) and (c) of this section prior to approval of an award of increased compensation as well as to a veteran whose compensation is not subject to reduction under paragraphs (a) and (c) of this section prior to approval of an award of increased compensation.

(2) *Veteran subject to reduction under paragraphs (a) and (c) of this section.* If prior to approval of an award of increased compensation the veteran's compensation was reduced under the provisions of paragraphs (a) and (c) of this section, the amount of the increase shall be reduced as follows if the veteran remains incarcerated:

(i) If the veteran's schedular evaluation is increased from 10 percent to 20 percent or greater, the amount payable to the veteran shall be increased from one-half the rate payable under 38 U.S.C. 314(a) to the rate payable under section 314(a).

(ii) If the veteran's schedular evaluation was 20 percent or more, none of the increased compensation shall be paid to the veteran while the veteran remains incarcerated.

(3) *Veteran's compensation not subject to reduction under paragraphs (a) and (c) of this section prior to award of increased compensation.* If prior to the approval of an award of increased compensation the veteran is incarcerated in a Federal, State, or local penal institution for conviction of a felony and the veteran's compensation was not reduced under the provisions of paragraphs (a) and (c) of this section, none of the increased compensation shall be paid to the veteran for periods after October 7, 1980, subject to the following conditions:

(i) The veteran remains incarcerated after October 7, 1980 in a Federal, State, or local penal institution for conviction of a felony; and

(ii) The award of increased compensation is approved after October 7, 1980. If the effective date of the increase is prior to October 8, 1980, the amount payable for periods prior to October 8, 1980, shall not be reduced.

(4) *Apportionments.* The amount of any increased compensation reduced under this paragraph may be apportioned as provided in paragraph (e) of this section.

(k) *Retroactive awards.* Whenever compensation or DIC is awarded to an incarcerated person any amounts due for periods prior to date of reduction under this section shall be paid to the incarcerated person.

(l) *DIC parents.* If two parents are both entitled to DIC and were living together prior to the time the DIC payable to one parent was reduced due to incarceration, they shall be considered as two parents not living together for the purpose of determining entitlement to DIC. (38 U.S.C. 210(c), 3113)

8. In § 3.666, the headnote and paragraph (d) are revised to read as follows:

**§ 3.666 Penal institutions—pension.**

* * * * *

(d) *Veteran entitled to compensation.* If an imprisoned veteran is entitled to a lesser rate of disability compensation, it shall be awarded as of the 61st day of imprisonment in lieu of the penison the veteran was receiving if the veteran has neither spouse nor child. If the veteran has a spouse or a child, compensation will be awarded only after the veteran has been furnished an explanation of the effect of electing compensation on the amount available for apportionment. If the veteran then requests compensation, it shall be awarded from the date the veteran requests the Veterans Administration to take such action.

9. Section 3.750 is amended as follows:

(a) By deleting the words "paragraph (c) of this section" and inserting "paragraphs (c) and (d) of this section" in paragraph (a); by deleting the words "as well as pension" in the first sentence of paragraph (b); and by deleting the words "pension or" twice in the first sentence and "or pension" in the last sentence of paragraph (c).

(b) Paragraph (d) is added to read as follows:

**§ 3.750 Retirement pay.**

* * * * *

(d) *Pension*—(1) *Improved pension.* A person specified in paragraph (a) of this section may receive improved pension and retirement pay concurrently without having to waive any portion of the person's retirement pay. In determining entitlement to improved pension, retirement pay shall be treated in the same manner as countable income from other sources.

(2) *Old-law and section 306 pension.* A person specified in paragraph (a) of this section may not receive old-law or section 306 pension and retirement pay concurrently without waiver of retirement pay as provided in paragraph (c) of this section concerning compensation. (38 U.S.C. 3104(a))

10. In § 3.809, the headnote and the introductory portion preceding paragraph (a) are revised as follows:

**§ 3.809 Specially adapted housing under 38 U.S.C. 801(a).**

A certificate of eligibility for assistance in acquiring specially adapted housing under 38 U.S.C. 801(a) may be extended to a veteran if the following requirements are met:

* * * * *

11. Following § 3.809 and the cross reference, a new § 3.809a is added to read as follows:

**§ 3.809a Special home adaptation grants under 38 U.S.C. 801(b).**

A certificate of eligibility for assistance in acquiring necessary special home adaptations under 38 U.S.C. 801(b) may be issued to a veteran who served after April 20, 1898, if the following requirements are met:

(a) The veteran is not entitled to a certificate of eligibility for assistance in acquiring specially adapted housing under § 3.809 nor had the veteran previously received assistance in acquiring specially adapted housing under 38 U.S.C. 801(a). A veteran who first establishes entitlement under this section and who later becomes eligible for a certificate of eligibility under § 3.809 may be issued a certificate of eligibility under § 3.809. However, no particular type of adaptation,

improvement, or structural alteration may be provided to a veteran more than once.

(b) The veteran is entitled to compensation for permanent and total disability which (1) is due to blindness in both eyes with 5/200 visual acuity or less, or (2) includes the anatomical loss or loss of use of both hands. (38 U.S.C. 801(b)).

(c) The assistance referred to in this section will not be available to any veteran more than once. (38 U.S.C. 802).

[FR Doc. 81-5600 Filed 2-18-81; 8:45 am]

BILLING CODE 8320-01-M

## POSTAL SERVICE

### 39 CFR Part 111

### Indemnity Claims; Correction

**AGENCY:** Postal Service.

**ACTION:** Correction.

**SUMMARY:** This document corrects FR Doc. 81-4085 which proposed changes to the Domestic Mail Manual, concerning indemnity claims for insured, COD, registered and express mail.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Belford, (202) 245-4529.

**Indemnity Claims—Correction**

In FR Doc. 81-4085 appearing on page 11301, in the issue of Friday, February 6, 1981, make the following correction:

On page 11302, third column, the first sentence of 149.222a is incorrect and should be revised to read as follows:

.222 Loss Claims.

a. Insured and COD

The mailer may not file a claim until 30 days after the date of mailing for insured articles and 45 days after the date of mailing for COD articles. * * *

(39 U.S.C. 401)

**W. Allen Sanders,**

*Associate General Counsel, General Law and Administration.*

[FR Doc. 81-5624 Filed 2-18-81; 8:45 am]

BILLING CODE 7710-12-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 720

**[OPTS-50018B; TSH-FRL 1757-1]**

### Premanufacture Notification Requirements and Review Procedures; Extension of Time for Comment on Proposed Economic Impact and Draft Regulatory Analyses

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed Rule Related Notice; Extension of Time for Comment.

**SUMMARY:** This notice extends the comment period and offers an opportunity to present oral discussion in a meeting, open to the public, for the Agency's proposed economic impact analysis and draft regulatory analysis for the Premanufacture Notification requirements proposed under section 5 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2604). The Agency has granted a request by the Chemical Manufacturers Association (CMA) to extend the time for written comment until March 13, 1981, and offers an opportunity to present oral discussion of previously submitted commentary on March 26, 1981.

**DATES:** The time for written comments ends at close of business, Friday, March 13, 1981. The opportunity to present oral discussion will be from 12:00 p.m. to 4:00 p.m. on Thursday, March 26, 1981.

**ADDRESS:** The meeting, to be held only upon prior request and arrangement, will be in Washington, D.C. at: Environmental Protection Agency Headquarters, Rm. 3906, Waterside Mall, 401 M St., SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-136, 401 M St., SW., Washington, D.C. 20460, (Toll-Free: 800-424-9065, In Washington, D.C.: 554-1404).

**SUPPLEMENTARY INFORMATION:** Publication of the proposed economic impact and the draft regulatory analyses to support Premanufacture Notification requirements as proposed was announced in the **Federal Register** of November 13, 1980 (45 FR 74945), and the comment period, originally 30 days, was extended until February 13, 1981 in a **Federal Register** notice on December 11, 1981 (45 FR 81615).

The CMA requested the Agency to grant an additional 30 days to complete their written comment. In light of the size and scope of the EPA analyses and of their review by CMA, as outlined in a letter, EPA has granted this request. Thus, the time for submitting written comments is hereby extended until the close of business, Friday, March 13, 1981.

In addition, to expedite its own process of developing a final position on the economic impacts projected for Premanufacture Notification (PMN), which must accompany the final rule on PMN, the Agency is hereby offering an opportunity to hear oral discussion of previously submitted written comments on Thursday, March 26, 1981, from 12:00 p.m. to 4:00 p.m. Such a meeting, should sessions be arranged at the request of either a commentator or of EPA, will be open to public. A transcript will be made and included in the official public record. Participation in a session will be limited to representatives of the organization scheduled to present discussion and of EPA. The place of meeting will be Rm. 3906, Waterside Mall, Environmental Protection Agency Headquarters, 401 M St., SW., Washington, D.C. Persons interested in requesting time to present discussion should telephone as soon as possible the Industry Assistance Office (Toll-Free: 800-424-9065; in Washington, D.C.: 554-1404).

Persons interested in ascertaining if sessions have been scheduled or in attending should also call the Industry Assistance Office. Please note that only material already submitted during the written comment period will be considered or discussed at this meeting.

(Sec. 5, Toxic Substance Control Act (TSCA); 90 Stat. 2006 (15 U.S.C. 2604))

Dated: February 12, 1981.

**Edwin H. Clark II,**

*Acting Assistant Administrator for Pesticides and Toxic Substances.*

[FR Doc. 81-5695 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-31-M

## DEPARTMENT OF THE INTERIOR

### Water and Power Resources Service

### 43 CFR Part 426

### Acreage Limitation; Water and Power Rules and Regulations

**AGENCY:** Water and Power Resources Service, Interior.

**ACTION:** Suspension of comment period on proposed rules.

**SUMMARY:** This Notice suspends the comment period on the proposed rules and regulations for acreage limitation for an indefinite period of time. On January 14, 1981, the Department of the Interior published in the **Federal Register** (46 FR 3350-3357) proposed rules and regulations for administering the acreage limitation provisions of Reclamation law. The closing date for written comments on the proposed rules was March 16, 1981. To allow adequate time for the Department to study and review thoroughly the issues involved, the comment period is hereby suspended for an indefinite period of time. Notice of resumption of the comment period on the proposed rules, and establishment of a new deadline for comments, will be published in a future edition of the **Federal Register**. A Notice

of suspension of the comment period on the draft environmental impact statement on the proposed rules and regulations for acreage limitation is published separately in this issue of the **Federal Register.**

**EFFECTIVE DATE:** February 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Vernon S. Cooper, Senior Staff Assistant for Special Projects, Operation and Maintenance Policy Staff, Water and Power Resources Service, Department of the Interior, Washington, D.C. 20240, (202) 343–2148.

Dated: February 12, 1981.

**David C. Russell,**

*Deputy Assistant Secretary of the Interior.*

[FR Doc. 81–5595 Filed 2–18–81; 8:45 am]

BILLING CODE 4310–09–M

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**43 CFR Part 426**

**[INT—DES 81–1]**

## Acreage Limitation: Suspension of Comment Period on Draft Environmental Impact Statement

**AGENCY:** Water and Power Resources Service, Interior.

**ACTION:** Suspension of comment period on draft environmental impact statement.

**SUMMARY:** On January 14, 1981, the Department of the Interior published in the **Federal Register** (46 FR 3358) a Notice of Availability of a draft environmental impact statement on proposed rules and regulations for administering the acreage limitation provisions of reclamation law. The closing date for written comments on the draft statement was March 16, 1981. To allow adequate time for the Department to study and review thoroughly the issues involved, the comment period is hereby suspended for an indefinite period of time. Notice of resumption of the comment period on the draft statement, and establishment of a new deadline for comments, will be published in a future edition of the **Federal Register.**

**DATE:** Effective date of this action is February 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Vernon S. Cooper, (202) 343–2148.

Dated: February 12, 1981.

**David C. Russell,**

*Deputy Assistant Secretary of the Interior.*

[FR Doc. 81–5592 Filed 2–18–81; 8:45 am]

BILLING CODE 4310–09–M

# Notices

Federal Register
Vol. 46, No. 33
Thursday, February 19, 1981

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

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Land and Resource Management Planning; Interim Policy

*Correction*

In FR Doc. 81–4697, published on page 11690, on Tuesday, February 10, 1981, in the first column, in the "SUMMARY" paragraph, in the last line "FSMN 24100" should be corrected to read "FSM 2410".

BILLING CODE 1505-01-M

### Access Road and Bulk Sampling at Quartz Hill Tongass National Forest Ketchikan, Alaska; Intent To Prepare an Environmental Statement

The Department of Agriculture, Forest Service will prepare an Environmental Impact Statement for an access road for bulk sampling purposes and the bulk sampling phase proposed by U.S. Borax and Chemical Corporation in the Quartz Hill Area. The project area is located near Wilson Arm and Boca de Quadra in the Misty Fjords National Monument. Alternatives to be developed and considered range from no action to various road routes from the heads of Wilson Arm and Boca de Quadra along with alternative mitigating measures for the road, bulk sampling, and related facilities.

The Alaska National Interest Lands Conservation Act of 1980 requires that an Environmental Impact Statement (EIS) covering an access road for bulk sampling purposes be completed within twelve months of passage of the Act. The Act specifies that the EIS include as a minimum the following considerations:

"A. An evaluation of alternative surface access routes which may minimize the overall impact on fisheries of both access for bulk sampling and mine development access;

B. An evaluation of the impacts of the alternatives on fish, wildlife, and their habitats, and measures which may be instituted to avoid or minimize negative impacts and to enhance positive impacts;

C. An evaluation of the extent to which the alternatives can be used for, and the likelihood of each alternative being used as a mine development road, including the impacts of widening a road, realinements and other design and placement options; and

D. Plans to evaluate the water quality and water quantity, fishery habitat, and other fishery values of the affected area, and to evaluate, to the maximum extent feasible and relevant, the sensitivity to environmental degradation from activities carried out under a plan of operations of the fishery habitat as it affects the various life states of anadromous fish and other foodfish and their major food chain components."

Additionally the EIS shall incorporate all relevant data and other information included in the EIS previously prepared on access to the Quartz Hill area.

As a first step in the environmental analysis, Federal, State, and local agencies, organizations, and individuals who may be interested in or affected by the decision will be invited to participate in the scoping process which includes: (a) Identification of those issues to be addressed; (b) identification of issues to be analyzed in depth; and (c) elimination of insignificant issues or issues which are unrelated to the access road. Notice of scoping sessions will be sent to news media and interested groups and individuals.

To reduce paper work and time in the acquisition of various permits within their authorities and to make better use of their special expertise, the State of Alaska, U.S. Fish & Wildlife Service, U.S. National Marine and Fisheries Service, and the U.S. Army Corps of Engineers have agreed to be participating agencies in preparation of this environmental statement.

The draft environmental statement will be issued no later than December 1, 1981 and the final statement is anticipated for release by April 1, 1982. Implementation of the selected alternative would begin 60 days later.

The responsible official is J. S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest. Comments on the Notice of Intent or the Proposed Activity sould be sent to Edward R. Johnson, Interdisciplinary Team Leader, Ketchikan Area, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901, telephone (907) 225–3101.

**J. S. Watson,**

*Forest Supervisor, Ketchikan Area, Tongass National Forest.*

[FR Doc. 81-5560 Filed 2-18-81; 8:45 am]

BILLING CODE 3410-11-M

### Siskiyou National Forest Vegetation Management Program for Site Preparation and Conifer Release; Finding of No Significant Impact.

An Environmental Assessment that discusses the vegetation management program for site preparation and conifer release on the Chetco, Galice, Gold Beach, Illinois Valley and Powers Ranger Districts of the Siskiyou National Forest has been prepared. The Environmental Assessment considered vegetation management on 14,570 acres, and involves the control of competing vegetation on 7,130 acres of National Forest lands within Coos, Curry and Josephine Counties, Oregon, and Del Norte County, California. The report is available for review at the Chetco Ranger Station in Brookings, Oregon, the Galice Ranger Station in Grants Pass, Oregon, the Gold Beach Ranger Station in Gold Beach, Oregon, the Illinois Valley Ranger Station in Cave Junction, Oregon, the Powers Ranger Station in Powers, Oregon, and the Siskiyou National Forest Office in Grants Pass, Oregon.

Based on the analysis and evaluation described in the environmental assessment, I have selected a preferred alternative that includes the following control measures: aerial application of 2,4-D, 5,833 acres; aerial application of glyphosate, 454 acres; ground application of 2,4-D, 115 acres; ground application of glyphosate, 51 acres; ground application of picloram and 2,4-D mixture, 191 acres; hand removal of vegetation, 4 acres; hand cutting of vegetation, 472 acres; handcutting of vegetation and broadcast burn, 10 acres. No treatment was selected for the additional 7,440 acres considered.

The preferred alternative, with the specified management requirements, preventative or protective measures, and monitoring controls is considered to be environmentally preferable, as it

provides the best combination of physical, biological, social and economic factors.

The analysis considered public issues, management concerns and opportunities. Evaluation criteria were developed to incorporate this input, and key criteria identified. Effects of the program on the identified criteria were considered through a range of alternatives which included no action. the greatest weight in evaluations was given the key criteria, which included effects on: health and safety; plants and animals; treatment costs; and treatment efficiency. The relationship between local short-term uses of the renewable resources and maintenance of long-term productivity was considered through effects on these criteria: use patterns; soil productivity; timber supply; and, treatment efficiency. The evaluations also considered: fossil fuel energy requirements; direct and indirect benefits and costs; effects on minority groups and civil rights; and the relationship of expected outputs to the Forest's goals. Preservation of Threatened and Endangered plants and animals, cultural resource values, biological areas, wilderness, and other sensitive environmental factors was considered. Evaluations also included consideration of effects on wetlands and floodplains, adverse environmental effects which cannot be avoided, and irreversible and irretrievable resource commitments.

I have determined, based on the environmental analysis, that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) the preferred alternative, with included requirements, preventative or protective measures and monitoring controls, will protect public health and safety, and plants and animals, including Threatened and Endangered; (b) the preferred alternative will best meet treatment cost and efficiency criteria; (c) all included chemicals are approved by EPA for the proposed uses, and the application of these chemicals will comply with pertinent EPA labels, State and Federal law, and Forest Service policies; (d) treatment with the included chemical, manual, and thermal methods will have only a slight and temporary effect on the ecosystems of the specific project areas; (e) physical and biological effects are limited to the areas of planned treatment; (f) there are no irreversible or irretrievable resource commitments or losses; (g) a balance is achieved between local short-term uses of the renewable resources and the maintenance and enhancement of long-term productivity; (h) the proposed program is in accord with the requirements and direction contained in Final Environmental Statements for the Mt. Butler-Dry Creek (1976), Rogue-Illinois (1979), and Chetco-Grayback (1979) Land Management Planning Units; (i) no wetlands or floodplains will be treated.

No action will be taken prior to 30 days from the date this finding is published in the **Federal Register.**

The responsible official is William H. Covey, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, 6th and Midland, Grants Pass, Oregon 97526.

Dated: February 9, 1981.

**William H. Covey,**

*Forest Supervisor.*

[FR Doc. 81-5644 Filed 2-18-81; 8:45 am]

**BILLING CODE 3410-11-M**

## ARMS CONTROL AND DISARMAMENT AGENCY

### Privacy Act of 1974; Annual Notice of the Existence and Character of Systems of Records

**AGENCY:** U.S. Arms Control and Disarmament Agency.

**ACTION:** Annual notice of the existence and character of systems of records.

**SUMMARY:** As required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), the U.S. Arms Control and Disarmament Agency gives annual notice of the existence and character of its systems of records.

**FOR FURTHER INFORMATION CONTACT:** Mr. Raymond O. Waters, (202) 632-0760.

**SUPPLEMENTARY INFORMATION:** As required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) the U.S. Arms Control and Disarmament Agency hereby gives annual notice of the existence and character of its systems of records, without changes, as published in the **Federal Register** on September 20, 1977 (42 FR 47464), and amended on June 21, 1978 (43 FR 26602), on September 15, 1980 (45 FR 61003), and on December 16, 1980 (45 FR 82684) as adopted on January 29, 1981 (46 FR 9680).

Dated: February 9, 1981.

**James T. Hackett,**

*Administrative Director.*

[FR Doc. 81-5593 Filed 2-18-81; 8:45 am]

**BILLING CODE 6820-32-M**

## CIVIL AERONAUTICS BOARD

**[DOCKET 39251]**

### New Gateways to Brazil Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on March 5, 1981, at 9:30 a.m. (local time), in Room 1003, hearing Room B, Universal Building North, 1875 Connecticut Ave., NW., Washington, D.C. before the undersigned administrative law judge.

In view of the expedited nature of the proceeding directed by the Board in Order 81-2-22, and in order to facilitate the conduct of the conference, parties are requested to serve, on or by February 27, 1981, statements of issues, (2) proposed stipulations, (3) proposed requests for additional information and for evidence, (4) statements of position, and (5) proposals for organizing cross-examination or otherwise expediting the hearing.

Parties with common interests are encouraged to determine the feasibility of making joint, rather than individual, presentations at the hearing and at the conference.

The Bureau of International Aviation has advised that it will circulate to all parties by February 20, 1981, its information requests.

Set forth below is a proposed schedule for subsequent procedural dates. Due to the need for expedition, it will be adopted unless objection is made at the conference.

Direct Exhibits, March 25, 1981.
Rebuttal Exhibits, April 8, 1981.
Hearing, April 13, 1981.
Briefs, May 4, 1981.

Dated at Washington, D.C., February 12, 1981.

**Elias C. Rodriguez,**

*Administrative Law Judge.*

[FR Doc. 81-5637 Filed 2-18-81; 8:45 am]

**BILLING CODE 6320-01-M**

**[Docket 39267; Orders 81-2-58]**

### South Pacific Island Airways; Order To Show Cause

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of order to show cause, Order 81-2-58.

**SUMMARY:** The Board proposes to award South Pacific Island Airways authority to serve between Honolulu, Hawaii, Pago Pago, American Samoa and Papeete, Tahiti. Docket 39267.

**OBJECTIONS:** All interested persons having objections to the Board's tentative findings and conclusions that this authority should be awarded as

described in the order cited above, shall file a statement of such objections no later than March 16, 1981, with the Civil Aeronautics Board (20 copies) and mail copies to South Pacific Island Airways and the Bureau of Domestic Aviation, Civil Aeronautics Board. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificates.

**ADDRESSES FOR OBJECTIONS:**

Docket 39267 Docket Section, CAB, Washington., D.C. 20428.

Stephen A. Alterman, Counsel for South Pacific Island Airways, 1730 Rhode Island Ave., NW., Washington, D.C. 20036.

Phyllis Solomon, Bureau of Domestic Aviation, B-72, Civil Aeronautics Board, Wash., D.C. 20428.

To get a copy of the complete order, request it from the CAB Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Patricia N. Snyder, Office of General Counsel, Pricing and Entry Division, Civil Aeronautics Board, (202) 673-5207.

By the Civil Aeronautics Board: February 12, 1981.

**Phyllis T. Kaylor,**

*Secretary.*

[FR Doc. 81-5638 Filed 2-18-81; 8:45 am]

BILLING CODE 6320-01-M

## COMMISSION ON CIVIL RIGHTS

### Alabama Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 3:30 p.m., on March 23, 1981, at the Holiday Inn-State Capito, 924 Madison Avenue, Montgomery, Alabama 36104. The purpose of this meeting is to plan for the voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Marie S. Jemison, 3328 Dell Road, Birmingham, Alabama 35223, (205) 871-0283; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303 (404) 242-4391.

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

Dated at Washington, D.C., February 11, 1981.

**Thomas L. Neumann,**

*Advisory Committee Management Officer.*

[FR Doc. 81-5613 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

### Alabama Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Alabama Advisory Committee to the Commission will convene at 1:00 pm and will end at 3:00 pm, on March 9, 1981, at the Hyatt Birmingham, 901 21st N., Birmingham, Alabama 35203. The purpose of this conference is to release an ERA statement.

Persons desiring additional information or planning a presentation to the Committee, should contract the Chairperson, Ms. Marie S. Jemison, 3328 Dell Road, Birmingham, Alabama 35223, (205) 871-0283; the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

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

Dated at Washington, D.C., February 13, 1981.

**Thomas L. Neumann,**

*Advisory Committee Management Officer.*

[FR Doc. 81-5614 Filed 2-18-81; 8:45am]

BILLING CODE 6335-01-M

### Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecuticut Advisory Committee of the Commission will convene at 10 a.m. and will end at 5 p.m., on March 26, 1981, at the Marriot Hotel, 2 Stamford Forum, Stamford, Connecticut. The purpose of this meeting is to have a public forum on civil rights issues in Stamford, Connecticut.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. John Rose, Jr., P.O. Box 3216, Hartford, Connecticut 06103, (203) 525-4700; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223-4671.

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

Dated at Washington, D.C., February 11, 1981.

**Thomas L. Neumann,**

*Advisory Committee Management Officer.*

[FR Doc. 81-5615 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

### Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:00 pm and will end at 9:00 pm, on March 5, 1981, at the Lord Cromwell Inn, Exit 21, Interstate 91, Cromwell, Connecticut. The purpose of this meeting is to plan programs for FY 81.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. John Rose, Jr., P.O. Box 3216, Hartford, Connecticut 06103, (203) 525-4700; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223-4671.

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

Dated at Washington, D.C., February 11, 1981.

**Thomas L. Neumann,**

*Advisory Committee Management Officer.*

[FR Doc. 81-5616 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

### District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee of the Commission will convene at 3:30 p.m. and will end at 5:30 p.m., on March 10, 1981, at the Potomac Institute, 1501 Eighteenth Street, Washington, D.C. 20036. The purpose of this meeting is to consider 1) program options for 1981; 2) the release and distribution of recently printed District of Columbia Advisory Committee reports; and 3) scheduled meetings for 1981.

Persons desiring additional information or planning a presentation

to the Committee, should contact the Chairperson, Rev. Ernest R. Gibson, 1239 Vermont Avenue, NW., Room 102, Washington, D.C. 20005, (202) 332–2080; or the Mid-Atlantic Regional Office, 2120 L Street, NW., Room 510, Washington, D.C. 20037, (202) 254–6717.

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

Dated at Washington, D.C., February 13, 1981.

**Thomas L. Neumann,**

*Advisory Committee Management Officer.*

[FR Doc. 81-5617 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

### Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee of the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on March 12, 1981, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purpose of this meeting is to review draft of report on Affirmative Action at the MBTA; discuss how the cutback in public employment will impact upon minorities and women.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, E. Falmouth, Massachusetts 02536, (617) 548–5123; or the New England Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223–4671.

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

Dated at Washington, D.C., February 11, 1981.

**Thomas L. Neumann,**

*Advisory Committee Management Officer.*

[FR Doc. 81-5618 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

### New York Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:00 pm and will end at 6:30 pm, on April 8, 1981, at the Phelps Stokes Fund, 10 East 87 Street, New York, New York 10028. The purpose of this meeting is to discuss the coming projects for the year.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Franklin H. Williams, Phelps Stokes Fund, 10 East 87 Street, New York, New York, 10028, (212) 427–8100; or the Eastern Regional Office, 26 Federal Plaza, Room 1639, New York, New York 10007, (212) 264–0600.

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

Dated at Washington, D.C., February 11, 1981.

**Thomas L. Neumann,**

*Advisory Committee Management Officer.*

[FR Doc. 81-5619 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

### South Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1 p.m. and will end at 4:30 p.m., on March 9, 1981, at the Carolina Townhouse, Pavilion Room, 1615 Gervais Street, Columbia, South Carolina 29202. The purpose of this meeting is a press conference to release Statement on ERA, also to plan for voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Oscar P. Butler, Jr., P.O. Box 1705, South Carolina State College, Orangeburg, South Carolina 29117, (803) 536–7040; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue NE., Atlanta, Georgia 30303, (404) 42–4391.

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

Dated at Washington, D.C., February 11, 1981.

**Thomas L. Neumann,**

*Advisory Committee Management Officer.*

[FR Doc. 81-5620 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### Maritime Administration

### Determination by Maritime Subsidy Board Regarding Environmental Impact Statement for Tanker Construction Program and Application by Falcon World Shipping Corp.

The Maritime Subsidy Board (the Board) has approved an application from Falcon World Shipping Corporation (Falcon) for construction-differential subsidy (CDS) to aid in the construction of two Bulk Liquid Petroleum Product Carriers of the modified SEALIFT TANKER DESIGN, MA Design T6–M–136a. The Board noted that such approval was subject to the compliance of the shipyard and Falcon with the findings, conditions and order of the Board in Maritime Subsidy Board Docket No. A–75, served on August 30, 1973, as implemented by the Government actions taken thereunder. In that connection notice is hereby given that the environmental impact of constructing such vessels, which can be categorized by size as handy tankers, is adequately covered in the Environmental Impact Statement for the Tanker Construction Program (EIS) which was published on May 30, 1973, and adopted by the Maritime Administration/Maritime Subsidy Board in Docket No. A–75 on August 30, 1973. Therefore, neither a new nor a supplemental EIS is required with respect to this application.

A paper discussing the basis for the Board's decision, and copies of the EIS and Docket No. A–75, are available for public inspection in the Office of the Secretary, Room 3099–B, Maritime Administration, Department of Commerce Building, 14th & E Sts., NW., Washington, D.C. 20230.

(Catalog of the Federal Domestic Assistance Program 11.500)

Dated: February 13, 1981.

By Order of the Maritime Subsidy Board/ Maritime Administration.

**Robert J. Patton, Jr.,**

*Secretary.*

[FR Doc. 81-5653 Filed 2-18-81 8:45 am]

BILLING CODE 3510-15-M

## Minority Business Development Agency

### Financial Assistance Application Announcement

**AGENCY:** Department of Commerce; Minority Business Development Agency.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that is is soliciting applications under its General Buiness Services Program (GBS) to operate one project for a 12 month period beginning May 1, 1981 in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia in Southeastern Pennsylvania, and in the counties of New Castle, Delaware and Cecil County, Maryland. The cost of the

Project is estimated to be $442,000. The Project I.D. Number is 03–10–67006–00.

**CLOSING DATE:** February 27, 1981.

**ADDRESS:** U.S. Department of Commerce, Minority Business Development Agency, Washington Regional Office, 1730 K Street, N.W., Suite 420, Washington, D.C. 20006.

**FOR FURTHER INFORMATION CONTACT:** Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634–7883.

**SUPPLEMENTARY INFORMATION:**

**A. Scope of Purpose of This Announcement**

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

**B. Eligible Applicants**

Educational institutions, state or local goverments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

**C. Evaluation Process**

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

**D. Evaluation Criteria**

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will emloy the following criteria:

1. *Capability of Firm.*

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. *Staffing Capability.*

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of key personnel in providing management consulting services that are at the level and the nature described in the work requirements (Submit resumes). (Project manager must be designated).

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. *Credentials.*

A. Submit examples of work: specimen packages acceptable (Case Histories/Business Plans).

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions centers of business influence, etc.

4. *Techniques and Methods Proposed to Implement the work requirement (Applicant Work Plan).*

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. Costs: provide explanation of all proposed costs by line item.

**E. Disposition of Proposals**

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

**F. Proposal Instructions and Forms**

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

**G. A Pre-Application Conference To Assist all Interested Applicants Will Be Held at the Following Address on February 3, 1981 at 10:00 a.m.**

William J. Green, Jr., Federal Building, Room 10,320, 6th and Arch Streets, Philadelphia, Pennsylvania 19106.

11.800 Minority Business Development

(Catalog of Federal Domestic Assistance)

Dated: February 10, 1981.

**Luis G. Encinias,**

*Regional Director.*

[FR Doc. 81–5730 Filed 2–18–81; 8:45 am]

**BILLING CODE 3510–21–M**

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

### Intent To Prepare a Draft Environmental Impact Statement for a Proposed Improvement To Deepen the Existing Channels and Approaches to Baltimore Harbor

**AGENCY:** Baltimore District, U.S. Army Corps of Engineers, DOD.

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

**SUMMARY:** 1. A plan of improvement to deepen the existing channels and approaches to Baltimore Harbor to meet the existing and prospective needs of navigation was authorized by the Congress (1970 Rivers and Harbors Act, P.L. 91–611) for construction. The proposed action is to modify the existing 42-foot channel by dredging to a depth of 50 feet. This would be accomplished by deepening the approach channels in Virginia, i.e., those channels needed to connect naturally deep water in the Chesapeake Bay, to 50 feet for a width of 1,000 feet and 29.8 miles and for deepening the main channel in Maryland to 50 feet for a width of 800 feet and 19.9 miles. Also, the Curtis Bay Channel in Baltimore Harbor will be deepened to 50 feet for a width of 600 feet and the east and west channels of the Northwest Branch are to be deepened to 49 feet and 40 feet, respectively, for a width of 600 feet. The project, as modified, will include 53 miles of imporved channels. Construction of these channels will result in dredging of approximately 72 million cubic yards of material (42 million in Maryland and 30 million in Virginia).

2. Investigative findings concerning the Baltimore Harbor and Channels were contained in survey reports published in 1969 and 1974. The purpose of these reports was to evaluate the need for and the advisability of deepening the existing channels and approaches to Baltimore Harabor in order to meet the existing and prospective needs of navigation.

The purpose of this study is to affirm the authorized plan of imporvement; taking into account environmental and technical considerations, economic feasibility, social impact, public involvement; and refine the design, construction schedule, and operation/maintenance plan for the authorized imporvements. Therefore, alternatives to the proposed action are mainly directed towards those involved with disposal of the dredged material. Since channel depths and dimensions have been recommended to meet the existing and prospective needs of navigation, there are no viable alternative solutions other than that of no action

3.a. The public involvement program consisted principally of workshops over the duratioin of the study, public meetings, letters of coordination to appropriate agencies and parties to identify concerns and issues, and additional coordination and communication efforts deemed appropriate. A public meeting is tentatively scheduled to be held in April of 1981. All appropriate Federal, State, and local agencies, interested citizens groups, and individuals will be notified of the public meeting.

3.b. Issues that will be analyzed in the DEIS are: (1) the selection and alternatives to the disposal of dredged

material; (2) the effects of disposal; and (3) economic, social, and ecological remifications of the project.

3.c. The U.S. Fish and Wildlife Service has provided input to the survey reports, GDM, and DEIS in accordance with the provisions of the Fish and Wildlife Coordination Act.

4. Various resource agencies have been coordinated with to address pertinent envionmental concerns that have risen through the scoping process. In addition, a Technical Advisory Group (TAG), consisting of the major resource agencies, and various State and Federal agencies was formed. Information regarding existing data and specific environmental concerns was elicited from those present. This group met periodically for the duration of the study to assist in the identification of existing information sources, remaining information needs, means of data collection, specific concerns, and to provide timely contributions to and review of the study documents.

5. The DEIS is scheduled to be available to the public in April 1981.

**ADDRESS:** Questions about the proposed action and DEIS can be answered by: Mr. Robert N. Blama, Study Manager, Baltimore District, Corps of Engineers, P.O. Box 1715, Baltimore, Maryland 21203, Telephone (301) 962–2558.

Dated: February 15, 1981.

**James B. Royce,**

*LTC, Corps of Engineers, Deputy District Engineer.*

[FR Doc. 81–5551 Filed 2–18–81; 8:45 am]

BILLING CODE 3710–41–M

## Intent To Prepare Draft Environmental Impact Statement (DEIS) for Louisiana Coastal Area, Freshwater Diversion for Breton Sound, Barataria Basin, and Terrebonne Basin

**AGENCY:** U.S. Army Engineer District, New Orleans, DOD.

**ACTION:** Notice of Intent to Prepare a Draft Environmental Impact Statement.

**SUMMARY:** 1. *Proposed Action.* The proposed work to be analyzed in this statement is the diversion of Mississippi River water into estuarine areas at four locations in southeastern Louisiana. The purposes of the proposed work include improvement of wildlife and fisheries production, reduction of saltwater intrusion, enhancement of vegetative growth, and restoration of coastal wetlands. Development of one site as a pilot to be intensively monitored and to provide a basis for evaluating other elements of any plan prior to their construction is a possibility. The possible diversion sites are at the following locations, all in southeastern Louisiana:

a. A diversion structure through the westbank leves of the Mississippi River at about river mile 141, then via a dredged channel to Bayou Lasseigne to Lac des Allemands, a total distance of 4.5 miles.

b. A diversion structure through the westbank levee at about river mile 131, then via dredged channel to Bayou Fortier to Lac des Allemands, a total distance of 7.5 miles.

c. A diversion structure through the westbank levee at river mile 70, then via a dredged channel in the vicinity of Hero Canal to the Gulf Intracoastal Waterway to Barataria Waterway to Barataria Bay, a total distance of 10 miles.

d. A diversion structure through the eastbank levee at about river mile 81, then via a dredged canal in the vicinity of Caernarvon Canal to Big Mar, then through connecting waterbodies to Breton Sound, a total distance of 5 miles.

2. *Alternatives.* a. A total of 17 candidate sites were studied, including a mix of various structural alternatives. Most were eliminated because of engineering, environmental, and socioeconomic considerations.

b. Saltwater barriers have been considered but they only partially meet the planning objectives of the proposed action.

c. The no action alternative is also being considered. However, this would be unacceptable because no action would allow continued deterioration of the estuarine environment of coastal Louisiana.

3. *Scoping Process.* a. Three initial public meetings were held on November 19, December 13, and December 17, 1968 at Jennings, LA; Houma, LA; and New Orleands, LA, respectively. A draft study report entitled "Fish and Wildlife Study of the Louisiana Coastal Area and the Atchafalaya Basin" was released in September 1974. A coordination meeting was held on April 23, 1980 with representatives of Federal, state, and local agencies interested in freshwater diversion to discuss the status of the study and the planning course of action. Various informal meetings were held and more will be held with representatives of Federal and state fish and wildlife agencies, local interests, environmental groups, and other special interest groups. A Stage 3 plan formulation public meeting is scheduled to be held in November 1981.

b. Significant issues to be addressed in the draft EIS include coastal wetland deterioration, adverse and beneficial impacts of freshwater diversion on the estuarine ecosystem, water quality, project costs, real estate requirements, effects of diversion on local drainage, impacts on the human environment, and cultural and historical resources.

c. The U.S. Fish and Wildlife Service has provided a draft planning aid report on the proposed action. In the future, the agency will provide a final planning aid report and a Coordination Act Report.

d. Periodic reviews will be held with U.S. Fish and Wildlife Service and other Federal, state, and local agencies.

4. *Scoping Meetings.* The public meeting scheduled for November 1981 is considered a scoping meeting. Public distribution of notices relative to the study will be provided.

5. *Availability.* The draft EIS is scheduled to be available to the public in October 1981.

**ADDRESS:** Questions concerning the proposed action and draft EIS can be directed to Frank J. Cali, U.S. Army Engineer District, New Orleans, Planning Division, P.O. Box 60267, New Orleans, LA 70160, telephone: (504) 838–2520.

Dated: February 4, 1981.

**Thomas A. Sands,**

*Colonel, Corps of Engineers, District Engineer.*

[FR Doc. 81–5643 Filed 2–18–81; 8:45 am]

BILLING CODE 3710–84–M

## Office of the Secretary of Defense

## DOD Advisory Group on Electron Devices; Notice of Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session 24 and 25 March 1981, at the Palisades Institute for Research Services, Inc. 1925 North Lynn Street, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and

data transmission. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1,§ 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

**M. S. Healy,**

*OSD Federal Register Liaison Officer Washington Headquarters Services.*

Feduary 12, 1981.

[FR Doc.81-5574 Filed 2-18-81; 8:45 am]

BILLING CODE 3810-70-M

## DEPARTMENT OF ENERGY

### Energy Policy Task Force; Change in Meeting Time

This notice is given to advise of a change in the time of the meeting of the Energy Policy Task Force. The meeting will begin at 1:30 p.m. and adjourn at approximately 4:00 p.m. on February 19, 1981, in lieu of the times announced in the February 11, 1981, issue of the Federal Register (46 FR 11858).

Issued at Washington, D.C. on February 13, 1981.

**Georgia Hildreth,**

*Director, Advisory Committee Management.*

[FR Doc. 81-5753 2-17-81; 2:10 pm]

BILLING CODE 6450-01-M

### Economic Regulatory Administration

### Entitlements Program Crude Oil Cost Data November 1978 Through November 1980

The Economic Regulatory Administration (ERA) hereby issues its bi-monthly notice of crude oil cost data. The purpose of this notice is to make available to the public information on the effect of the entitlements program on the crude oil costs of the various segments of the refining industry. Table I (attached) sets forth the pre-entitlements costs of crude oil to (1) the major refiners (Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobil, Phillips, Shell, Sunoco, Texaco, and Union-Oil), (2) large independent refiners (Amerada Hess, Sohio, Ashland, Coastal, Tosco, Kerr-McGee, and Champlin), and (3) small refiners. Table II (attached) shows the post-entitlements crude oil cost distribution for the 22 major and large independent companies. Table III (attached) shows the pre-entitlements imported crude oil cost distribution for the same 22 companies.

The data are based on the reports filed each month on the Form ERA–49 by all refiners in the entitlements program.

Issued in Washington, D.C. on February 16, 1981.

**Barton R. House,**

*Acting Administrator, Economic Regulatory Administration.*

For Further Information Contact:

David A. Welsh (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, N.W., Room 6128, Washington, D.C. 20461 (202/653–3459)

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461 (202/653–4055)

**Table I.**—*Crude Oil Costs Before and After Entitlement Payments*

(Dollars per barrel)

| | Majors (top 15)[1] | | Large independents[2] | | Small refiners | |
|---|---|---|---|---|---|---|
| | Pre | Post[3] | Pre | Post[3] | Pre | Post[3] |
| 1978: | | | | | | |
| November | $12.51 | $12.91 | $13.26 | $12.95 | $13.07 | $12.23 |
| December | 12.68 | 13.06 | 13.78 | 13.25 | 13.22 | 12.23 |
| 1979: | | | | | | |
| January | 12.76 | 13.24 | 14.06 | 13.48 | 13.60 | 12.65 |
| February | 13.17 | 13.65 | 14.22 | 13.60 | 13.72 | 12.77 |
| March | 13.40 | 13.82 | 14.60 | 14.55 | 14.11 | 13.23 |
| April | 14.15 | 14.60 | 15.65 | 15.27 | 14.82 | 13.96 |
| May | 14.82 | 15.42 | 17.10 | 16.41 | 15.89 | 14.78 |
| June | 16.43 | 16.93 | 18.61 | 17.39 | 17.76 | 17.17 |
| July | 18.13 | 18.71 | 20.74 | 19.19 | 18.74 | 18.11 |
| August | 19.11 | 19.62 | 21.73 | 20.25 | 20.52 | 20.06 |
| September | 19.29 | 19.85 | 21.43 | 20.10 | 21.43 | 20.78 |
| October | 20.02 | 20.68 | 22.63 | 23.89 | 21.60 | 20.62 |
| November | 21.03 | 21.81 | 25.87 | 24.61 | 22.92 | 21.97 |
| December | 22.71 | 23.55 | 26.00 | 23.65 | 24.96 | 24.23 |
| 1980: | | | | | | |
| January | 23.96 | 24.90 | 26.19 | 25.15 | 26.81 | 24.62 |
| February | 25.22 | 26.13 | 28.60 | 26.15 | 27.32 | 26.51 |
| March | 25.85 | 26.88 | 29.23 | 26.87 | 28.69 | 27.34 |
| April | 26.16 | 27.02 | 29.41 | 27.96 | 28.90 | 27.22 |
| May | 26.96 | 28.00 | 29.33 | 29.22 | 29.89 | 27.04 |
| June | 27.80 | 28.86 | 31.51 | 30.41 | 30.66 | 27.99 |
| July | 28.06 | 28.95 | 29.71 | 29.73 | 30.37 | 27.80 |
| August | 27.54 | 28.98 | 31.25 | 30.44 | 30.72 | 27.77 |
| September | 26.36 | 29.76 | 30.53 | 28.64 | 29.88 | 27.75 |
| October | 29.19 | 30.61 | 30.44 | 29.87 | 30.17 | 27.85 |
| November | 29.38 | 31.09 | 30.53 | 31.15 | 30.49 | 27.19 |
| Change January 1979 to November 1980 | 16.62 | 17.85 | 16.47 | 17.67 | 16.89 | 14.54 |

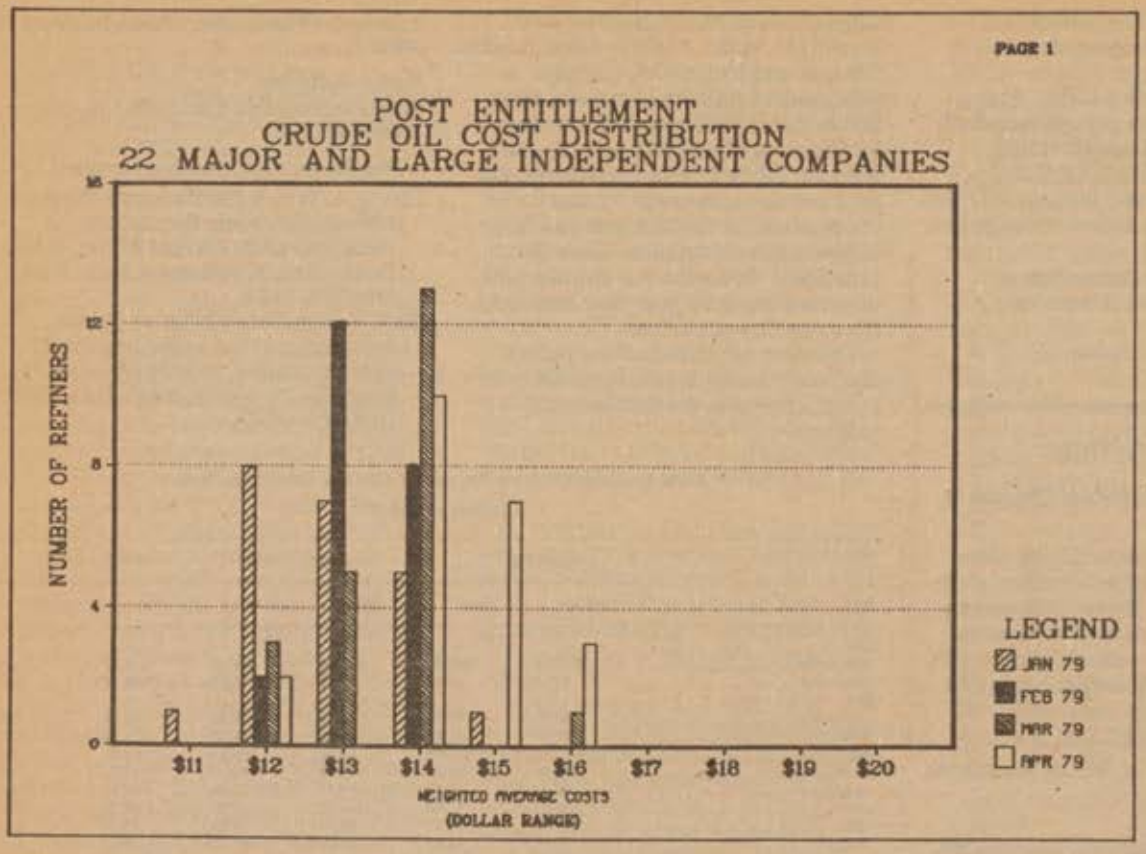
[1] Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobile, Phillips, Shell, Sunoco, Texaco, and Union-Oil.

[2] Hess, Sohio, Ashland, Coastal, Tosco, Kerr McGee & Champlin.

[3] Post Entitlements payment costs show the effect of the entitlements payments in the month for which the notice is published even though the payments take place two months later. For example, November 1979 data are shown in the entitlement notice for November 1979 published in January 1980. August and September Post Entitlement Cost for small refiners have been adjusted to exclude SPR Entitlements.

BILLING CODE 6450-01-M

TABLE II

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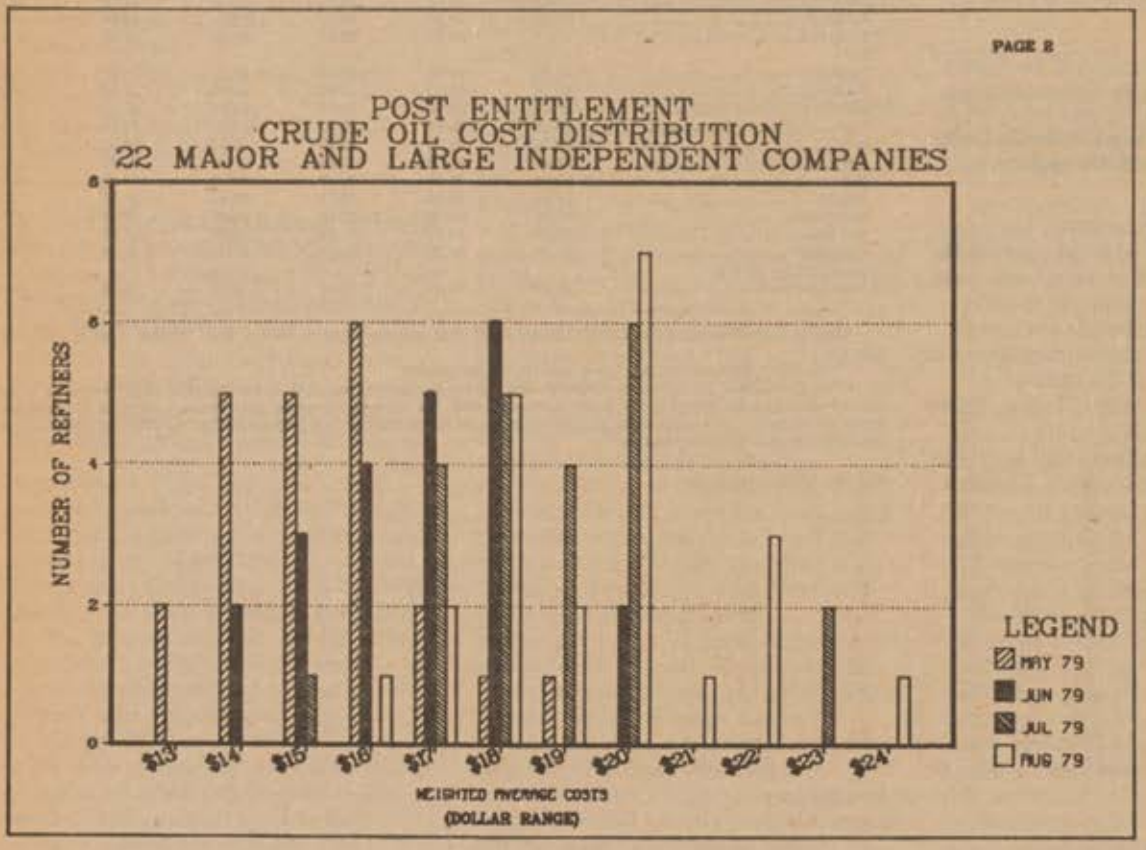

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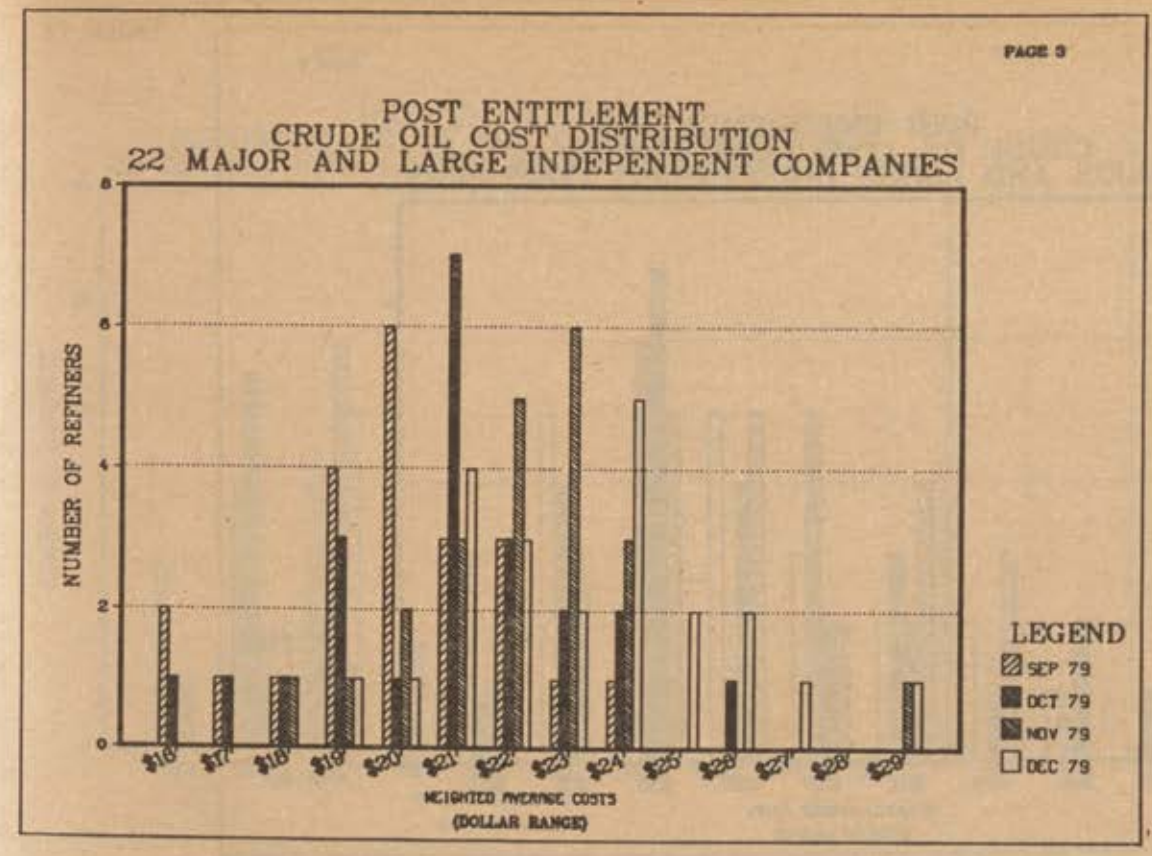


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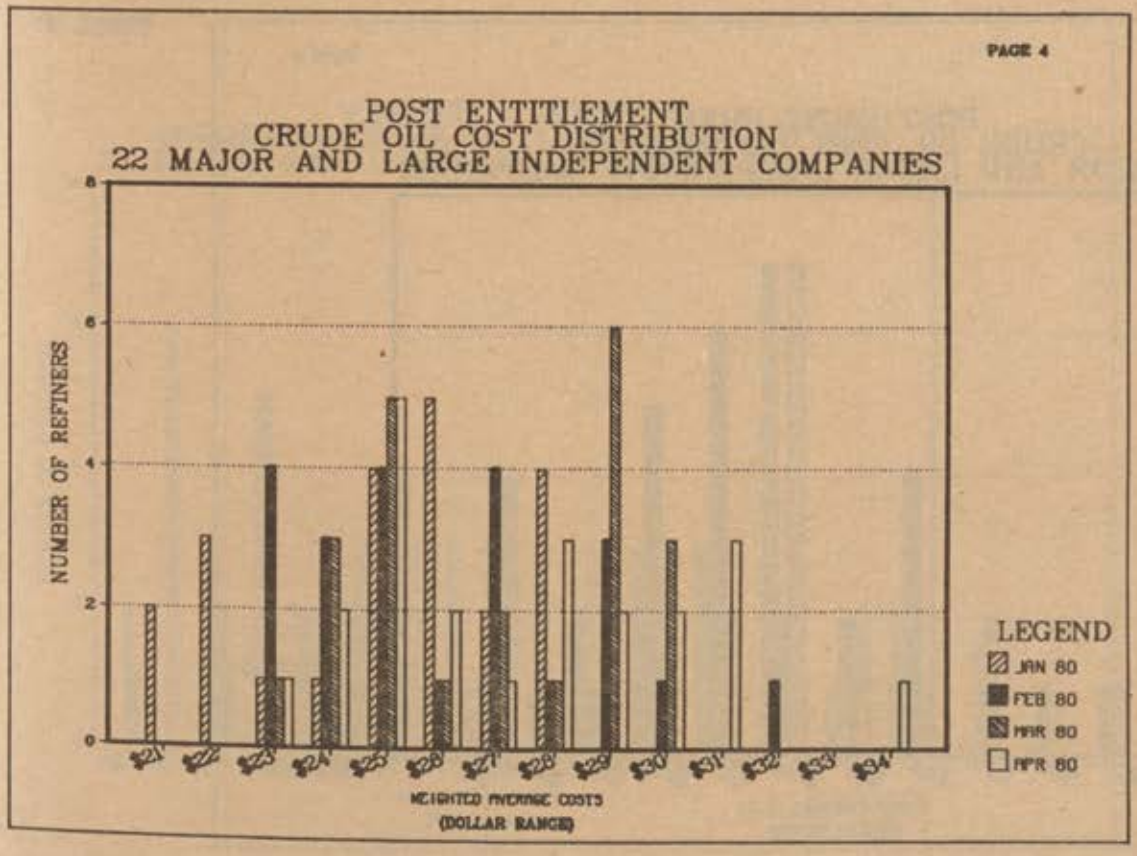

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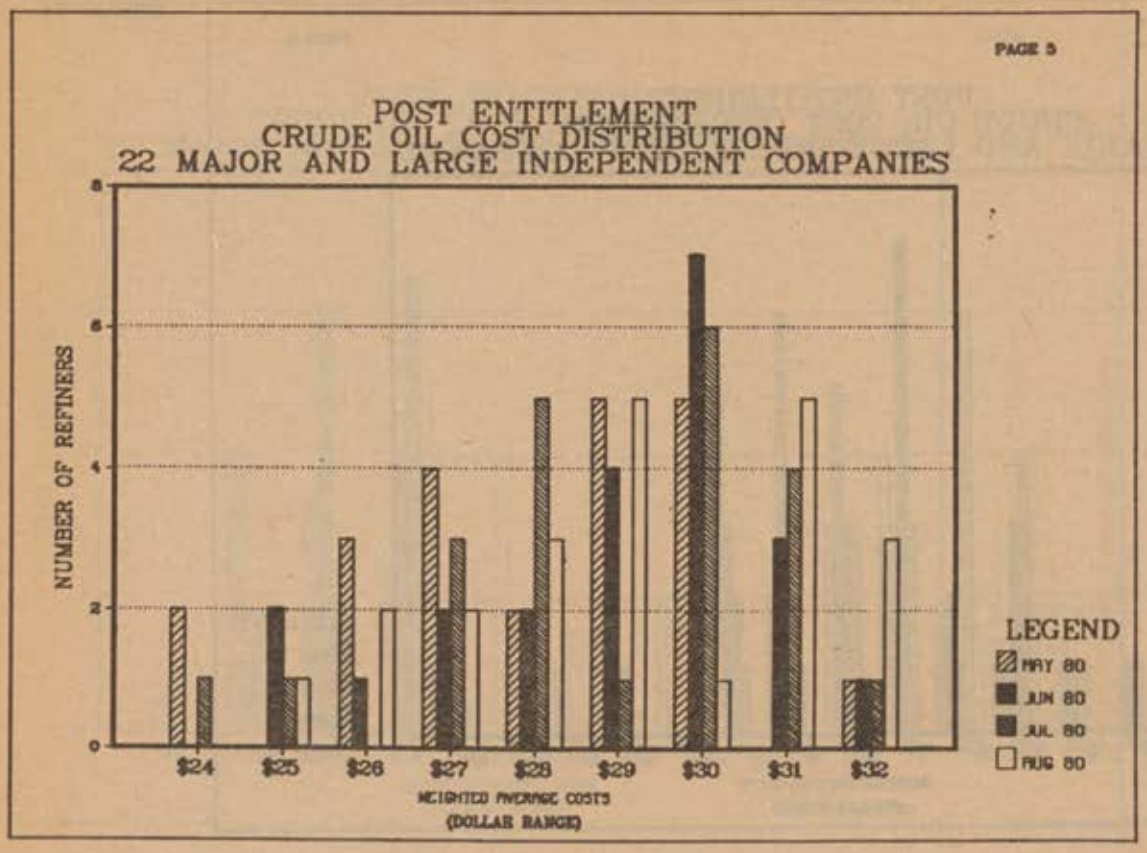


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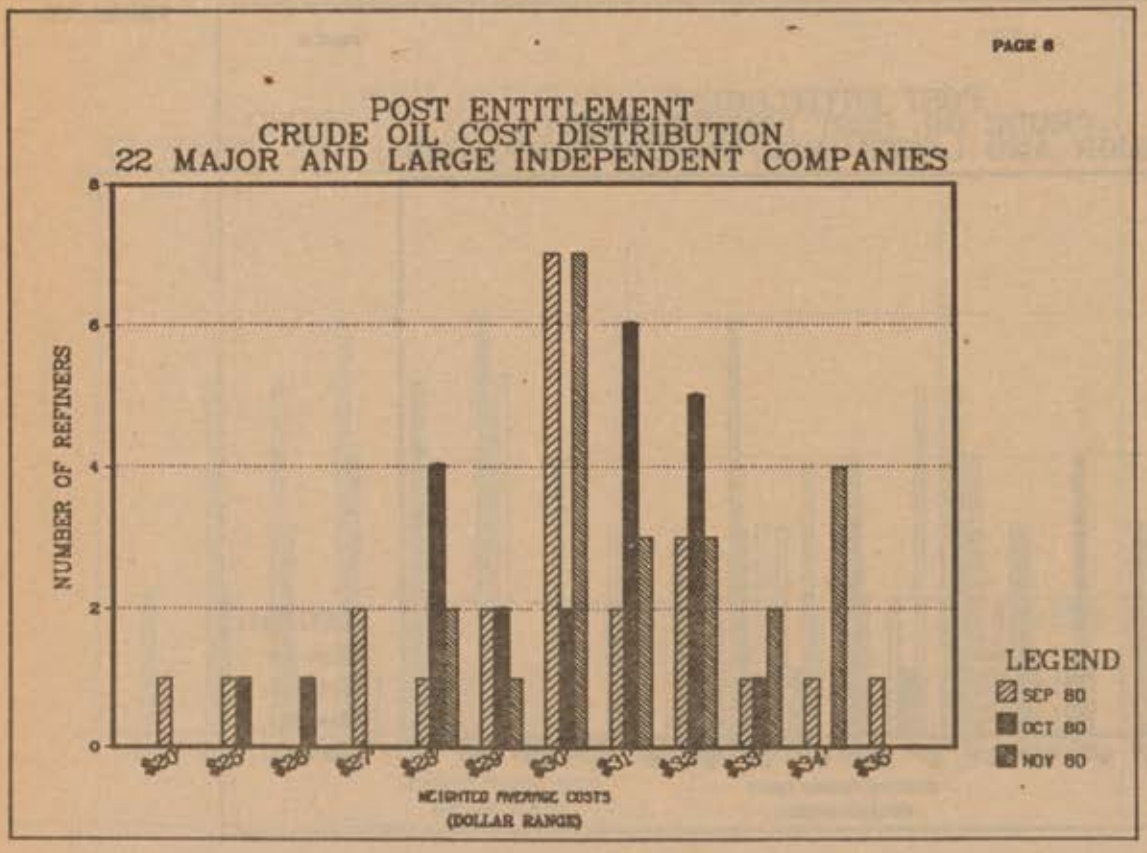

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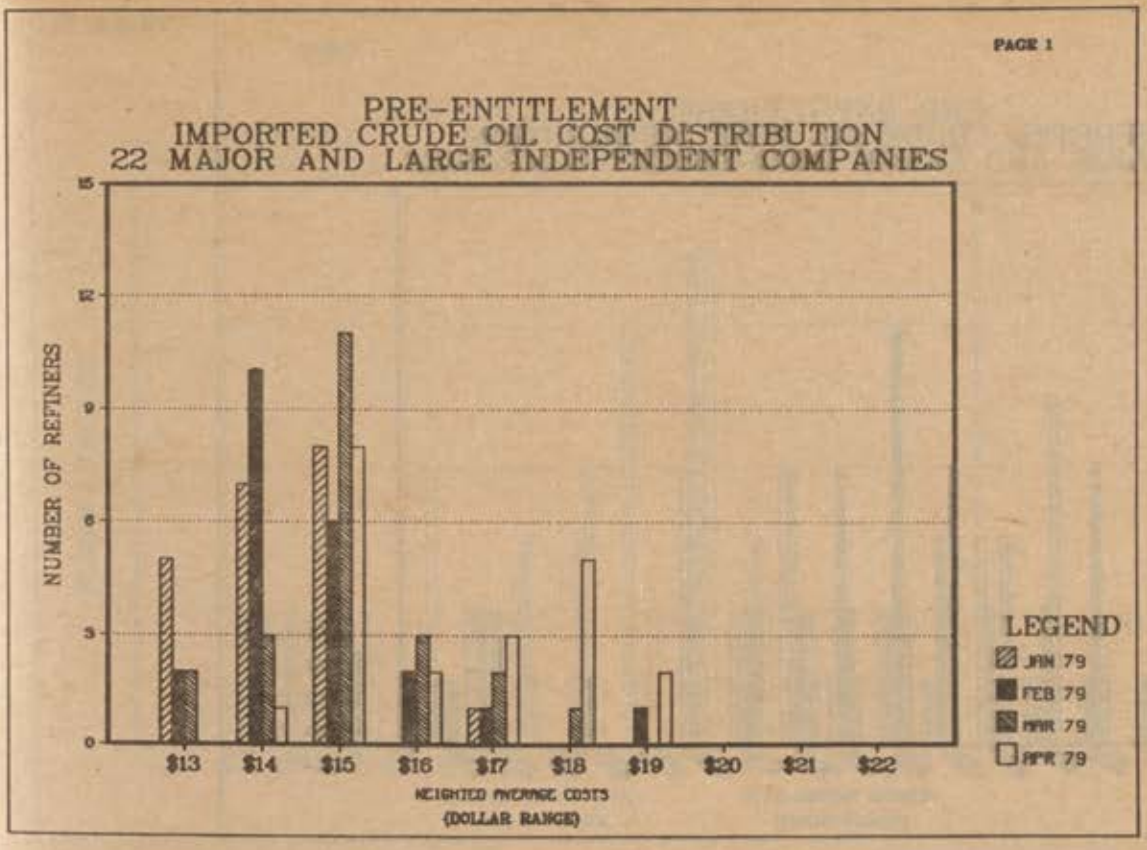


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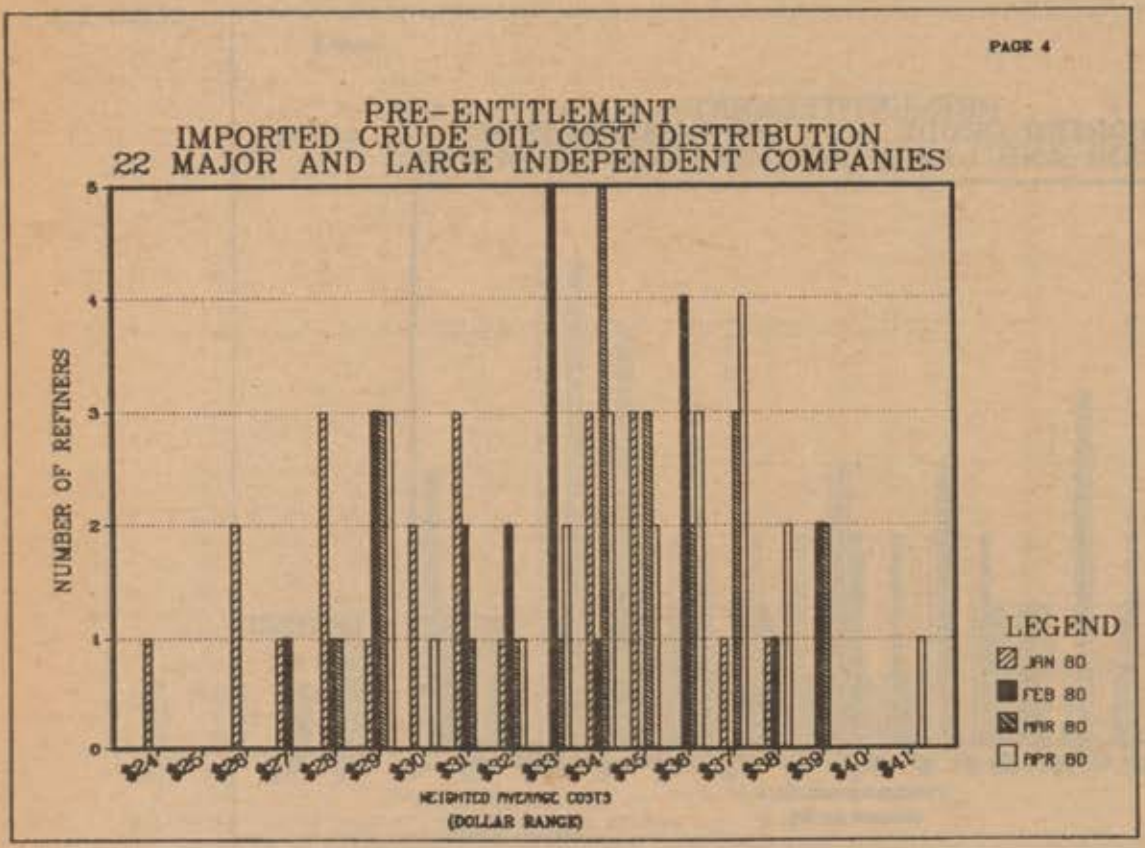

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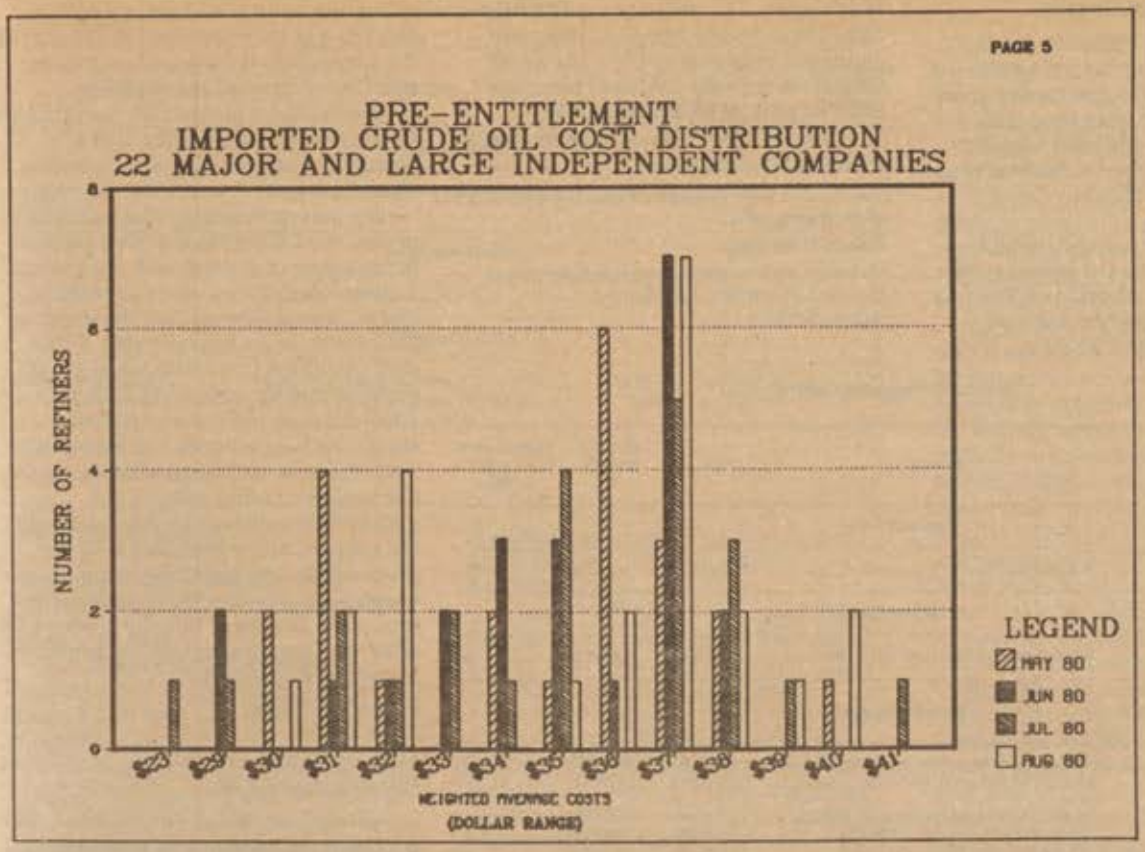


TABLE III

[FR Doc. 81-5683 Filed 2-18-81; 8:45 am]
BILLING CODE 6450-01-C

## Proposed Remedial Orders

Pursuant to 10 CFR 205.192 (c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202/653-3569. On or before March 6, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, DC, on the 12th day of February 1981.

**Robert D Gerring,**

*Director, Enforcement Program Operations Division, Economic Regulatory Administration.*

**Proposed Remedial Orders**

| Station | Address | Date | Violation amount | Highest cents per gallon violation |
|---|---|---|---|---|
| **Central District** | | | | |
| Mid-River Marina | R.R. No. 43, North Liberty, IA 52317 | 10-21-80 | $2,260.89 | 31.4 |
| **Southwest District** | | | | |
| Dunn's Texaco | 901 E. Downing, Tahlequak, OK 74464 | 424-80 | $712.51 | 3.1 |
| **Western District** | | | | |
| Ty Gazaway Chevron | 4188 N. Blackstone, Fresno, CA 93726 | 12-31-80 | $1,614.88 | 5.7 |
| Warren Maguire, Maguire's Chevron. | 1459 W. Olive, Fresno, CA 93728 | 12-31-80 | 2,048.37 | 4.5 |
| Harv's Sacramento Car Wash | 2105 Arden Way, Sacramento, CA 95825 | 12-31-80 | 6,717.77 | 11.0 |
| Ron Pratt, Ron's Shell | 301 North Hartz, Danville, CA 94526 | 12-31-80 | 3,965.38 | 4.9 |
| John Cardoza, Cardoza Service | 400 Park Avenue, Rodeo, CA 94572 | 12-31-80 | 3,304.34 | 4.5 |
| Sandusky's Service | 1201 Tennessee St., Vallejo, CA 94590 | 12-31-80 | 1,890.88 | 5.6 |
| Concord Chevron Service | 2001 Willow Pass Rd., Concord, CA 94520 | 12-31-80 | 19,307.50 | 7.1 |
| Suds Machine | 4400 Piedmont, Oakland, CA 94611 | 12-31-80 | 36,968.51 | 7.8 |
| Ken Betts Montclair Chevron | 6550 Moraga Blvd., Oakland, CA 94611 | 12-31-80 | 34,071.97 | 16.4 |
| Pinole Valley | 2695 Pinole Valley Road, Pinole, CA 94564 | 12-31-80 | 20,425.99 | 16.4 |
| Ken Betts Towing Service | 10th & Webster, Oakland, CA 94606 | 12-31-80 | 31,125.03 | 15.0 |
| Gerald Bushman Chevron | 1490 So. Park Victoria, Milpitas, CA 95035 | 12-31-80 | 55,340.00 | 8.6 |
| Don Skilling Chevron Service | 105 Riburon Blvd., Mill Valley, CA 94941 | 12-31-80 | 24,380.85 | 11.3 |
| Jim Stuart, CP Marketing, Chevron Car Wash. | 485 San Ramon Valley Road, Danville, CA 94526. | 12-31-80 | $19,468.71 | 9.6 |
| Bubble Machine | 609 Oak St., Oakland, CA 94607 | 12-31-80 | 52,979.18 | 16.4 |
| Crossroad Texaco | 2500 Guerneville Rd., Santa Rosa, CA 95401. | 12-31-80 | 2,739.40 | 5.7 |
| Aptos Shell | 18 Rancho Del Mar, Aptos, CA 95003 | 12-31-80 | 4,588.44 | 7.3 |
| Ben's Shell | 1898 Van Ness Ave., San Francisco, CA 94109. | 12-31-80 | 16,301.15 | 10.4 |
| Andy's Shell | 400 So. Van Ness, San Francisco, CA 94102 | 12-31-80 | 9,084.55 | 9.5 |
| Fell St. Chevron | 1101 Fell St., San Francisco, CA 94117 | 12-31-80 | 62,341.41 | 16.8 |
| Luster Car Wash | 444 Divisadero, San Francisco, CA 94117 | 12-31-80 | 9,628.13 | 9.6 |
| Roy's Shell | 1070 Oak St., San Francisco, CA 94117 | 12-31-80 | 40,239.16 | 8.6 |
| Auto City Chevron | 501 So. Van Ness, San Francisco, CA 94102 | 12-31-80 | 41,673.81 | 6.2 |
| Delamo & Arias Texaco | Highway 126, Piru, CA 93040 | 6-14-80 | 3,580.74 | 16.6 |

[FR Doc. 81-5558 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

**[Docket No. ER81-263-000]**

## Illinois Power Co.; Notice of Filing

February 13, 1981.

The filing Company submits the following:

Take notice that on February 9, 1981, Illinois Power Company (Illinois Power) tendered for filing proposed Modification No. 2, dated January 27, 1981, to the Interconnection Agreement, dated January 14, 1975, between the City of Springfield and Illinois Power.

Illinois Power indicates that this filing is made for an increase in coordination of Scheduled Maintenance of Generating Facilities, Short Term Firm Power, and Short-Term Non-Firm Power reservation charges. Also included in this filing is the provision for deletion of the connection between Illinois Power and City of Springfield at Jerome.

Illinois Power states that a copy of the filing was served upon the City of Springfield and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5670 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

## Economic Regulatory Administration

## Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202/653-3569. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 11th day of February 1981.

**Robert D. Gerring,**

*Director, Enforcement Program Operations Division, Economic Regulatory Administration.*

**Proposed Remedial Orders**

| Station | Address | Date | Violation amount | Highest cents per gallon violation |
|---|---|---|---|---|
| **Northeast District** | | | | |
| Corrigan's Yacht Yard & Marine Sales, Inc. | Newton Road, Hampton Bays, NY 11946 | 12-11-80 | $2,241.11 | 14.5 |
| **Southeast District** | | | | |
| Stadium Chevron | 244 Clark, Atlanta, GA 30312 | 1-8-81 | $1,583.11 | 4.0 |
| **Western District** | | | | |
| Atkin's Bros. Union 76 | 8658 Balboa Blvd., Northridge, CA 91720 | 12-23-80 | $33,304.75 | 15.3 |
| O'Neal's Service Center Union 76 | 304 South Main St., Corona, CA 91720 | 1-6-81 | 7,310.55 | 3.6 |

[FR Doc. 81-5559 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-01-M

**[Project No. 3839-000]**

## Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 13, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on December 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. (sections 791(a)-825(r)] for proposed Project No. 3839 to be known as Mississippi River Lock and Dam No. 9 Hydroelectric Project located at the U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 9 on the Mississippi River in Crawford County, Lynxville, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02110. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

*Project Description*—The proposed project would utilize the U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 9 operated as a navigational aid and flood control facility. Project No. 3839 would consist of: (1) a proposed powerhouse located just below the existing dam structure and operated as a run-of-river installation having an estimated installed generating capacity of 14 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 61,320,000 kWh.

*Purpose of Project*—The Applicant intends to sell the generated output of energy to Wisconsin Power and Light Company or another local utility.

*Proposed Scope and Cost of Studies Under Permit*—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before April 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981.

*Filing and Service of Responsive Documents*—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3839. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F.

Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5672 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Project No. 3837-000]**

## Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 13, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on December 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3837 to be known as Green River Lock and Dam No. 6 located at the U.S. Army Corps of Engineers' Green River Lock and Dam No. 6 on the Green River, Edmonson County, Bowling Green, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02110. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

*Project Description*—The proposed project would utilize a U.S. Army Corps of Engineers' dam. Project No. 3837 would consist of: (1) a proposed powerhouse located below the existing structure, operated as a run-of-river installation utilizing a 9-foot head, and have an estimated installed generating capacity of 5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal land. The Applicant estimates that the average annual energy output would be 21,900,000 kWh.

*Purpose of Project*—Applicant plans to sell the generated output of energy to the Kentucky Utilities or another local utility.

*Proposed Scope and Cost of Studies Under Permit*—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility to the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

*Comments, Protests, or Petitons to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature or a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

*Filing and Service of Responsive Documents*—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3837. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5671 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Project No. 3707-000]**

## Mitchell M. White & Melba M. White; Notice of Application for Preliminary Permit

February 13, 1981.

Take notice that Mitchell & Melba M. White (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3707 to be known as Oregon Water Power Project located on the Rock River in Oregon, Ogle County, Illinois. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: Mr. Mitchell M. White and Mrs. Melba M. White, 1855 Glendale Road, Clinton, Iowa 52732. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

*Project Description*—The proposed run-of-river project would consist of: (1) an existing rock filled crib dam approximately 876.5 feet long, 25 feet wide, and 12 feet high; (2) a proposed powerhouse containing one generating unit having an estimated capacity of 750 kW; (3) a proposed transmission line extending approximately 500 feet from the powerhouse to a switchyard located southwest of the powerhouse and owned by Commonwealth Edison; and (4) appurtenant facilities. No lands of the United States are enclosed within the project boundary. The Applicant estimates that the average annual energy output would be 6,439,000 kWh.

*Purpose of Project*—Energy produced at the proposed project would be sold to Commonwealth Edison.

*Proposed scope and Cost of Studies under Permit*—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies and soil and foundation data. The cost of the activities along with obtaining agreements with Federal, State, and local agencies is estimated to be $71,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 20, 1981.

*Filing and Service of Responsive Documents*—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3707. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5673 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. EL81-6-000]

## Municipal Electric Utilities Association of New York State and Power Authority of the State of New York; Notice of Filing

February 12, 1981.

The filing company submits the following:

Take notice that on February 2, 1981, Municipal Electric Utilities Association of New York (MEUA) filed a complaint against the Power Authority of the State of New York (PASNY). In its complaint, MEUA alleges that PASNY, as licensee for the Niagara Project, has failed to arrange for firm transmission of power and energy generated at that project to its preference customers. MEUA further alleges that as a result of this failure, many of PASNY's preference customers have been threatened with termination or curtailment of power deliveries.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5674 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. SA81-14-000]

## J. Cleo Thompson and James Cleo Thompson, Jr., a Partnership; Notice of Application for Adjustment

February 13, 1981.

On February 2, 1981, J. Cleo Thompson and James Cleo Thompson, Jr., a Partnership (Thompson), filed with the Federal Energy Regulatory

Commission (Commission) an Application for Adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. II 1978). Thompson seeks relief from a certain requirement of § 273.204 regarding retroactive collection of the maximum lawful prices under sections 102 and 107 of the NGPA. Specifically, Thompson requests that the Commission grant it the right to collect the applicable section 102 and 107 rates from the date of first production rather than the date applications were filed with the Texas Railroad Commission.

Section 273.204(a)(1) of the Commission's regulations provides for retroactive collection of any maximum lawful price under Subpart B, C, G or H of the Part 271. Assuming all other requirements are met, if the determination becomes final that the well qualifies, the seller may collect retroactively from the date of filing with the jurisdictional agency. Thompson avers that it is basically a one-man operation and Mr. Thompson, being responsible for both drilling operations and necessary paperwork, could not perform both tasks simultaneously. Thompson claims that the wells in question were economically feasible only because of incentive pricing provisions such as sections 102 and 107 and that to deny this application would counteract the policy of encouraging new production. The difference between the amounts collected between the production dates and filing dates and the rates under sections 102 and 107 is § 19,716.34. For these reasons, Thompson contends that an adjustment under section 502(c) is necessary to alleviate special hardship, inequity or unfair distribution of burdens and requests that it be allowed to retroactively collect the 107 and 102 rates from the dates of production rather than the filing dates.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FM 18961, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5669 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

**[Docket No. RE81-57-000]**

## Omaha Public Power District; Application for Exemption

February 13, 1981.

Take notice that Omaha Public Power District, on January 29, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the metered load data specified in Section 290.404 (a) and (g).

In its application for exemption, Omaha Public Power District states that it should be allowed to file best estimate data for the following reason:

Cost of Service Studies and other Public Utility Regulatory Policies Act of 1978 activities and reporting requirements prevented timely selection of customer sample, recorder purchase, and installation.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: Omaha Public Power District, Attention: Mr. Allan R. Spangler, Manager, Cost of Service Rate Design, 1623 Harney Street, Omaha, Nebraska 68102.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5664 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Project No. 3561-000]**

## Pennichuck Water Works; Application for Preliminary Permit

February 13, 1981.

Take notice that the Pennichuck Water Works (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3561 to be known as the Pennichuck Project located on the Souhegan River in Hillsborough County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John B. Collins, President, Pennichuck Water Works, 11 High Street, Nashua, New Hampshire 03061. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

*Project Description*—The proposed project would consist of: (1) an existing ogee-type spillway 145 feet long and 12 feet high superimposed on an earlier dam 8.5 feet high; (2) a reservoir with a storage capacity of 170 acre-feet at an elevation of 131 feet m.s.l.; (3) an existing water control structure 34 feet long housing two 7-foot square timber sluice gates (to be rehabilitated); (4) an existing outlet canal (to be cleared) next to the spillway; (5) an existing secondary intake structure housing a 10-inch discharge line for process water; (6) a proposed 20 by 20-foot powerhouse adjacent to the canal; (7) a new turbine/generator unit producing 450-kW at a gross head of 21 feet; (8) a new 1.0-mile long, 13.8 kV transmission line from the project to the water works plant and (9) appurtenant facilities.

The applicant estimates that the average annual energy output would be 2,709,500 kWh.

*Purpose of Project*—Project power will be used by the Applicant to run equipment used in its water works.

*Proposed Scope and Cost of Studies Under Permit*—The work proposed under this preliminary permit would include preliminary designs, an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to rehabilitate and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $9,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

*Agency Comments*—Federal, State, and local agencies that receive this

notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before April 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 of 1.10 for protests. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or othert comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 17, 1981.

*Filing and Service of Responsive Documents*—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3561. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5065 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Project No. 3609-000]**

## St. Cloud Development Ltd.; Application for Preliminary Permit

February 13, 1981.

Take notice that St. Cloud Development Ltd. (Applicant) filed on October 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3609 to be known as the St. Cloud Dam located on the Mississippi River in Stearns and Sherburne Counties, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to : Mr. Kenneth Lever, 6566 France Avenue South, Minneapolis, Minnesota 55435. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

*Project Description*—The proposed project would consist of: (1) an existing reservoir having a storage capacity of 3,000-acre/feet at a power pool elevation of 989.4 feet m.s.l.; (2) an existing 19.5 feet high and 550 feet long concrete gravity dam; (3) a proposed powerhouse with generating units having a total installed capacity of 3,000 kW; (4) proposed transmission lines; and (5) appurtenant facilities. The dam, reservoir, and property within the project boundary are owned by the City of St. Cloud.

The Applicant estimates that the average annual energy output would be 30,600,000 kWh.

*Purpose of Project*—The power produced at the project would be sold to the Northern States Power Company.

*Proposed Scope and Cost of Studies under Permit*—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it proposes to conduct engineering, economic, and environmental studies, along with an assessment of dam integrity, and final project designs. The Applicant estimates the cost of the proposed studies would be $100,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to detemine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other imformation necessary for inclusion in an application for a license.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself for a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a

protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person, must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 27, 1981.

*Filing and Service of Responsive Documents*—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters to the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3609.

Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5666 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Docket No. RA81-42-000]**

## The Filling Station; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981, the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5667 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Project No. 3542-000]**

## Utah Hydro Corp.; Application for Preliminary Permit

February 13, 1981.

Take notice that Utah Hydro Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3542 to be known as Lost Creek Hydro Project located on the Weber River in Morgan County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. D. Catten, 8184 Breeze Dr., Magma, Utah 84044. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified of the particular kind of response that person wishes to file.

*Project Description*—The proposed project would utilize the existing Water and Power Resources Service's Lost Creek Dam and Reservoir, operated and maintained by the Weber Basin Conservation District, and would consist of: (1) a penstock utilizing the existing outlet works in the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 230 kW and 1,320 kW, depending on studies; (3) a tailrace; (4) new transmission lines; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 460,000 kWh and 2,640,000 kWh.

*Purpose of Project*—Project energy would be sold to the Utah Power and Light Company. Other alternative markets will also be studied.

*Proposed Scope and Cost of Studies under Permit*—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $55,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

*Filing and Service of Responsive Documents*—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3542. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5668 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 3407-000]

## Cook Electric Co.; Application for Preliminary Permit

February 13, 1981.

Take notice that Cook Electric Company (Applicant) filed on November 3, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3407 to be known as Magic Dam located on Big Wood River in Blaine County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

*Project Description*—The proposed project would consist of: (1) An earth and rock fill dam, Magic Dam, with a length of 3,100 feet and a height of 128 feet; (2) a reservoir with a surface area of 3,776 acres and a storage capacity of 191,500 acre-feet; (3) an outlet conduit with a diameter of 11 feet and a length of 607 feet; (4) a 7 mile, 125-kV transmission line; and (5) three 1,000-kW, two 500-kW, and one 25–KW generating units. The Applicant estimates that the average annual energy output would be 8,859,000 kWh.

*Purpose of Project*—Much of the power generated by the proposed project would be used locally through the Idaho Power system. The balance would be delivered to the main Idaho Power grid.

*Proposed Scope and Cost of Studies Under Permit*—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time they would conduct hydrologic, environmental, and engineering studies and inspect the existing project structures. The Applicant estimates the cost of the studies to be $33,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

*Agency Comments*—Federal, state, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

*Comments, Protests, or Petitions To Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

*Filing and Service of Responsive Documents*—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3407. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

FR Doc. 81-5654 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3613-000]

## Coon Rapids Development Ltd.; Application for Preliminary Permit

February 13, 1981.

Take notice that Coon Rapids Development Ltd. (Applicant) filed on October 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3613 to be known as the Coon Rapids Dam located on the Mississippi River in Hennepin and Anoka Counties, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth Lever, 6566 France Avenue South Minneapolis, Minnesota 55435. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

*Project Description*—The proposed project would consist of: (1) An existing reservoir with a storage capacity of 700 acre-feet at a power pool elevation of 830.1 feet M.S.l.; (2) an existing powerhouse containing spaces for seven generating units. The proposed installed capacity of the powerhouse would be 7,000 kw; (3) an existing concreted dam consisting of a north and south section. The north section is approximately 450 feet long and 10 feet high; (4) proposed transmission lines; and (5) appurtenant facilities. The dam and adjacent property are owned by the Hennepin County Park Reserve.

The Applicant estimates that the average annual energy output would be 50,000,000 kWh.

*Purpose of Project*—The power produced at the project would be sold to the Northern States Power Company.

*Proposed Scope and Cost of Studies under Permit*—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time a study would be made of the engineering, economic and environmental feasibility of the project. In addition, soil borings, concrete coring, and ground surveys would be performed within the project boundary, along with preparing preliminary and final design plans for the project. Applicant estimates the cost of the proposed studies would be $100,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 27, 1981.

*Filing and Service of Responsive Documents*—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE,"OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3613. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street., NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5655 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER81-265-000]

## Duke Power Co.; Supplement to electric Power Contract

February 13, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on February 9, 1981 a supplement to the Company's Electric Power Contract with the City of Abbeville. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 231.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in contract demand: Delivery Point No. 1 from 6,600 KW to 7,100 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately proceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of April 21, 1981.

According to Duke Power copies of this filing were mailed to the City of Abbeville and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5656 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Docket No. ER81-264-000]**

## Duke Power Co.; Supplement to Electric Contract

February 13, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on February 9, 1981 a supplement to the Company's Electric Power Contract with the Commissioners of Public Works of the City of Greenwood. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 250.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 3 from 7,500 kW to 9,000 kW and Dexwey Point No. 4 from 9,000 kW to 10,000 kW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of April 21, 1981.

According to Duke power copies of this filing were mailed to the Commissioners of Public Works of the City of Greenwood and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5657 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Docket No. ER81-266-000]**

## Edison Sault Electric Co.; Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Edison Sault Electric Company (Edison), on February 9, 1981, tendered for filing a Supplemental Agreement No. 8 between Edison and Cloverland Electric Cooperative, Inc. (Cloverland) dated November 1, 1980, which agreement will supplement an existing Contract for Electric Service, dated January 2, 1952, between the same two parties. The contract between the parties, dated January 2, 1952, has been designated FPC Rate Schedule FPC No. 2 (Docket No. E-7870). The proposed supplemental agreement provides a change in the rate schedule as provided in the contract, dated January 2, 1952 supplemented, under "Article V, Rates".

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5658 Filed 2-18-81; 8:45am]

BILLING CODE 6450-85-M

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**[Project No. 3789-00]**

## Enagenics; Application for Preliminary Permit

February 13, 1981.

Take notice that Enagenics (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3789 to be known as Lahontan Dam located on Carson River in Churchill County, Nevada. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clark, Jr., President, Enagenics, 1727 Q Street, NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

*Project Description*—The proposed project would consist of: (1) a penstock attached to an outlet conduit of the Water and Power Resources Services' Lahontan Dam; (2) a powerhouse containing a 4.6 MW generating unit; and (3) a transmission line. The Applicant estimates that the average annual energy output would be 18.8 GWh.

*Purpose of Project*—The power generated by the proposed project would be sold to the Sierra Pacific Power Company or to nearby public or private users.

*Proposed Scope and Cost of Studies under Permit*—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would make hydrologic and engineering studies; assess environmental impacts; and determine economic feasibility. The cost of these studies is estimated by the Applicant to be $35,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the

application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 24, 1981.

*Filing and Service of Responsive Documents*—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3789. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5659 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Docket No. ER81-258-000]**

## Florida Power & Light Co., Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on February 6, 1981 tendered for filing documents entitled "Exhibits I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibits, FPL will transmit power and energy for the Jacksonville Electric Authority (Jacksonville) as is required by Jacksonville in the implementation of its interchange agreement with the City of Vero Beach, City of Kissimmee, Sebring Utilities Commission and the City of Homestead.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the Managing Director of Jacksonville.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-5660 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

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**[Docket No. ER81-259-000]**

## Florida Power & Light Co.; Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on February 6, 1981 tendered for filing a document entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit, FPL will transmit power and energy for the Utilities Commission of the City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with the Fort Pierce Utilities Authority.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of New Smyrna.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary*

[FR Doc. 81-5661 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-260-000]

### Florida Power & Light Co.; Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on February 6, 1981 tendered for filing documents entitled "Exhibits I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibits, FPL will transmit power and energy for the Sebring Utilities Commission (Sebring) as is required by Sebring in the implementation of its interchange agreement with the Lake Worth Utilities Authority and the Jacksonville Electric Authority.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the Chairman of Sebring.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 81-5662 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-261-000]

### Florida Power & Light Co., Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Florđia Power & Light Company (FPL) on February 6, 1981 tendered for filing documents entitled "Exhibits I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibits, FPL will transmit power and energy for the City of Homestead (Homestead) as is required by Homestead in the implementation of its interchange agreement with the City of Kissimmee, Sebring Utilities Commission and the Jacksonville Electric Authority.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of Homestead.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 81-5663 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

## ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL 1758-1; OPP-180553]

### Arizona and California; Issuance of Specific Exemptions for Fenvalerate on Lettuce

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has granted specific exemptions to the Arizona Commission of Agriculture and the California Department of Food and Agriculture (hereafter referred to as "Arizona," "California," or the "Applicants") for the use of Pydrin (fenvalerate) to control *Heliothis* species infecting head lettuce in Arizona and California. The specific exemptions are issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

**DATE:** Arizona's specific exemption expires on April 1, 1981; California's specific exemption expires on March 31, 1981.

**FOR FURTHER INFORMATION CONTACT:** Jack E. Housenger, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Room E-107, 401 M St., SW., Washington, D.C. 20460, (202-426-0223).

**SUPPLEMENTARY INFORMATION:** *Heliothis* species, particularly the tobacco budworm in California, are serious pests infesting lettuce in Arizona and California. Moths can deposit eggs on the lettuce at any time in the affected area. Larvae then bore into the forming head of lettuce damaging the crop.

Prior to 1978, the tobacco budworm was not a major problem in lettuce in California. Budworm problems on lettuce paralleled the development of this pest as a problem on cotton. By 1978, this pest had spread to lettuce and has since been a problem on lettuce. California states that two products, one of which contains carbaryl and the other *Bacillus thuringiensis*, are registered for use on lettuce to control the tobacco budworm. However, the carbaryl formulation is not registered for use in California and the *Bacillus thuringiensis* formulation is a bait that is effective only when lettuce is in the seedling stage. California claims that if an adequate control is not available, a $4.27 million loss would be sustained by lettuce growers, and that with the use of fenvalerate, this loss could be reduced substantially.

Arizona claims that available registered pesticides failed to control *Heliothis* spp. adequately in lettuce in 1977-1979. Control must be achieved before the lettuce leaves cup over and provide protection against pesticide treatment. Arizona expects that losses resulting from inadequate control of *Heliothis* spp. could be in excess of $10 million to lettuce growers in that State.

The Applicants propose to use the product Pydrin at a rate of 0.1 to 0.2 pound active ingredient (a.i.) per acre on 45,000 acres of head lettuce in each State. A maximum of 10 applications in California and 5 in Arizona are proposed to be made at 5- to 7-day intervals, using ground or aerial equipment. A 7-day preharvest interval will be observed.

EPA has determined that residues of fenvalerate in or on lettuce should not exceed 2 parts per million (ppm) from the proposed used. This level has been judged adequate to protect the public health. A restriction to prohibit the feeding of lettuce trimmings from treated fields to animals has been imposed to

preclude any secondary residues in meat and milk.

After reviewing the applications and other available information, EPA has determined that the criteria for exemptions have been met. Accordingly, Arizona has been granted permission to use the pesticide noted above until April 1, 1981, and California until March 31, 1981, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. The product Pydrin (EPA Reg. No. 201–401) may be used at a maximum dosage rate of 0.2 pound a.i. per acre.

2. Available data indicate that the 0.1 pound a.i. rate should provide as good a control as the 0.2 pound a.i. rate in most situations. Therefore, in most instances the 0.1 pound a.i. rate should be recommended.

3. A maximum of 45,000 acres of head lettuce may be treated in each State.

4. A maximum of 5 applications in Arizona and 10 applications in California may be made per season at 5- to 7-day intervals with a 7-day preharvest interval.

5. Applications may be made using either aerial or ground equipment.

6. Lettuce will be field trimmed to remove wrapper leaves.

7. The feeding of trimmings of lettuce from treated fields to livestock is prohibited.

8. All applicable directions, restrictions, and precautions on the product label must be followed.

9. Pydrin is extremely toxic to fish and aquatic invertebrates. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes.

10. It is recommended that fenvalerate not be applied any closer to fish-bearing fresh waters than 200 feet (at the 0.1 pound a.i. rate) and 300 feet (at the 0.2 pound a.i. rate) when ground application equipment is used; and 750 feet (at the 0.1 pound a.i. rate) and 1,250 feet (at the 0.2 pound a.i. rate) when aerial equipment is used. Applications closer than these may result in fish and/or other aquatic organism kills.

11. Precautions must be taken to avoid or minimized spray drift to non-target areas. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour.

12. Pydrin is highly toxic to bees exposed to direct treatment or resideues on crops or weeds. It may not be applied or allowed to drift to weeds or crops in bloom if bees are actively foraging in the treatment area. Protective information may be obtained from each State's Cooperative Agricultural Extension Service.

13. Treated areas may not be planted to root crops for 12 months after the last application of Pydrin. No other crop, except cotton, may be planted in treated areas for 60 days after the last application of Pydrin.

14. Applications will be made by or under the direct supervision of applicators State-certified for this category of pest control.

15. Head lettuce with residue levels of fenvalerate not exceeding 2 ppm may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

16. Arizona and California are each responsible for ensuring that all of the provisions of its specific exemption are met.

17. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with these exemptions.

18. A final report summarizing the results of this program must be submitted by Arizona by June 1, 1981 and by California by April 1, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: January 15, 1981.

**Edwin L. Johnson,**

*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc. 81-5605 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

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**[TSH-FRL 1756-8; OPTS-51225]**

## Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture of import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of two PMN's and provides a summary of each.

**DATE:** Written comments by March 16, 1981.

**ADDRESS:** Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, D.C. 20460, (202–755–8050).

**FOR FURTHER INFORMATION CONTACT:** Robert Jones, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, D.C. 20460, (202–426–3980).

**SUPPLEMENTARY INFORMATION:** Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1,979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identify of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information

submitted as part of a PMN. If the company claims confidentiality for the specific chemical identify or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the PMN submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before March 16, 1981, submit to the Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51225]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 12, 1981.

**Edward A. Klein,**

*Director, Chemical Control Division.*

**PMN 81-16**

The following information is taken from data submitted by the manufacturer in the PMN.

*Close of Review Period.* April 15, 1981.

*Manufacturer's Identity.* Claimed confidential business information. Organizational information provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

*Specific Chemical Identity.* Claimed confidential business information. Generic name provided: Reaction product of an epoxy resin and a substituted amine.

*Use.* Claimed confidential business information. The submitter states that the new substance will be used in an open use that will release more than 50 but less than 5,000 kilograms (kg) per year into the environment with potential for skin and eye exposure to chemical industry employees and to consumer as part of an article.

**Production Estimates**

| | Kilograms per year | |
|---|---|---|
| | Minimum | Maximum |
| 1st year | 200,000 | 500,000 |
| 2d year | 300,000 | 750,000 |
| 3rd year | 400,000 | 1,000,000 |

*Physical/Chemical Properties*

Epoxy Eq. Wt.—Infinity.

Milliequivalent base—0.30/g (solids).

Percent Total solids—60.0.

Viscosity—Z-7 (solids).

*Toxicity Data.* No data were submitted.

*Exposure.* The manufacturer states that at a site controlled by the manufacturer, processing and manufacture would expose to the new substance a maximum of 104 workers for 2 hr/da, 21 da/yr, through skin and eye contact with average and peak concentrations of 0-1 mg/m$^3$. Employee exposure will be limited to small samples for quality control, minimal exposure to small quantities during transfer and cleanup operations, and filling of shipping containers.

At a typical user site, a maximum of three workers would be exposed to the new substance 1 hr/da, 200 da/yr, through skin and eye contact with average and peak concentrations of 0-1 mg/m$^3$.

*Environmental Release/Disposal.* The manufacturer states that at a site controlled by the manufacturer, less than 20 kg/yr of the new substance will be released into the air and water and from 100 to 1,000 kg/yr into the land. The sludge and other organic waste are either landfilled or sold as fuel.

At a typical user site not controlled by the manufacturer, less than 30 kg/yr of the new substance will be released into the air, land, and water.

**PMN 81-17**

The following information is taken from data submitted by the manufacturer in the PMN.

*Close of Review Period.* April 15, 1981.

*Manufacturer's Identity.* Claimed confidential business information. Organizational information provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

*Specific Chemical Identity.* Claimed confidential business information. Generic name provided: Polymer of methacrylic acid, alkyl methacrylate, alkyl acrylate, and an acrylic acid derivative.

*Use.* Claimed confidential business information. The submitter states that the new substance will be used in an open use that will release more than 50 but less than 5,000 kg/yr into the environment with potential for skin and eye exposure to chemical employees and non-chemical industry employees.

**Production Estimates**

| | Kilograms per year | |
|---|---|---|
| | Minimum | Maximum |
| 1st year | 6,000 | 16,000 |
| 2d year | 8,000 | 24,000 |
| 3d year | 12,000 | 32,000 |

*Physical/Chemical Properties*

Acid value—7.8 mg *KOH*/gm.

Percent Weight solids—45.2.

Viscosity—Z-6.

Color—1.

Flash point—50° F open cup.

*Toxicity Data.* No data were submitted.

**Exposure**

| Activity and exposure route(s) | Maximum number exposed | Maximum duration | | Concentration (mg/m³) | |
|---|---|---|---|---|---|
| | | Hours/day | Days/year | Average | Peak |
| Manufacture: Skin and eye | 39 | 6 | 3-6 | 0-1 | 0-1 |
| Processing: Skin and eye | 22 | 4 | 12-47 | 0-1 | 0-1 |
| Typical user: Skin, eye, and inhalation | 6 | 6 | 250 | 0-1 | 0-1 |

At all sites, exposure may occur during quality control sampling, processing, cleanup, and filling operations.

*Environmental Release/Disposal.* The submitter states that at each of the sites controlled by the manufacturer, less than 30 kg/yr of the new substance will be released into the air, land, or water. Sludge is incinerated.

At the site of a typical user not controlled by the submitter, less than 20 kg/yr of the new substance will be released into the air and water and from 100 to 1,000 kg/yr into the land.

[FR Doc. 81-5609 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-01-M

[TSH-FRL 1757-2 (OPTS-59019B)]

## Certain Chemicals; Premanufacture Exemption Applications; Withdrawal

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(h)(1) of the Toxic Substances Control Act (TSCA) allows EPA to exempt any person, for purposes of test marketing a new chemical substance, from premanufacture notification requirements imposed by section 5(a)(1). This notice announces the withdrawal during 1980 of test marketing exemption applications (TMEA's) T80-19, T80-27, T80-28, T80-29, T80-30, T80-32, T80-33, and T80-35.

**FOR FURTHER INFORMATION CONTACT:** Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, DC 20460, (202-426-2601).

**SUPPLEMENTARY INFORMATION:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(h)(1) allows EPA to exempt any person, upon application, from PMN requirements for purposes of test marketing the new chemical. In order to grant an exemption, EPA must find that the proposed test marketing activities will not present any unreasonable risk of injury to health or the evnironment. If granted, the Agency may include in the exemption any restrictions which are considered appropriate. Section 5(h)(6) requires EPA to publish a notice of receipt of each application in the **Federal Register.** That section also requires the Agency to either approve or deny exemptions within 45 days of receipt of an application and to publish notice of its action in the **Federal Register.**

This notice announces that during 1980 eight applications for test marketing exemptions were voluntarily withdrawn from review by the submitting companies. Pertinent information is supplied for each application to the extent it was not claimed to be confidential business information.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 11, 1981.

**Edward A. Klein,**

*Director, Chemical Control Division.*

**Withdrawn Test Marketing Exemption Applications**

| Number and manufacturer's identity | Chemical identity | Section 5(h)(6) FR citation | Date withdrawn |
|---|---|---|---|
| TM-80-19 Claimed confidential business information (CBI). | CBI | 45 FR 30133 (May 7, 1980) | Dec. 15, 1980. |
| TM-80-27 E. I. du Pont de Nemours | Acidic phenyltetrazole derivative. (Generic) | 45 FR 44394 (July 1, 1980) | Nov. 20, 1980. |
| TM-80-28 E. I. du Pont de Nemours | Nitro acid. (Generic) | 45 FR 44394 (July 1, 1980) | Nov. 20, 1980. |
| TM-80-29 E. I. du Pont de Nemours | Substituted propane. (Generic) | 45 FR 44394 (July 1, 1980) | Nov. 20, 1980. |
| TM-80-30 E. I. du Pont de Nemours | Substituted nitroaromatic (Generic) | 45 FR 44394 (July 1, 1980) | Nov. 20, 1980. |
| TM-80-32 E. I. du Pont de Nemours | Monosubstituted dialkyl aniline. (Generic) | 45 FR 51906 (Aug. 5, 1980) | Nov. 20, 1980. |
| TM-80-33 E. I. du Pont de Nemours | Disubstituted indole. (Generic) | 45 FR 51906 (Aug. 5, 1980) | Nov. 20, 1980. |
| TM-80-35 CBI | CBI | 45 FR 52242 (Aug. 6, 1980) | Dec. 15, 1980. |

[FR Doc. 81-5608 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-31-M

[PH-FRL 1757-3; OPP-30000/28C]

## Creosote, Pentachlorophenol and the Inorganic Arsenicals; Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration of the Wood Preservative Uses of Pesticide Products; Notice of Availability of Position Document 2/3

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Preliminary Notice of Determination; Availability of Position Document on the Wood Preservative Uses of Creosote, Pentachlorophenol and the Inorganic Arsenicals.

**SUMMARY:** The Environmental Protection Agency issued notices of rebuttable presumption against registration and continued registration (RPAR) of pesticide products containing coal tar, creosote, and coal tar neutral oil, pesticide products containing inorganic arsenic and pesticide products containing pentachlorophenol which appeared in the **Federal Register** of October 18, 1978 (43 FR 48154, 48267, and 48443, respectively). Since these pesticides are the most widely used pesticidal wood treatment chemicals, the wood treatment uses of these pesticides were considered together in the risk/benefit evaluation phase of the RPAR review process. This notice presents the preliminary determinations of the Agency concluding the RPAR proceedings for the wood preservative uses of coal tar, creosote, coal tar neutral oil, inorganic arsenic and pentachlorophenol, and solicits comments on these determinations. Other uses of these pesticide chemicals will be considered at a future time in

individual risk/benefit analyses for each chemical.

**DATE:** Comments should be received on or before May 20, 1981.

**ADDRESS:** Written comments should be submitted to: Document Control Officer, Management Support Division (TS-793), Environmental Protection Agency, Room E-401, 401 M St., SW., Washington, D.C. 20469.

Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the comments. The comments should bear the identifying notation OPP-30000/28C. The administrative record supporting this action is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Joan Warshawsky, Special Pesticide Review Division (TS-701), Environmental Protection Agency, Room 711-B, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 557-7460.

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

On September 30, 1978, the Environmental Protection Agency issued notices of rebuttable presumption against registration and continued registration (RPAR) for pesticide products containing coal tar, creosote and coal tar neutral oil, pesticide products containing inorganic arsenic and pesticide products containing pentachlorophenol, notice of which appeared in the **Federal Register** of October 18, 1978 (43 FR 48154, 48267, 48443, respectively). For coal tar, creosote and coal tar neutral oil, the rebuttable presumption was issued on the basis of oncogenicity and mutagenicity. The Agency's basis for the issuance of a rebuttable presumption against registration for the inorganic arsenical pesticides was oncogenicity, mutagenicity and reproductive and fetotoxic effects. In addition, the Agency solicited additional information bearing on the possible adverse effects of delayed neurotoxicity and population reduction in nontarget aquatic and mammalian species for inorganic arsenic. The Agency issued a rebuttable presumption against pesticide products containing pentachlorophenol on the basis of teratogenicity and fetotoxicity, and in addition, solicited further evidence bearing on the possible adverse effect of mutagenicity.

Since these pesticides are the most widely used pesticidal wood treatment chemicals, the Agency considered the wood treatment uses of these pesticides together in the risk/benefit evaluation phase of the RPAR review process. This notice constitutes the Agency's Notice of Determination (Notice), pursuant to 40 CFR 162.11(a)(5), concluding the RPAR proceedings for the wood preservative uses of (1) coal tar, creosote, and coal tar neutral oil (hereinafter referred to as "creosote"), (2) inorganic arsenic and (3) pentachlorophenol.This determination is preliminary at this point pending external review through submission to, and review by, the United States Department of Agriculture and the Scientific Advisory Panel, pursuant to Sections 6(b) and 25(d) of the Federal Fungicide, Insecticide, and Rodenticide Act (FIFRA), as amended. This action does not become final until the Agency has reviewed the comments of these reviewers and issued a final notice. Other non-wood preservation pesticidal uses of these chemicals will be considered at a future time in individual risk/benefit analyses for each chemical.

In broad summary, the Agency has determined that the wood preservative pesticidal chemicals creosote, pentachlorophenol, and the inorganic arsenicals (the term "wood preservative chemicals" is used in this notice and the accompanying Position Document to refer to the three wood preservatives under RPAR review) continue to exceed the risk criteria set forth in 40 CFR 162.11 for the adverse effects on which rebuttable presumptions against registration were issued. The Agency has also determined, based on information received since the issuance of the pentachlorophenol RPAR, that the use of pentachlorophenol (as well as its sodium salt) poses the risk of oncogenicity because of the presence of the contaminants hexachlorodibenzo-p-dioxin (HxCDD) and hexachlorobenzene (HCB). HxCDD also has the potential to produce teratogenic/fetotoxic effects. With regard to the other effects on which additional information was sought, the Agency has concluded that the available information is still insufficient to allow the Agency to draw a conclusion regarding the potential of the wood preservation chemicals to produce these effects.

The risks posed by creosote, pentachlorophenol and the inorganic arsenicals to certain exposed groups are of sufficient concern to require the Agency to consider whether these risks can be reduced. The Agency has considered benefits information including that submitted by registrants, interested persons and the United States Department of Agriculture and has analyzed the economic, social and environmental benefits of the uses of the wood preservation chemicals. The Agency has weighed the risks and benefits together, in order to determine whether the risks of the wood preservative uses are warranted by the benefits of the uses. In weighing risks and benefits, the Agency considered what risk reductions could be achieved and the impact of these risk reductions measures on the benefits of each use.

The Agency has determined that the spray method of application for pentachlorophenol products which are available for retail sale in concentrations of 5% or less are greater than the social, economic and environmental benefits of use, and that risk reduction measures cannot reduce the risk to an acceptable level. Accordingly, the Agency is proposing to initiate action to cancel or deny registrations for the spray use of pentachlorophenol products which are available for retail sale in concentrations of 5% or less. The Agency has determined that the cancellation of the spray method of application for these pentachlorophenol products will not have a significant impact on the production and prices of agricultural commodities, retail food prices and otherwise on the agricultural economy or on the rest of the American economy.

For all the other wood preservative uses of creosote, pentachlorophenol and the inorganic arsenicals, the Agency has determined that the risks of use of these pesticide chemicals are greater than the social, economic and environmental benefits of each use, *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for all the wood preservative uses of these pesticides *unless* the terms and conditions of registration are modified for these uses. The modifications proposed by the Agency are set forth in Unit III of this Notice on a use-by-use basis for each of the wood preservative pesticides. These modifications include protective clothing and equipment requirements, prohibitions against eating, drinking and smoking while applying wood preservative agents, requirements for proper care and disposal of work clothing and equipment, the classification of certain uses for restricted use, the requirement for a closed mixing and a closed emptying system for power and prilled formulations, the prohibition against all but a few low exposure indoor application uses, the prohibiton against

applying the wood preservative pesticides in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed or drinking and irrigation water, and the requirement of control technologies to reduce arsenic surface residues on the treated wood. The Agency has determined that these risk reductions can be achieved without significant impacts on the benefits of the uses. These modifications in the terms and conditions of registration for the wood preservative uses will not have a significant impact on the American economy. In addition to the modifications proposed under the authority of FIFRA, the Agency expects to propose regulatory measures for the safe use and disposal of treated wood products pursuant to the Toxic Substances Control Act.

The remainder of this notice and the accompanying Position Document set forth in detail the Agency's analysis of comments submitted during the rebuttal phase of the RPAR for creosote, pentachlorophenol and the inorganic arsenicals and the Agency's reasons and factual bases for the regulatory actions it is initiating. The Notice is organized into four units. Unit I is this introduction. Unit II, titled "Legal Background", sets forth a general discussion of the regulatory framework within which this action is taken. Unit III and the accompanying Position Document set forth the bases for these determinations. Unit IV, titled "Procedural Matters", provides a brief discussion of the procedures which will be followed in implementing the regulatory actions which the Agency is initiating in this notice.

## II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment" under section 3(c)(5). The term "unreasonable adverse effects on the environment" is defined as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the uses of any pesticide" under FIFRA, section 2(bb). In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with commonly recognized practices. The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.

The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide a public, informal procedure for the gathering and evaluation of information about the risks and benefits of these uses. The regulations governing the RPAR process are set forth at 40 CFR §162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set forth in the regulations.

The Agency generally announces that an RPAR has arisen by publishing a notice in the **Federal Register**. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to humans or to animals or plants of concern with regard to the adverse effects in question. See 40 CFR 162.11(a)(4). Further, in addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risks of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination in which the Agency states and explains its position on the question of whether the risk presumptions have been rebutted. If the Agency determines that a presumption is not rebutted, it will then consider information relating to the social, economic and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency.

After weighing the risks and the benefits of a pesticide's uses, the Administrator may conclude the RPAR process by issuing a notice of intent to cancel or deny registration pursuant to FIFRA section 6(b)(1) and section 3(c)(6) or by issuing a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA to determine whether the registrations should be cancelled or applications for registration denied.

In determining whether the use of a pesticide poses risks which are greater than benefits, the Agency considers modifications to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of the use. Among the risk reduction measures short of cancellation which are available to the Agency are changes in the directions for use on the pesticide's labeling and classification of the pesticide for "restricted use" pursuant to FIFRA section 3(d).

FIFRA requires the Agency to submit notices issued pursuant to section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy under section 6(b). Under FIFRA, if the Secretary of Agriculture comments in writing within 30 days after receiving the notice, the Agency is required to publish the Secretary's comments and the Administrator's response with the notice. In this case, due to the length and complexity of the Notice and the Position Document which set forth the Agency's proposed determinations and the rationale for these determinations, the Agency will allow 90 days for receipt of comments. FIFRA also requires the Administrator to submit section 6 to a Scientific Advisory Panel for comment on the impact of the proposed action on health and the environment, at the same time and under the same procedures as those described above for review by the Secretary of Agriculture under Section 25(d).

Although not required to do so under the statute, the Agency has decided that it is consistent with the general theme of the RPAR process and the Agency's overall policy of open decision making to afford registrants and other interested persons an opportunity to comment on the bases for the proposed action during the time that the proposed action is under review by the Secretray of Agriculture and the Scientific Advisory Panel. Accordingly, appropriate steps will be taken to make copies of the Position Document available to registrants and other interested persons at the time the decison documents are transmitted for formal external review, through publication of a notice of availability in the **Federal Register** or by other means. Registrants and other interested pesons will be allowed the same 90 day period of time to comment that the Agency is providing for receipt

of comments from the Secretary of Agriculture and the Scientific Advisory Panel.

After completing these external review procedures and making any changes in the proposed action which are deemed appropriate as a result of the comments received, the Agency will proceed to implement the desired regulatory action by preparing appropriate documents and releasing them in the manner prescribed by the statute and by the Agency's rules.

**III. Determination and Initiation of Regulatory Action**

The Agency has considered information on the risks associated with the uses of the wood preservative pesticide chemicals including information submitted by registrants and other interested persons in rebuttal to the creosote, pentachlorophenol and the inorganic arsenical RPAR notices. The Agency has also considered information on the social, economic and environmental benefits of the uses of the wood preservative chemicals subject to RPAR review, including benefits information submitted by registrants and other interested persons in conjunction with their rebuttal submissions, and information submitted by the United States Department of Agriculture.

The Agency's assessment of the risks and benefits of the uses of the wood preservative chemicals subject to this RPAR, its conclusions and determinations whether any uses of these chemicals pose unreasonable adverse effects on the environment, and its determinations whether modifications in the terms or conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects are set forth in detail in the Position Document. This Position Document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this Notice and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy or on the rest of the American economy. For the reasons summarized below and developed in detail in the Position Document, the determinations of the agency with respect to the wood preservative pesticide chemicals are as follows:

*A. Determinations on Risk*

The creosote RPAR was based on information indicating that creosote posed the risks of oncogenicity and mutagenicity to humans the pentachlorophenol RPAR was based on information indicating the pentachlorophenol posed the risks of teratogenicity and fetotoxicity to humans. The Agency also solicited further information bearing on the potential for pentachlorophenol to produce mutagenic effects. The Agency's basis for the issuance of a rebutable presumption against registration for the inorganic arsenical pesticides was oncogenicity, mutagenicity and teratogenic, fetotoxic and reproductive effects. In addition, the Agency solicited additional information bearing on the possible adverse effects of delayed neurotoxicity and population reduction in nontarget aquatic and mammalian species for inorganic arsenic. As developed fully in the Position Document (Pd 2/3), the Agency has determined that the information submitted to overcome the risk concerns cited above for the wood preservative pesticide chemicals was insufficient to overcome the presumption against these chemicals for the effects of concern. The Agency has also determined, based on information received since the issuance of the pentachlorophenol RPAR, that the use of pentachlorophenol poses the risk of oncogenicity because of the presence of the contaminants hexachlorodibenzo-p-dioxin (HxCDD), and hexachlorobenzene HCB). HxCDD also has the potential to produce teratogenic/fetotoxic effects. After reviewing the data and comments on the adverse effects for which additional information was sought, the Agency has concluded that the available information is still insufficient to allow the Agency to draw a conclusion that inorganic arsenic has the potential to produce delayed neurotoxicity and population reductions in nontarget aquatic and mammalian species and that pentachlorophenol produces mutagenic effects.

In making its risk determinations, the Agency considered the following populations: treatment plant applicators, non-treatment plant applicators and the general population who may be exposed to the wood preservative pesticides by the use of treated wood products. About 9,000 to 13,000 workers (10–15 per plant) are involved in the pressure treatment of wood. The number of workers applying creosote is about 4,000; 1,400 to 2,000 workers are engaged in applying the inorganic arsenicals and 4,000–5,000 workers apply pentachlorophenol. For the non-pressure treatment plants, the work force includes about 20,000 workers (10 per plant) for sapstain control with sodium penta, 7,000 to 10,000 workers (3–5 per plant) for the application of pentachlorophenol to millwork and plywood and about 10 workers (1 plant) for the application of pentachlorophenol to particleboard.

The groundline treatment of poles with creosote and pentachlorophenol involves about 350 applicators. For the home and farm use of pentachlorophenol and creosote, the Agency estimates that approximately 3 million to 6 million individuals apply pentachlorophenol and 50,000 individuals use creosote products. In addition, about 50,000 commercial applicators apply formulations of pentachlorophenol, creosote and the inorganic arsenicals.

For creosote, the risks of oncogenicity and mutagenicity are posed to pressure treatment applicators, who may be exposed to creosote both dermally and via inhalation during application procedures. Treatment plant activities which entail significant creosote exposure include opening cylinder doors, handling treated wood and cleaning the treatment cylinders. Although the Agency was unable to quantitate the risks to the creosote tratement plant applicators, these risks are believed to be significant.

The use of the inorganic arsenical wood preservative chemicals poses the health hazards of oncogenicity, mutagenicity and teratogenic, fetotoxic and reproductive effects to treatment plant applicators. The risks to treatment plant workers who pressure treat wood with the inorganic arsenicals result from dermal and inhalation exposure from a variety of application activities as well as from inhalation of background arsenic dust produced during mixing operations and from the release of particles from the drying wood. Activities which result in both dermal and inhalation exposure include bag emptying, mixing concentrated solutions, and cleaning the treatment cylinders. Dermal exposure can occur when an applicator mixes dilute solutions, opens cylinder doors and handles treated wood. The oncogenic risk to the inorganic arsenical treatment plant workers, estimated by standard Agency techniques, ranges from $10^{-1}$ to $10^{-3}$, and the mutagenic risk also appears to be significant for these workers. However, for the oncogenic risk estimates, the Agency believes that the model tends to overstate the actual risk in this case because of adjustments and assumptions made to handle uncertainty in a conservative manner. For the inorganic arsenical treatment plant workers, the margins of safety for teratogenic/fetotoxic effects falls in the 100–500 range.

The risks posed by the use of pentachlorophenol, which is contaminated with hexachlorobenzene

(HBC) and hexachlorodibenzo-p-dioxin (HxCDD), include fetotoxicity, teratogenicity and oncogenicity. High inhalation and dermal exposure situations include bag emptying of prilled formulations, opening cylinder doors, and cleaning cylinders and vats. Dermal exposure can also result from the handling of treated wood. These pressure-treatment plant activities pose an oncogenic risk which ranges from negligible to $10^{-3}$, and result in fetotoxic margins of safety ranging from 6 to 730.

The use of creosote and pentachlorophenol mixtures for groundline treatment of poles results in dermal exposure to the applicators. The Agency was unable to quantify the risks to applicators engaged in the groundline treatment of poles. For the home and farm application of creosote and pentachlorophenol products, the exposure during outdoor application is primarily by the dermal route. The home and farm use of pentachlorophenol by means of dipping and brushing results primarily in dermal exposure during application; where spraying is the method of application, significant inhalation as well as dermal exposure will be incurred by the applicators. The home and farm uses of pentachlorophenol pose an oncogenic risk to the applicators in the negligible to $10^{-4}$ range, and result in fetotoxic margins of safety ranging from 6 to 650.

Commercial applicators who apply brush-on solutions of arsenic to cut-ends of wood incur exposure by both the inhalation and dermal routes. Arsenic brush-on applicators face an oncogenic risk in the $10^{-2}$ range (subject to the caveats stated earlier regarding the high estimated levels of quantitative risk) and a teratogenic-fetotoxic margin of safety of about 1,200.

For the sapstain control use of sodium pentachlorophenate and the millwork and plywood use of pentachlorophenol, exposure occurs by both the inhalation and dermal routes during the spray method of application; with the dip method, exposure will be primarily dermal. For the particleboard use, applicator inhalation exposure will result from airborne pentachlorophenol in the treatment plant, and dermal exposure will be incurred by applicators who handle the treated particleboard without gloves and other protective clothing. For the sapstain and millwork and plywood use, the estimated risk of oncogenicity due to exposure to the pentachlorophenol dioxin contaminant falls in the $10^{-3}$ to $10^{-7}$ range, and the fetotoxicity margins of safety range from 6-60. The Agency was unable to quantify the risks for the particleboard use.

Risks to users of treated wood products arise primarily from dermal contact with the treated wood, although inhalation exposure can result from certain use patterns. Individuals who lay railroad ties or who work with creosote-treated pilings and telephone piles will incur dermal exposure resulting from the leaching of creosote to the surface of the treated wood. Individuals who handle and saw wood treated with the inorganic arsenicals will incur exposure both by dermal contact with the wood and via the inhalation of arsenic dust. The oncogenic risk to construction workers who saw inorganic arsenical-treated wood is estimated to be in the $10^{-1}$ range (subject to the caveats stated earlier regarding the high estimated levels of quantitative risk) and the teratogenic/fetotoxic margin of safety for this activity ranges from 106–128. Users of pentachlorophenol-treated wood will incur exposure primarily by the dermal route. Significant inhalation exposure to pentachlorophenol and creosote could result after application in situations where these chemicals are applied indoors. The user of treated particleboard in the indoor setting will experience pentachlorophenol exposure via inhalation as well as via food contamination, as this product is used primarily for kitchen cabinets. The risks due to exposure to creosote, pentachlorophenol and inorganic arsenical-treated wood have not been quantified for most use situations, but are believed to be significant in some situations.

The risks of use for all use situations for the three wood preservative chemicals are of sufficient magnitude to require the Agency to determine whether the uses of the wood preservative pesticide chemicals offer offsetting social, economic or environmental benefits.

*B. Determination on Benefits*

For both the pressure and non-pressure uses, the Agency has evaluated the economic impact of the cancellation of one or more of the wood preservative agents in terms of the cost of substitution of the remaining registered wood preservative(s) or alternative materials. The detailed analysis which appears in the accompanying Position Document was based on information submitted by the registrants, material from the USDA-States-EPA Assessment Report and other information available to the Agency. The economic impacts were derived by evaluating the cancellation scenarios of each wood preservative on a use-by-use basis. For the cancellation of all three wood preservative pesticides for all uses, the impacts may have been significantly underestimated because the resultant technological and social changes (e.g., large scale displacements and reeducation) cannot be fully assessed by the methods employed in the analysis. The pressure uses which were included in this benefits analysis are: (1) railroad ties, (2) lumber, timber and plywood, (3) pilings, (4) posts, (5) crossarms, and (6) poles. The non-pressure uses which were considered included: (1) poles-groundline (2) home and farm, (3) stain control, (4) millwork and plywood, and (5) particleboard.

1. *Introduction.* All untreated wood products, regardless of their original strength, durability or natural resistance, are subject to degradation when placed in end-use situations which are conducive to attack by fungi, insects, bacteria, or marine borers. The application of selected chemicals as wood preservatives protects wood from deterioration and frequently yields a product with significant advantages in terms of cost and performance over non-wood alternatives that might be available. The actual service life of treated wood products depends on the treated wood's inherent resistance to decay as well as on the environmental conditions of end-use such as marine immersion or ground contact. An increase in life expectance of five or more times that of untreated wood is achieved for most treated wood products.

2. *Pressure uses*—a. *Railroad ties.* In 1978, about 103.5 million cubic feet of railroad crossties and switchties were treated with wood preservatives for use in the railroad tie system in the United States. Approximately 99.6% of these ties were treated with creosote and the remaining 0.4% with pentachlorophenol. The high usage of creosote-treated ties reflects the greater strength and lower cost of the creosote-treated ties compared with other preservative-treated wood ties. Inorganic arsenical treatment is considered to be unacceptable for railroad tie use because inorganic arsenical-treated ties are brittle and do not hold fasteners well. Concrete ties are technically feasible substitutes for treated wood ties; however, treated wood ties and concrete ties cannot be intermixed in a given section and the replacement of creosote-treated ties with concrete necessitates the replacement of all the ties in a given section of the railroad tie system.

The impact of the cancellation of creosote was analyzed in terms of the

"annualized" or average annual cost, which represents the average yearly investment which is required to maintain the railroad system for a finite time period (the time selected for this analysis was 100 years). The Agency has determined that there would be a major adverse economic impact of a $40.5 million annualized cost increase if creosote were cancelled and pentachlorophenol were still available for the railroad tie use. The first year impact would result in a decline in cost of $18.2 million due to lower installation costs for pentachlorophenol-treated ties compared to creosote-treated ties. There would be little or no first year ensuing long-term adverse economic impact if pentachlorophenol were cancelled and creosote were still available to the railroad industry. However, if both creosote and pentachlorophenol were cancelled, the most likely substitutes would be copper naphthenate-treated ties and concrete railroad ties. If copper naphthenate-treated ties or concrete ties are used, the annualized costs for the railroad tie system would increase by $0.74 billion and $2.4 billion, respectively. The first year economic impacts would be an additional cost of $0.58 billion for copper naphthenate-treated ties, and $3.7 billion for concrete ties. These projected major adverse impacts are based on the assumption that the supply of alternative materials is adequate for substitution at current prices.

b. *Lumber, timber and plywood.* Treated lumber is used in a variety of end-uses formerly served almost exclusively by cedar and redwood. Shorter supplies and higher prices for the naturally resistant wood species have resulted in a great demand for treated wood. Inorganic arsenical-treated wood, which is suitable for almost all end-uses of lumber, timber and plywood, has been the primary replacement material for cedar and redwood.

An estimated 105.3 million cubic feet of lumber and timber were treated with the three wood preservatives in 1978. In addition, more than 2 million cubic feet of plywood and a substantial amount of sawn material were treated. In 1978, creosote was used for treating about 10.78 million cubic feet of lumber and timber. Industrial block flooring accounted for about 700,000 cubic feet of creosote-treated lumber; the other 10.08 million cubic feet of creosote-treated wood in this use category are used primarily as timbers for landscape, farm, mine and marine construction purposes. More than 70% of the total treated lumber and timber, about 73.32 million cubic feet, was treated with inorganic arsenicals and about 20%, or about 21.21 million cubic feet of lumber and timber, was treated with pentachlorophenol in 1978.

Based on efficacy and other performance characteristics, inorganic arsenical-treated wood is suitable for most end-uses of lumber, timber and plywood. Inorganic arsenical-treated wood is clean, odorless, paintable, easy to handle, harmless to plants and durable compared to either pentachlorophenol or creosote-treated wood. Pentachlorophenol and creosote-treated lumber, timber and plywood have limited uses due to odor, objectionable vapors and oily, unpaintable surfaces. Inorganic arsenical wood preservatives are used for treating wood for such uses as patios, decks, playground equipment, cooling towers, greenhouses, horticultural nurseries and all weather wood foundations; these uses comprise the bulk of the market for treated lumber, timber, and plywood.

Creosote is the only wood preservative which is satisfactory for use in interior industrial block flooring to protect the wood from mechanical as well as physical deterioration. Creosote applications are preferred where treated wood is subject to a high volume of heavy traffic because of the protection from weathering and abrasion that it imparts to the wood. Pentachlorophenol in P9 oil also has these protective qualities (except for marine applications) and can be substituted for creosote for these uses; inorganic arsenicals are also an alternative for these use patterns except under conditions of high mechanical stress due to the brittleness imparted by the inorganic arsenical treatment. Creosote-treated wood is also preferred for industrial applications in high acid environments due to creosote's high resistance to acids. Pentachlorophenol in heavy oil ranks second to creosote in this regard, with inorganic arsenicals having no acid resistance.

Since lumber, timber and plywood include a wide variety of treated wood used for many different end-uses, replacement costs could not be determined for all treated wood products in this use category. Thus, the total economic impact of cancellation of the three wood preservatives could not be estimated for comparison to the actual 1978 situation. If inorganic arsenicals were cancelled for lumber, timber and plywood, there would be a major first year and major annual long-term adverse economic impacts since pentachlorophenol and creosote are not acceptable alternatives to inorganic arsenic for wood preservative treatment of lumber, timber and plywood.

If creosote were cancelled, there would be a minor first year and minor long-term economic impacts of an annual cost increase of $39 million. If pentachlorophenol were cancelled, the first year estimated impact and subsequent annual impact would be an increase of $18 million. If pentachlorophenol and creosote were cancelled, the first year impact and the estimated annual long-term impact would be an increase of $5.2 million.

If the inorganic arsenical compounds, and pentachlorophenol were cancelled, there would be major first year and long-term cost impacts since creosote would not be an acceptable substitute for most uses of lumber, timber and plywood. If the inorganic arsenicals and creosote were cancelled, there would be major cost impacts since pentachlorophenol is not an acceptable substitute for most uses on lumber, timber and plywood.

If all three wood preservatives were cancelled, non-wood materials such as plastic, steel, concrete or similar materials would be substituted for the three wood preservatives. The economic impact resulting from this cancellation scenario cannot be determined because of the diversity of end-uses of lumber, timber, and plywood. However, it is expected that the non-wood materials would have a higher cost than treated wood. The Agency does have preliminary information on the impacts of the cancellation of inorganic arsenical-treated lumber used for home construction (e.g., all weather wood foundations (AWWF), plates and sills, and structural framing). There are about 10,000 homes built annually with AWWF (about 2,400 board feet of ACA- and/or CCA-treated lumber per home), about 750,000 homes with treated plates and sills (about 220 board feet of ACA- and CCA-treated lumber per home), and about 8,000 homes with treated structural framing (about 10,000 board feet of CCA-treated lumber per home). Most of the AWWF homes are located in the northern United States; plates and sills are found in southern homes on slab foundations, and the structural framing homes are located only in Hawaii. In recent years, about 1% of the home foundations used treated wood or masonry and 99% used concrete. However, the all weather wood foundations are projected to have an increasing share of the market.

If inorganic arsenicals were cancelled for treating AWWF, the most likely substitutes would be concrete and masonry foundations. In rural, isolated

areas in the northern United States the use of AWWF's results in a savings to the home buyer, but the concrete and masonry foundations are likely to be lower or equal in cost to all weather wood foundations in urban areas. If the inorganic arsenicals were cancelled for treatment of plates and sills, the most likely substitute would be steel plates and sills. The use of steel plates and sills for home construction instead of treated wood would not result in a cost increase. If the inorganic arsenicals were cancelled for treatment of structural framing, the most likely substitutes would be concrete, masonry, and steel framing. The cost of these substitutes are similar to that of treated wood.

c. *Pilings.* An estimated 12.09 million cubic feet of pilings were treated with wood preservatives in 1978 for use as marine and foundation pilings. Creosote was used to treat 82.7% of these pilings in 1978, while pentachlorophenol was the wood preservative for 9.5% of the pilings and the inorganic arsenicals were used for 7.8%. Pentachlorophenol is not recommended or used for marine pilings; inorganic arsenicals could serve as an alternative for creosote in marine and foundation uses even though the brittleness imparted to pilings by inorganic arsenic results in some breakage of pilings during shipping and mechanical driving. Both concrete and steel can provide technically acceptable alternative materials for pilings in foundation uses. However, steel would be subject to corrosion in highly acidic soils or in marine environments.

The Agency has determined that there would be a major adverse economic impact if pentachlorophenol or creosote were cancelled. The annual cost impacts would be a $9–10 million increase for the cancellation of creosote and a $8.3–9.0 million increase for the cancellation of pentachlorophenol. If the inorganic arsenicals were cancelled, the extent of the annual economic impacts would be minor since creosote-treated pilings could substitute for inorganic arsenical-treated pilings. If both pentachlorophenol and the inorganic aresenicals were cancelled for use on pilings, there would be a major annual cost increase of greater than $9.0 million. If both creosote and the inorganic arsenicals were cancelled, steel or concrete would be used as alternatives for 4.3 million cubic feet of marine pilings, since pentachlorophenol is not recommended or used for marine use. If pentachlorophenol and creosote were cancelled for pilings, the annual impact would be an additional cost of $8 million, for both the first and subsequent years. Under this scenario, the high cost increase for equipment changes is largely offset by the lower cost of arsenical-treated pilings.

If all three wood preservatives were cancelled, the most likely substitutes would be concrete for marine uses and concrete and steel for the foundation uses. The costs of both concrete and steel pilings (including installation costs) are higher than treated wood piles on a one for one basis. If concrete or steel pilings are used instead of treated wood pilings, the total average annual (annualized) installed cost of pilings would increase 33.3% ($64.5 million) for concrete and 67% ($129.1 million) for steel compared to the 1978 cost of treated wood pilings (assuming a one to one replacement for the wood pilings). However, if concrete and steel piles are assigned heavier loads than those previously assigned to the treated wood piles, the total installed cost of pilings could decrease by as much as 11% for concrete and increase by as much as 11% for steel, compared to the 1978 annualized cost of treated wood pilings. In the use of foundation pilings in residential and small commercial buildings where loads are relatively low concrete or steel pilings will usually be much higher in cost than treated wood pilings.

d. *Posts.* In 1978, an estimated 20 million cubic feet of posts were treated with preservatives. Treated wood posts include such uses as fences, highway guardrails and signposts, farm fence posts account for the largest proportion of treated posts use. The average service life of untreated fence posts is only 3.3 years, compared with 38 years for creosote or inorganic arsenical-treated posts (ACA) and 33 years for posts treated with pentachlorophenol. The 1978 distribution of fence posts by treatment chemical was 22.9% for creosote, 54.8% for pentachlorophenol and 22.3% for the inorganic arsenicals. The total cost of treated wood posts in 1978 was $66.1 million.

The Agency has determined the economic impacts if one or more of the three wood preservatives were cancelled. If pentachlorophenol were cancelled, there would be a moderate economic impact, an annual increase of $0.75 million to $5.1 million in the costs of treated wood posts, depending on which alternative (e.g., creosote or the inorganic arsenicals) is chosen. If cresote were cancelled, there would be a moderate economic impact of a $3.3 million annual cost increase for the first and subsequent years. If the inorganic arsenicals were cancelled, the first year and annual long-term impacts would be a cost increase of $4.0 million to $4.5 million in treated wood posts depending on which alternative (e.g., creosote or pentachlorophenol) is chosen; this impact is viewed as moderate.

If both creosote and the inorganic aresenicals were cancelled, there would be major adverse economic impacts for both the first year and subsequent years; the cost impact is estimated to be an annual cost increase of greater than $7 million for treated wood fence posts. If both the inorganic arsenicals and pentachlorophenol were cancelled, there would be a moderate adverse economic impact for both the first and subsequent years (an annual increase in post cost of greater than $5.1 million). Under this cancellation scenario, steel posts would probably replace treated wood posts for suburban uses since creosote-treated posts are unacceptable replacements. However, if both creosote and pentachlorophenol were cancelled, there would be minor adverse first year and annual long-term impacts; this impact is estimated, based on current levels of usage, to be an annual cost increase of $383,000.

If all three wood preservatives were cancelled, steel or concrete posts would be the most likely alternative materials that would be used for fence posts. T-type steel posts which serve as substitutes for treated wood posts in farm uses, are priced competitively with treated wood posts. Thus, substitution of steel posts in many farm uses would not necessarily lead to much higher fencing cost. Concrete posts would be more expensive than steel and probably would not be substituted in most farm situations.

e. *Crossarms.* Crossarms are the cross members of assembled utility poles. An estimated 1,685,000 cubic feet of crossarms were treated with wood preservatives in 1978. The distribution of crossarms by preservative treatments was 2.5% for creosote, 95.8% for pentachlorophenol and 1.7% for the inorganic arsenicals. The 1978 cost of treated crossarms was estimated as $14.86 million. The service lives of crossarms treated with the three major wood preservatives are considered to be equivalent (40 years). Steel crossarms can be used as alternatives for treated wood crossarms in some use situations.

The Agency has determined the economic impact if one, two, or all three wood preservatives were cancelled. If pentachlorophenol were cancelled for the crossarm use, there would be minor to moderate adverse economic impacts for both the first and subsequent years ranging from a decline in annual cost of $0.23 million to an additional annual cost of $1.2 million, depending upon

which alternative (creosote or inorganic arsenicals) is chosen. If creosote were cancelled, there would be minor adverse first year and annual long-term impacts, ranging from a decline in cost of $15,000 to $30,000, depending on which alternative (e.g., inorganic arsenicals or pentachlorophenol) is chosen. These economic impacts are based on current preservative prices and do not include any additional investment costs for conversion from one treatment process to another. If the inorganic arsenicals were cancelled, there would be a slight increase in treated crossarm cost, resulting in minor adverse first year and annual long-term impacts.

If both the inorganic arsenicals and pentachlorophenol were cancelled, there would be an additional annual cost of $1.2 million for treated crossarms, which represents a moderate adverse economic impact. If both the inorganic arsenicals and creosote were cancelled for the crossarm use, there would be an annual decline in cost of $0.2 million. If both pentachlorophenol and creosote were cancelled, there would be a small decline in the annual cost of treated crossarms.

If all three wood preservatives were cancelled, the most likely substitute would be steel crossarms. The steel crossarms would be competitive with treated crossarms for some uses, but, in most instances, this cancellation scenario would result in higher crossarm costs and a major adverse economic impact.

f. *Poles.* Treated poles are the principal structural support elements in the 4.52 million miles of the electric distribution system and the estimated 640,000 miles of electrical transmission lines in the United States. Treated poles are also used to support telephone lines, as light standards, and for construction uses in residential and other buildings. In 1978, an estimated 64.2 million cubic feet of wood were treated for pole use (2.86 million treated poles). The distribution of the three preservatives for pole treatment by volume in 1978 was 65.3% for pentachlorophenol, 28.4% for creosote and 6.3% for the inorganic arsenicals. There are no viable chemical alternatives for the three major wood preservative agents for pole treatment with the possible exception of copper naphthenate for certain limited uses. However, copper naphthenate is unsuitable for large-scale use in poles because it imparts a green, greasy surface to the poles, is unstable in the presence of moisture and causes corrosion of metals. Non-wood alternatives for treated poles include the use of concrete and steel as pole construction materials and the installation of underground distribution and transmission lines in urban areas or in new subdivisions.

The Agency has determined the economic impact on the distribution and transmission pole system if one, two, or all of the three wood preservatives were cancelled. If pentachlorophenol were cancelled for poles, there would be a first year cost increase, ranging from $19.9 million to $24.2 million depending upon which alternative is chosen (e.g., creosote or the inorganic arsenicals.) The long-term economic impact for the cancellation of pentachlorophenol would range from a total annualized cost decrease of $43.6 million to an annualized increase of $32.8 million. If creosote were cancelled, there would be a major adverse economic impact for the first year with an additional cost of $9.4 million to $20.7 million. The long-term impact would range from an average annual decline in cost of $43.6 million to an additional cost of $17.8 million and could cause a major adverse economic impact. If the inorganic arsenicals were cancelled, there would be a minor adverse impact of an additional cost of $1.9 million for the first year and a major adverse economic impact (additional cost of $17.8 million to $32.8 million) for each subsequent year.

If pentachlorophenol and creosote were cancelled, there would be an additional first year cost of $28 million and an annual decline in cost of $43.6 million in subsequent years. If pentachlorophenol and the inorganic arsenicals were cancelled, there would be a major adverse economic impact with a cost increase of $35.5 million in the first year and an average annual cost increase of $32.8 million in subsequent years. The cancellation of creosote and the inorganic arsenicals would result in an additional first year cost of $24.3 million and an average annual cost increase of $18 million in subsequent years, or major economic impacts. If all three major wood preservatives were cancelled for poles, the most likely substitutes would be concrete and steel. Under this cancellation scenario, there would be large first year cost increases and major adverse impacts in subsequent years ranging from $1.3 billion to $2.1 billion depending upon the alternative which is chosen.

3. *Non-pressure uses*—a. *Poles-groundline.* The poles-groundline treatment of in-place utility poles is a small, but increasingly important segment of the wood treatment industry. In poles-groundline treatment, wood preservatives are applied to a previously installed pressure treated pole over a section covering the six inches above and six inches below the ground level of the pole. This treatment can delay decay and subsequent pole failure for 20 years or more.

The two major formulations of commercial poles-groundline treatments marketed in the United States contain both creosote and pentachlorophenol; one of these formulations has a high creosote content and the other a high pentachlorophenol content (the latter product also contains sodium fluoride). Currently, the high creosote formulation is used for about 66% of all poles-groundline treatments and the high pentachlorophenol content product is used for about 33% of the poles-groundline treatment. The number of utility poles receiving groundline treatment in the United States was estimated to be approximately 1 million in 1978.

The Agency has determined the economic impacts if pentachlorophenol, creosote or both were cancelled for this use. If either pentachlorophenol or creosote were cancelled, there would be minor adverse first year or annual long-term impacts because the remaining registered wood preservative would be substituted for the cancelled one.

If both pentachlorophenol and creosote were cancelled for the groundline treatment of poles there would be a first year cost decrease of $10 million to $12 million, but an average annual cost ("annualized") increase of about $36.8 million. If the current level of groundline treatment doubles in the next 5 years, as projected by some experts, the increase in annualized pole replacement costs would exceed $70 million. Thus, the cancellation both creosote and pentachlorophenol for groundline treatment of poles would result in a major adverse economic impact.

b. *Home and farm.* Pentachlorophenol and creosote solutions are applied by homeowners, farmers, and, to some extent, by on-the-job carpenters by brushing, rolling, dipping, soaking or spraying the wood. Typical treated wood items include decks, siding, millwork, lumber, fences, shingles, outdoor furniture and other miscellaneous wood products. These non-pressure applications of pentachlorophenol and creosote extend the useful service life of wood in above ground applications and provide limited protection for wood in contact with the ground. About 1.6 million pounds of pentachlorophenol and 2.0 million pounds of creosote are used around homes and farms to protect various wood structures and products exposed

to natural elements. The inorganic arsenicals preservatives are not generally available to home and farm applicators because of current marketing practices.

There are several alternative wood preservatives registered for use at the home and farm level, the most common being copper naphthenate, copper-8-quinolinolate (Cu-8), zinc naphthenate and tributyltin oxide (TBTO). Copper naphthenate is effective under certain conditions, but its overall performance is questionable and it imparts a green color to the wood, makes a poor base for paint, and leaves the wood difficult to finish naturally. Zinc naphthenate, which imparts a colorless finish to wood, is considered less effective than copper naphthenate. The TBTO formulations are colorless in solution and leave the wood clear and paintable. This chemical has some known merit for protecting wood above ground, but is ineffective for ground contact use. Registered Cu-8 formulations have demonstrated less effectiveness in controlling rot and decay than either creosote, the inorganic arsenicals or pentachlorophenol. Alternatives to non-pressure treatment with chemical agents include leaving the wood untreated, using non-wood materials (e.g., aluminum and concrete), purchasing lumber which has been pressure treated, or using a naturally resistant wood species; these naturally resistant wood species are, however, in short supply.

The Agency has evaluated the benefits of the home and farm uses of pentachlorophenol and creosote and has determined that there would be a minor economic impact consisting of a slight increase in preservative cost if creosote or pentachlorophenol were cancelled. The chemical alternatives (copper naphthenate, copper-8-quinolinolate, zinc naphthenate and tributyltin oxide) are currently available to homeowners and farmers but at prices which are somewhat higher than the price of pentachlorophenol or creosote. These alternatives do not have the wide range of control characteristic of pentachlorophenol or creosote. Non-wood materials such as aluminum and concrete can replace treated wood in some circumstances at comparable prices; the comparability of cost does not, however, take into account the aesthetic value of wood. The price of pressure treated lumber is slightly higher than lumber treated by brush or dip applications, but the pressure treatments provide better protection to the wood. However, the inorganic arsenical-treated lumber can only be considered a partial a substitute for the home and farm uses of pentachlorophenol and creosote since pressure treated lumber is not an alternative for all non-pressure home and farm uses.

c. *Sapstain control.* Although the most serious structural damage to wood is caused by insects and decay, infestion with sapstain fungi increases the capacity of the wood to absorb moisture, thus making the wood more vulnerable to decay. Sapstain fungi infestation also causes discoloration which reduces the market value of the wood. Currently, sodium pentachlorophenate (sodium penta) is the primary antimicrobial used to contain sapstaining and surface staining fungi in the United States. About 1.15 million pounds of sodium penta are used annually for this purpose. These sodium penta solutions often include the salts of other chlorinated phenols.

The alkali salts of tetrachlorophenol (tetra) have used effectively for sapstain control for over 40 years; in recent years, however, sodium penta has replaced sodium tetra as the primary antimicrobial for sapstain control. Copper-8-quinolinolate (Cu-8) is currently registered for sapstain control; information is unavailable on the volume of Cu-8 used for sapstain control and the effectiveness of this chemical for this use. Kiln drying can be used to prevent sapstain for most softwoods; however, kiln drying cannot be utilized in those situations where freshly-cut lumber cannot be placed in the kiln within 48 hours. Kiln drying is also not appropriate for a number of hardwood species which are subject to warping and honeycombing during kiln drying.

The Agency has determined that there would be a minor adverse economic impact if sodium penta were cancelled. The most likely substitutes for controlling sapstain would be the alkali salts of tetrachlorophenol (e.g., sodium tetra or postassium tetra), which are equal in cost and efficacy to sodium penta. There would be only minor changes in treatment cost if applicators switched from sodium penta to sodium tetra for sapstain control; no adverse economic impacts in consumer prices for lumber are anticipated if sodium tetra replaces sodium penta for this use. Other alternatives (e.g., Cu-8 and potassium tetra) are available at a slightly increased cost; these alternatives, however, may not provide adequate protection for sapstain control.

d. *Millwork and plywood.* Millwork includes wood windows, sash screens, blinds, shutters, window frames, doors, door frames and mouldings, as well as machined parts of these products. All of these items are manufactured primarily from ponderosa pine and other softwoods which have a low natural resistance to decay. Millwork and plywood are usually treated with a 5% pentachlorophenol solution in mineral spirits (containing water repellants) which is applied by spraying, brushing, dipping or by the vacuum process. Available alternatives include TBTO, Copper-8-quinolinolate and non-wood structural materials such as aluminum. Pentachlorophenol is colorless, compatible with paints, stains, sealers and primers and does not interfere with the adhension of glazing compounds, caulkings or other sealants. The 0.75% TBTO formulations are effective for exterior millwork which is painted, varnished or coated subsequent to TBTO treatment; however, if millwork is subjected to severe exposure, the prolonged service life provided by 0.75% TBTO will not equal that of pentachlorophenol. The 0.25–0.3% Cu-8 solutions are approved by the National Wood Manufacturers Association (NWMA) for use on millwork, but not recommended by the National Forest Products Association for millwork protection. A waterbased Cu-8 product (0.5%) is available but has not been approved for use by the NWMA.

The Agency has determined that there would be a minor adverse economic impact to the millwork and plywood industry if pentachlorophenol were cancelled. If pentachlorophenol is cancelled, millwork and plywood manufacturers would most likely switch to TBTO, which costs about the same as pentachlorophenol, and is effective for above ground exposure if the TBTO treated wood is painted. If the water-based Cu-8 solution proves to be efficacious many pentachlorophenol users would switch to this formulation. Other alternatives that could be substituted for pentachlorophenol would be untreated wood, which would require frequent replacements and increase the demand for wood products, naturally resistant wood, and non-wood materials (e.g., aluminum).

e. *Particleboard.* In some areas of the United States it may be necessary to use treated particleboard to prevent attack by dry-wood termites and other wood destroying insects. Pentachlorophenol is presently the only preservative used for this specific purpose. There is currently only one known plant producing pentachlorophenol-treated particleboard. The treated particleboard constitutes less than 1% of the average annual particleboard production at the plant and represented a very small part (about 0.005%) of the 3.9 billion square

feet of particleboard produced in the United States in 1978.

The production of treated particleboard generates an annual revenue of about $35,000. Thus, even though there are no registered alternatives for the particleboard use, the economic impacts would be minor if pentachlorophenol were cancelled for this use.

*C. Determination of Unreasonable Adverse Effects*

For the reasons set forth in detail in the accompanying Position Document, the Agency has made the following unreasonable adverse effects determinations about the uses of the wood preservative chemicals.

The Agency has determined that the risks arising from the use of creosote for wood preservative treatment of railroad ties, lumber, timber and plywood, pilings, posts, crossarms, and poles are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for creosote use for treatment of railroad ties, lumber, timber and plywood, pilings, posts, crossarms, and poles *unless* the terms and conditions are modified. For the above uses these modifications include:

1. The requirement that all applicators wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with creosote is possible (e.g., handling treated wood and opening cylinder doors).

2. The requirement that all applicators who open treatment cylinder doors wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

3. The requirement that all applicators who enter pressure treatment cylinders and other related equipment wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all applicators leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of in accordance with the instructions for pesticide container disposal.

5. The prohibition of eating, drinking and smoking during the application of creosote wood preservative treatments.

6. The classification of creosote wood preservative products as restricted use pesticides for application by or under the direct supervision of a certified applicator.

7. The prohibition against the application of creosote to wood which is intended for interior use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites.

8. The prohibition against the application of creosote to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the risks arising from the use of pentachlorophenol for wood treatment of railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles are greater than the social, economic and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for pentachlorophenol use for wood treatment of railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles *unless* the terms and conditions of registration are modified. For the above uses, these modifications include:

1. The requirement that all applicators wear gloves impervious to the wood preservative solution (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated wood and opening cylinder doors).

2. The requirement for the use of a closed emptying and a closed mixing system for all prilled (granular) formulations of pentachlorophenol.

3. The requirement that all applicators who enter pressure treatment cylinders and other related equipment wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all applicators who open treatment cylinder doors wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

5. The requirement that all applicators leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of in accordance with the instructions for pesticide container disposal.

6. The prohibition of eating, drinking and smoking during the application of pentachlorophenol products.

7. The classification of pentachlorophenol wood preservative products formulated for pressure treatment uses as restricted use pesticides for application by or under the direct supervision of a certified applicator.

8. The prohibition against the application of pentachlorophenol to wood which is intended for interior use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites.

9. The prohibition against the application of pentachlorophenol to wood which will be used in a manner which may result in direct exposure to domestic animals or livessock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the risks arising from the use of the inorganic arsenicals for wood preservative treatment of lumber, timber and plywood, piling, posts, crossarms and poles are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for the inorganic arsenicals for treatment of lumber, timber and plywood pilings, posts, crossarms and poles *unless* the terms and conditions of registration are modified. For the above uses, these modifications include:

1. The requirement that all applicators wear gloves impervious to the wood preservative solutions (e.g., rubber) in all situations where dermal contact with the inorganic arsenicals is possible (e.g., handling treated wood and opening cylinder doors).

2. The requirement for the use of a closed emptying and a closed mixing system for all powder formulations of the inorganic arsenical compounds.

3. The requirement that individuals who enter pressure treatment cylinders

and other related equipment wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all applicators leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day and that worn-out protective clothing be disposed of in accordance with the instructions for pesticide container disposal.

5. The requirement that applicators working outdoors in arsenical wood treatment plants wear a dust mask capable of trapping 80% of particulates greater than 5 microns in size.

6. The prohibition of eating, drinking and smoking during the application of arsenical wood preservatives by pressure treatment.

7. The classification of the inorganic arsenical wood preservative chemicals as restricted use pesticides for application by or under the direct supervision of a certified applicator.

8. The requirement for the filtration of the treatment solutions prior to use in the treatment cylinders and the requirement for use of an additional vacuum step prior to the removal of the treated wood from the treatment cylinders. The Agency also recommends the use of wood that is free of heavy resins ("clean" wood), the post-treatment rinsing of treated wood, and the installation of protective sheds or covers over the drying treated wood.

9. The prohibition against the application of inorganic arsenicals to wood which is intended for interior use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, all weather wood foundations, sills and plates, and structural framing.

10. The prohibition against the application of inorganic arsenicals to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has further determined that these modifications in the terms and conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of these uses. These stricter label requirements will not have a significant impact on production and prices of agricultural commodities, retail food prices, or otherwise on the agricultural or on the rest of the American economy. The Agency has determined that, unless these changes in the terms and conditions of registration are accomplished, the uses of creosote for railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles, and of pentachlorophenol for railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles, and of the inorganic arsenicals for lumber, timber and plywood, pilings, posts, crossarms and poles, will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and that the labeling of the wood preservative pesticide products will not comply with the provisions of FIFRA.

The Agency has determined that the risks arising from the wood preservative use of creosote and pentachlorophenol for the groundline treatment of poles are greater than the social, economic and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for creosote and pentachlorophenol use for wood preservative treatment of poles-groundline *unless* the terms and conditions of registration are modified. For the poles-groundline use, these modifications include:

1. The requirement that all applicators using poles-groundline formulations wear gloves impervious to these formulations (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible.

2. The requirement that poles-groundline applicators wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing during the application process.

3. The requirement that poles-groundline applicators dispose of worn-out protective clothing by following the instructions for pesticide container disposal.

4. The prohibition of eating, drinking and smoking during the groundline application of creosote or pentachlorophenol to poles.

5. The classification of all creosote and pentachlorophenol formulations for poles-groundline use as restricted use pesticides.

The Agency has determined that the risks arising from the wood preservative use of creosote and pentachlorophenol for the home and farm uses are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for the creosote and pentachlorophenol home and farm uses *unless* the terms and conditions of registration are modified. For the home and farm uses, these modifications include:

1. The requirement that all home and farm applicators wear gloves impervious to creosote and pentachlorophenol (e.g., rubber) in all situations where dermal contact with these pesticides is possible (e.g., handling treated wood).

2. The requirement that all certified applicators who apply creosote and pentachlorophenol by the spray method wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use, and that all certified applicators who apply creosote and pentachlorophenol by other application processes (e.g., brush-on) clothes wear disposable coveralls (e.g., nitrite or polyethylene) or similar protective clothing.

3. The requirement that non-certified applicators wear tightly-woven cotton coveralls or similar protective clothing during the application process.

4. The requirement that all certified applicators applying creosote or pentachlorophenol solutions dispose of worn-out protective clothing in accordance with instructions for pesticide container disposal.

5. The prohibition of eating, drinking and smoking during the application of creosote or pentachlorophenol products.

6. The classification of all creosote products and all pentachlorophenol formulations containing a pentachlorophenol concentration greater than 5% as restricted use pesticides.

7. The prohibition against applying creosote and pentachlorophenol products indoors and the prohibition against the application of creosote and pentachlorophenol to wood intended for indoor use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, and except for millwork (pentachlorophenol only) which has outdoor surfaces (e.g., doorframes, windows and patio frames).

8. The prohibition against using creosote and pentachlorophenol in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation

flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the risks arising from the wood preservative use of the inorganic arsenicals for brush-on treatment by applicators are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for the brush-on inorganic arsenical use *unless* the terms and conditions of registrations are modified. For the brush-on inorganic arsenical use, these modifications include:

1. The requirement that all applicators wear gloves impervious to the inorganic arsenical solution (e.g., rubber) in all situations where dermal contact with the pesticide solution is possible (e.g., handling treated wood).

2. The requirement that applicators wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing during the application process.

3. The prohibition of eating, drinking and smoking during the application of the inorganic arsenical products.

4. The requirement that applicators applying brush-on inorganic arsenical solutions dispose of worn-out protective clothing in accordance with the instructions for pesticide container disposal.

5. The classification of all inorganic arsenical products as restricted use pesticides.

6. The prohibition against applying brush-on inorganic arsenical treatments to wood intended for indoor use, except for those support structures (e.g., foundation timbers, pole supports, and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, all weather wood foundations, sills and plates and structural framing.

7. The prohibition against using the inorganic arsenicals in a manner which may result in direct exposure to domestic animals or livestock or in the contamination of food, feed, or drinking or irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughts).

The Agency has determined that the risks arising from the wood preservative use of sodium pentachlorophenate for sapstain control are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for the sodium pentachlorophenate use for sapstain control *unless* the terms and conditions of registration are modified. For the sapstain use, these modifications include:

1. The requirement that all applicators using sodium pentachlorophenate for sapstain control wear gloves impervious to sodium pentachlorophenate (e.g., rubber) in all situations where dermal contact with sodium pentachlorophenate (e.g., handling treated wood) is possible.

2. The requirement for the use of a closed emptying and a closed mixing system for prilled (granular) and powder formulations of sodium pentachlorophenate.

3. The requirement that applicators who apply sodium pentachlorophenate formulations by spray methods wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all individuals who enter or clean vats and other related equipment wear a neoprene coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

5. The requirement that sapstain control applicators leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of following the instructions for pesticide container disposal.

6. The prohibition against eating, drinking and smoking during the application of sodium pentachlorophenate for sapstain control.

7. The classification of sodium pentachlorophenate formulations for sapstain control as restricted use pesticides.

8. The prohibition against using sodium pentachlorophenate for sapstain control in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the risks arising from the wood preservative use of pentachlorophenol for millwork and plywood are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the term and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for pentachlorophenol use for the wood preservative treatment of millwork and plywood *unless* the terms and conditions of registration are modified. For the millwood and plywood use, these modifications include:

1. The requirement that all applicators using pentachlorophenol wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with the pentachlorophenol is possible (e.g., handling treated wood).

2. The requirement for the use of a closed emptying and a closed mixing system for all prilled (granular) formulations of pentachlorophenol.

3. The requirement that applicators who apply pentachlorophenol formulations by spray methods wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all applicators who enter or clean vats and related equipment wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

5. The requirement that applicators who apply pentachlorophenol to millwork and plywood leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of following the instructions for pesticide container disposal.

6. The prohibition against eating, drinking and smoking during the application of pentachlorophenol to millwork and plywood.

7. The classification of pentachlorophenol for the millwork and plywood use as a restricted use pesticide.

8. The prohibition against the application of pentachlorophenol to millwork and plywood products which are intended for interior use, except for millwork which has outdoor surfaces (e.g., doorframes, windows and patio frames).

9. The prohibition against using pentachlorophenol for millwork and plywood in a manner which may result in direct exposure to domestic animals, livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes and watering troughs).

The Agency has determined that the risks arising from the wood preservative use of pentachlorophenol on particleboard are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration.

Accordingly, the Agency is proposing to initiate action to cancel or deny registration for pentachlorophenol use for wood preservative treatment of particleboard *unless* the terms and conditions of registration are modified. For the particleboard use, these modifications include:

1. The requirement that all persons who apply pentachlorophenol to particleboard wear gloves impervious to pentachlorophenol (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated particleboard).

2. The requirement for the use of a closed emptying and a closed mixing system for all prilled (granular) formulations of pentachlorophenol.

3. The requirement that all individuals who enter or clean vats, and other related equipment wear a neoprene coated cotton or rubberized overall and jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that applicators who apply pentachlorophenol to particleboard leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of following the instructions for pesticide container disposal.

5. The prohibition of eating, drinking, and smoking during the application of pentachlorophenol to particleboard.

6. The classification of pentachlorophenol for particleboard treatment as a restricted use pesticide.

7. The prohibition against the application of pentachlorophenol to particleboard products which are intended for any interior use (e.g., kitchen cabinets).

8. The prohibition against using pentachlorophenol for treatment of particleboard in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

*The Agency has determined that the modifications in the terms and conditions of registration for the use of creosote and pentachlorophenol on poles-groundline, for the use of creosote and pentachlorophenol for home and farm uses, for the use of the inorganic arsenicals for brush-on treatments, for the use of sodium pentachlorophenol for sapstain control, for the use of pentachlorophenol for millwork and plywood and for the use of pentachlorophenol on particleboard accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of these uses.* These stricter label requirements will not have a significant impact on production and prices of agricultural commodities, retail food prices, or otherwise on the agricultural economy, or on the rest of the American economy. The Agency has determined that, unless these changes in the terms and conditions of registration are accomplished, the non-pressure uses of creosote, pentachlorophenol and inorganic arsenicals listed above will generally cause unreasonable adverse effects on the environment when used in accordance with widespread and commonly recognized practice, and that the labeling of the wood preservative pesticide products will not comply with the provisions of FIFRA.

The Agency has determined that the risks arising from the spray method of application for pentachlorophenol products which are available for retail sale in concentrations of 5% or less are greater than the social, economic and environmental benefits of use, and that risk reduction measures cannot reduce the risk to an acceptable level. Accordingly, *the Agency proposes to cancel or deny registrations for the spray use of pentachlorophenol products which are available for retail sale in concentrations of 5% or less.* The Agency has determined that the cancellation of the spray method of application for pentachlorophenol products will not have a significant impact on the production and prices of agricultural commodities, retail food prices and otherwise on the agricultural or on the rest of the American economy.

In reaching a regulatory position on the wood preservatives, the Agency has considered several important factors: the potentially high risk estimates for all three wood preservative chemicals for pressure and non-pressure treatment plant applicators and for certain non-plant uses, the low number of applicators involved, the extremely high benefits for each chemical, the uncertainty associated with the risk numbers, and the non-substitutability of alternative chemicals for certain uses. The Agency is very concerned about reducing the possible high risks to treatment plant workers. However, cancelling a specific use or uses for each one of the three wood preservative chemicals is unlikely to alter the overall risk picture for that chemical, since the treatment plant applicator is likely to apply the chemical to another end-use product. Thus, in order to appreciably lower the estimated risks from exposure to each one of the wood preservatives pesticides, the Agency would have to cancel all uses of that pesticide. Due to the non-substitutability of the wood preservative compounds and the lack of acceptable non-wood or other chemical alternatives for many use situations, the economic impact which would result from an across-the-board cancellation would be immense. Moreover, the only wood preservative pesticide which is efficacious for a majority of the use sites is inorganic arsenic, which poses the highest level of estimated risk. In order to achieve significant reductions in risks, while retaining the benefits of use to the fullest extent possible, the Agency carefully considered the full range of modifications to the terms and conditions of registration which are available under FIFRA. The Agency selected those risk reduction measures which are cost effective and which will reduce the risk by a significant amount.

### *D. Initiation of Regulatory Action*

Based upon the determinations summarized above and set forth in detail in the Position Document, the Agency is proposing to initiate the following regulatory actions:

1. Cancellation and denial of registration of the spray method of application for pentachlorophenol products which are available for retail sale in concentrations of 5% or less.

2. Cancellation and denial of registration of creosote products for wood preservative use on railroad ties, lumber, timber and plywood, pilings, posts, crossarms, and poles *unless* the registrants modify the labeling of creosote products to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.*

(1) All applicators must wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with creosote is possible (e.g., handling treated wood and opening cylinder doors).

(2) All applicators who open treatment cylinder doors must wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

(3) Applicators who enter pressure treatment cylinders and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or

cartridge respirator designed for pesticide use.

c. All applicators must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of in accordance with the instructions for pesticide container disposal.

d. Eating, drinking and smoking is prohibited during the application of creosote products.

e. The application of creosote to wood which is intended for interior use is prohibited, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with soil in barns, stables and similar sites.

f. Do not apply creosote to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

3. Cancellation and denial of registration of pentachlorophenol products for wood preservative use on railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles *unless* the registrants modify the labeling of products to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only be certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.*

(1) All applicators must wear gloves impervious to the wood preservative solution (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated wood and opening cylinder doors).

(2) All applicators who open treatment cylinder doors must wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

(3) Applicators who enter pressure treatment cylinders and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

c. A closed emptying and a closed mixing system must be used for all prilled (granular) formulations of pentachlorophenol.

d. All applicators must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of in accordance with the instructions for pesticide container disposal.

e. Eating, drinking and smoking is prohibited during the application of pentachlorophenol products.

f. The application of pentachlorophenol to wood which is intended for interior use is prohibited, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites.

g. Do not apply pentachlorophenol to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking or irrigation water (e.g., food crates, irrigation flumes, vegetables stakes, feed lot bins and watering troughs).

4. Cancellation and denial of registration of the inorganic arsenical products for wood preservative use on lumber, timber and plywood, pilings, posts, crossarms and poles *unless* the registrants modify the labeling of inorganic arsenical products for these uses to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.*

(1) All applicators must wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with the inorganic arsenicals is possible (e.g., handling treated wood and opening cylinder doors).

(2) Applicators who enter pressure treatment cylinders and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

(3) Applicators who work outdoors in arsenical wood treatment plants must wear a dust mask capable of trapping 80% of particulates greater than 5 microns in size.

c. A closed emptying and a closed mixing system must be used for all powder formulations of the inorganic arsenicals.

d. All applicators must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of in accordance with the instructions for pesticide container disposal.

e. Eating, drinking and smoking is prohibited during the application of inorganic arsenical wood preservative pesticides by pressure treatment.

f. The inorganic arsenical treatment solutions must be filtered prior to use in the treatment cylinders and an additional vacuum step must be used prior to the removal of the treated wood from the treatment cylinders. In addition to these requirements, recommended control technologies to reduce the surface levels of arsenic on the treated wood include the use of wood that is free of heavy resins ("clean" wood), the post-treatment rinsing of the treated wood, and the installation of protective sheds or covers over the drying treated wood.

g. The application of inorganic arsenicals to wood which is intended for interior use is prohibited, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, all weather wood foundations, sills and plates, and structural framing.

h. Do not apply inorganic arsenicals to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock or in the contamination of food, feed, or drinking or irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

5. Cancellation and denial of registration of creosote or pentachlorophenol for wood preservative use for groundline treatment of poles *unless* the registrants modify the labeling of creosote and pentachlorophenol products for the poles-groundline use to including the following statements:

a. *Restricted Use Pesticide:* for sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators certification.

b. *Protective Clothing and Equipment:* (1) All applicators must wear gloves impervious to the pentachlorophenol and creosote poles-groundline formulations (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible.

(2) All applicators must wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing during the application process.

c. All applicators must dispose of wornout protective clothing in accordance with the instructions for pesticide container disposal.

d. Eating, drinking and smoking is prohibited during the application of creosote and pentachlorophenol products for the poles-groundline use.

6. Cancellation and denial of registration of creosote and pentachlorophenol for wood preservative home and farm uses *unless* the registrants modify the labeling of creosote and pentachlorophenol products for home and farm use to include the following statements:

a. For all creosote products and those pentachlorophenol products containing a pentachlorophenol concentration greater than 5%: *Restricted Use Pesticide:* For retail sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.* (1) All applicators must wear gloves impervious to the creosote and pentachlorophenol treatment solutions (e.g., rubber) in all situations when dermal contact with these pesticides is possible (e.g., handling treated wood).

(2) All non-certified applicators must wear tightly-woven cotton long-sleeved coveralls or similar protective clothing during the application process.

(3) All certified applicators who apply creosote and pentachlorophenol by the spray method must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots and a properly maintained half-mask canister or cartridge respirator designed for pesticide use, and all certified applicators who apply creosote and pentachlorophenol by other application processes (e.g., brush-on) must wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing.

c. All certified applicators applying creosote or pentachlorophenol solutions must dipose of worn-out protective clothing in accordance with the instructions for pesticide container disposal.

d. Eating, smoking and drinking is prohibited during the application of creosote or pentachlorophenol products.

e. The application of creosote and pentachlorophenol products indoors is prohibited. The application of creosote and pentachlorophenol products to wood intended for interior use is prohibited, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, and millwork (pentachlorophenol only) which has outdoor surfaces (e.g., doorframes, windows and patio frames).

f. Do not use creosote or pentachlorophenol in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetables stakes, feed lot bins and watering troughs).

7. Cancellation and denial of registration of brush-on treatments of the inorganic arsenicals *unless* the registrants modify the labeling of the inorganic arsenical restricted use products to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicator's certification.

b. *Protective Clothing and Equipment:* (1) All applicators must wear gloves impervious to the inorganic arsenical solutions (e.g., rubber) in all situations where dermal contact with the pesticide solution is possible (e.g., handling treated wood). (2) All applicators must wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing during the application process.

c. Eating, drinking and smoking during the application of the inorganic arsenical products is prohibited.

d. All applicators applying brush-on inorganic arsenicals solutions must dispose of worn-out protective clothing in accordance with the instructions for pesticide container disposal.

e. Do not apply brush-on inorganic arsenical solutions to wood intended for indoor use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, all weather wood foundations, sills and plates and structural framing.

f. Do not use the inorganic arsenicals in a manner which may result in direct exposure to domestic animals or livestock or in the contamination of food, feed, or drinking or irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

8. Cancellation and denial of registration of sodium pentachlorophenate products for sapstain control *unless* the registrants modify the labeling of sodium pentachlorophenate products to include the following statements:

a *Restricted Use Pesticide:* For sale to and use only be certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment:* (1) All applicators using sodium pentachlorophenate for sapstain control must wear gloves impervious to sodium pentachlorophenate (e.g., rubber) in all situations where dermal contact with sodium pentachlorophenate is possible (e.g., handling treated wood). (2) All applicators who apply sodium pentachlorophenate formulations by the spray method must wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

[3] All individuals who enter or clean vats and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

c. A closed emptying and a closed mixing system must be used for all prilled (granular) and powder formulations of sodium pentachlorophenate.

d. All sapstain control applicators must leave all protective clothing, work shoes or boots and equipment at the plant. Worn-out protective clothing must be disposed of following the instructions for pesticide container disposal.

e. Eating, drinking and smoking is prohibited during the application of sodium pentachlorophenate for sapstain control.

f. Do not use sodium pentachlorophenate for sapstain control in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

9. Cancellation and denial of registration of the wood preservative use of pentachlorophenol for millwork and plywood *unless* the registrants modify the labeling of pentachlorophenol products for the millwork and plywood uses to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.* (1) All applicators applying pentachlorophenol must wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated wood). (2) All

applicators who apply pentachlorophenol to millwork and plywood by the spray method must wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use. (3) All individuals who enter or clean vats and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

c. A closed emptying and a closed mixing system must be used for all prilled (granular) formulations of pentachlorophenol.

d. All applicators who apply pentachlorophenol to millwork and plywood must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of following the instructions for pesticide container disposal.

e. Eating, drinking and smoking is prohibited during the application of pentachlorophenol to millwork and plywood.

f. The application of pentachlorophenol products to wood intended for interior use is prohibited, except for wood which has outdoor surfaces (e.g., doorframes, windows and patio frames).

g. Do not use pentachlorophenol in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

10. Cancellation and denial of registration of the wood preservative use of pentachlorophenol on particleboard *unless* the registrants modify the labeling of pentachlorophenol products for the particleboard use to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certifications.

b. *Protective Clothing and Equipment.* (1) All applicators who apply pentachlorophenol to particleboard must wear gloves impervious to pentachlorophenol (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated particleboard). (2) All individuals who enter or clean vats and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

c. A closed emptying and a closed mixing system must be used for all prilled (granular) formulations of pentachlorophenol.

d. Eating, drinking and smoking is prohibited during the application of pentachlorophenol to particleboard.

e. All applicators who apply pentachlorophenol to particleboard must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of following the instructions for pesticide container disposal.

f. The application of pentachlorophenol to particleboard intended for any interior use (e.g., kitchen cabinets) is prohibited.

g. Do not apply pentachlorophenol to particleboard which will be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

*E. Other Determinations*

In addition to the regulatory actions summarized in Unit III.D of this Notice, the Agency will propose labeling measures for the treated wood under the authority of the Toxic Substances Control Act (TSCA). The Consumer Product Safety Commission (CPSC) has some regulatory jurisdiction pertaining to the consumer use of wood treated with pesticides; the CPSC, however, has not issued any pertinent regulations to date. If the CPSC promulgates regulations covering the wood treated with pesticides, TSCA will be pre-empted to the extent that the CPSC takes sufficient action to protect against the risks of concern. These TSCA measures will be presented in the near future in a notice of proposed rulemaking issued pursuant to Section 6 of TSCA. The measures which the Agency expects to propose by TSCA rulemaking are labeling changes which will recommend appropriate precautions for using treated wood products. The recommendation are set forth below in this document in order to present a complete picture of the actions which the Agency plans to initiate with regard to the wood preservative chemicals. These TSCA labels would be distributed to the end-users of the treated wood and would include the following statements: The Agency recommends that:

1. All individuals who handle pesticide-treated wood wear gloves impervious to the wood preservatives (e.g., rubber).

2. Individuals who saw pesticide treated wood wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing (for homeowners, tightly-woven cotton coveralls are acceptable).

3. Individuals who saw pesticide-treated wood and fabricate structures with treated wood wear a dust mask capable of trapping 80% of particulates greater than 5 microns in size.

4. Treated wood not be used indoors except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables, and similar sites (all three wood preservatives); all weather wood foundations, sills and plates, structural framing (inorganic arsenicals only); millwork (pentachlorophenol only) which has outdoor surfaces (e.g., doorframes, windows and patio frames); and wood treated for sapstain control with 0.5% sodium pentachlorophenate.

5. Treated wood not be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

6. Treated wood be disposed of by methods, such as on-site burial, which are in accordance with local and state laws, and the Resource Conservation and Recovery Act, rather than by burning.

**Procedural Matters**

This Preliminary Notice of Determination notifies the United States Department of Agriculture, the Scientific Advisory Panel, pesticide registrants and users, and other interested parties of the Agency's preliminary determinations relating to the risks and benefits of the uses of the wood preservative pesticide chemicals; (1) coal tar, creosote and coal tar neutral oils, (2) pentachlorophenol, and (3) inorganic arsenic, and provides these entities and individuals with the opportunity to comment on these determinations.

As discussed in Unit II of this Notice, the Agency's decision to initiate the regulatory actions described in Unit III must be referred for review by the Secretary of Agriculture and the Scientific Advisory Panel. The EPA Position Document setting forth in detail the reasons and factual bases for the regulatory actions which the Agency proposes and this Notice of

Determination are being transmitted immediately to the Secretary of Agriculture and the Scientific Advisory Panel for comments. The Agency will offer registrants and other interested persons an opportunity to comment on the bases for the Agency's action. Interested persons may receive copies of the document by communicating their requests to Joan Warshawsky, Section Head, Special Pesticide Review Division, Office of Pesticide Programs, EPA (TS–791), Room 711B, Crystal Mall II, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 557–7460. Registrants and other interested persons have the same period of 90 days to submit comments that the Agency is providing for comments from the Secretary of Agriculture and the Scientific Advisory Panel.

All comments on the proposed actions should be sent to the Document Control Office, Chemical Information Division, EPA (TS–793), Room E–401, 401 M Street SW., Washington, D.C., 20460. In order to facilitate the work of the Agency and of others inspecting the comments, registrants and other interested persons should submit three copies of their comments. The comments should bear the identifying notation 30,000/28C and should be submitted on or before May 20, 1981.

After completion of these review procedures, the Agency will consider the comments received and publish an analysis of them, together with any changes in the regulatory actions announced in this Notice which it determines are appropriate. Until this final review phase is concluded in this manner, it is not necessary for registrants or other interested persons to request a hearing to contest any regulatory action resulting from the conclusion of this RPAR.

Dated: January 19, 1981.

**Steven D. Jellinek,**

*Assistant Administrator for Pesticide and Toxic Substances.*

[FR Doc. 81-5603 Filed 2-18-81; 8:45 am]

**BILLING CODE 6560-32-M**

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**[PH-FRL 1757-7; OPP-50524]**

## Extension of Experimental Use Permits

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has issued extensions of experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

**FOR FURTHER INFORMATION CONTACT:** The designated product manager cited in each permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, 401 M St. SW., Washington, D.C. 20460.

**SUPPLEMENTARY INFORMATION:** EPA has extended the following experimental use permits: 891–EUP–30. Boots Hercules Agrochemicals Co., Concord Plaza, Box 7489, 3509 Silverside Rd., Wilmington, DE 19803. This experimental use permit allows the use of 2,470 gallons (9,880 pounds) of *N*-chloroacetyl-*N*-(2,6-diethylphenyl)glycine, ethyl ester on sugar beets to evaluate control of weeds. A total of 5,800 acres are involved. The program is authorized only in the States of California, Colorado, Idaho, Kansas, Michigan, Minnesota, Montana, North Dakota, Nebraska, Ohio, Oregon, and Wyoming. The experimental use permit is effective from March 1, 1981 to March 1, 1982. (PM 23, Richard F. Mountfort, 703–557–7070).

10182–EUP–17. ICI Americas, Inc., Wilmington, DE 19847. This experimental use permit allows the use of 45.0 pounds of the insecticide permethrin on livestock and livestock premises to evaluate control of various insects. A total of 330,000 square feet per livestock premises are involved. The program is authorized only in the States of Alabama, Arkansas, Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin. The experimental use permit is effective from January 25, 1981 to January 25, 1982. This experimental use permit is issued with the limitation that all the animals will be destroyed or used for research purposes only. (PM 17, Franklin D. R. Gee, 703–557–7028).

Persons wishing to review the experimental use permit are referred to the product manager. Inquiries regarding these permits should be directed to persons cited above. It is suggested that interested persons call before visiting the EPA headquarters office so that the appropriate file may be made available for review purposes, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (21 U.S.C. 136))

Dated: February 5, 1981.

**Robert V. Brown,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 81-5606 Filed 2-18-81; 8:45 am]

**BILLING CODE 6560-32-M**

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**[PH-FRL 1756-6; PW-24]**

## ICI Americas, Inc.; Withdrawal of Food Additive and Pesticide Petitions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** ICI Americas Inc., has submitted withdrawals for food additive and pesticide petitions for use of the insecticide pirimicarb.

**ADDRESS:** Written comments to: William H. Miller, Product Manager (PM) 16, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** William H. Miller (703–557–7040).

**SUPPLEMENTARY INFORMATION:** ICI Americas, Inc., Concord Pike and New Murphy Rd., Wilmington, DE 19897 has withdrawn the following pesticide and food additive petitions: PP 7F1915 for use of the insecticide pirimicarb in or on broccoli, lettuce, Brussels sprouts, cabbage, cauliflower, and bell peppers (45 FR 13045); PP 9F2175 for use of the insecticide pirimicarb in or on alfalfa hay, fresh alfalfa, pecans, meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, milk, poultry, and eggs (44 FR 21862); PP 9E2235 for use of pirimicarb in or on apples and cottonseed; FAP 9H5235 for residues of insecticide pirimicarb in cottonseed oil; and FAP 9H5332 for residues of the insecticide pirimicarb on apple pomace and pulp (44 FR 49789); and FAP 9H5238 for use of the insecticide pirimicarb in or on apple pomace, pulp, cabbage, and lettuce wrapper leaves (44 FR 57483).

ICI Americas, Inc., has withdrawn these petitions without prejudice to further filing in accordance with the regulations (40 CFR 121.52) pertaining to section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: February 5, 1981.

**Robert V. Brown,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 81-5607 Filed 2-18-81; 8:45 am]

**BILLING CODE 6560-32-M**

[PH-FRL 1757-4; OPP-50521]

## State of Florida; Renewal of Experimental Use Permit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has issued a renewal of an experimental use permit to the State of Florida, Department of Citrus. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

**SUPPLEMENTARY INFORMATION:** EPA has issued a renewal of an experimental use permit to the State of Florida, Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL 33802. This experimental use permit (43808-EUP-1) allows the use of 1,001 pounds (quantity remaining from 3,000 pounds in original program) of the plant growth regulator 5-chloro-3-methyl-4-nitro-1*H*-pyrazole on oranges to evaluate the product as an abscission agent. A total of 500 acres are involved. The program is authorized only in the State of Florida. The experimental use permit is effective from January 5, 1981 to January 5, 1982. A temporary tolerance for residues of 5-chloro-3-methyl-4-nitro-1*H*-pyrazole on oranges has been renewed.

Persons wishing to review the experimental use permit are referred to the product manager. Inquiries regarding the permit should be directed to the person given above. It is suggested that interested persons call before visiting the EPA headquarters office so that the appropriate file may be made available for review purposes, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (21 U.S.C. 136))

Dated: February 5, 1981.

**Robert V. Brown,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 81-5002 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL 1757-8; OPP-50522]

## University of Wyoming; Application for Experimental Use Permit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** An experimental use permit application has been received from the Animal Science Division, University of Wyoming, Box 3354, Laramie, WY 82071 to use the active ingredient sodium monofluoroacetate in toxic collars and balloons attached to sheep; as baits to evaluate control of coyotes.

**ADDRESS:** Written comments in response to this application may be submitted to: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** William H. Miller (703-557-7040).

**SUPPLEMENTARY INFORMATION:** The Animal Science Division, University of Wyoming, Box 3354, Laramie, WY 82071, has applied for an experimental use permit. This experimental use permit, File Symbol 43974-EUP-E, purposes the use of 7.2 ounces of the active ingredient sodium monofluoroacetate. It is proposed that the active ingredient be used in toxic collars and balloons attached to sheep; and as baits to evaluate control of coyotes. A total of 5,000 acres are involved. The program is proposed for use in Idaho and Wyoming.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: February 5, 1981.

**Robert V. Brown,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 81-5004 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

## 40 CFR Part 723

[OPTS-50028; TSH-FRL 1756-7]

## Control of Chemicals Used in or for Instant Photographic Systems; Premanufacture Exemption Application

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notification of Receipt of Exemption Application.

**SUMMARY:** Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before commencement of manufacture or import. However, under section 5(h)(4) the Agency may, upon application and by rule, exempt any person from all or part of the requirements of section 5 if the Agency determines that the new chemical substance will not present an unreasonable risk of injury to health or the environment. This notice announces receipt of an application submitted by Polaroid Corporation for such an exemption. The application requests an exemption for certain new chemical substances used in or for Polaroid Corporation's "SX-70" photographic system. The Agency invites comments from interested parties on the application.

**DATES:** Written comments are requested by March 23, 1981.

**ADDRESS:** All written comments should be addressed to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, D.C. 20460 (202-755-9326).

**FOR FURTHER INFORMATION CONTACT:** Paulette Wolfson, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-299, 401 M Street SW., Washington, D.C. 20460 (202-755-9317).

**SUPPLEMENTARY INFORMATION:**

### A. Status of Section 5 Rulemaking

Under section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA published the Initial Inventory on June 1, 1979. The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 49764). EPA issued a clarification of importing responsibilities, published in the **Federal Register** of September 23, 1980 (45 FR 63006). EPA proposed processor requirements, published in the **Federal Register** of August 15, 1980 (45 FR 54642). The Agency issued Statements of Interim Policy to govern submission and review of premanufacture notices prior

to promulgation of the final rules and forms, published in the **Federal Register** of May 15, 1979 (44 FR 28564) and November 7, 1980 (45 FR 74378).

### B. The Polaroid Corporation Section 5(h)(4) Exemption

*Application*

Section 5(h)(4) authorizes the Administrator, upon application and by rule, to exempt the manufacturer of any new chemical substance from all or part of the requirements of section 5 if he determines that the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance, or that any combination of such activities, will not present an unreasonable risk of injury to health or the environment. Consideration of an application for an exemption granted under section 5(h)(4) must follow the rulemaking procedures outlined in sections 6(c) (2) and (3) of TSCA.

EPA has received an application from Polaroid Corporation requesting the Agency begin rulemaking procedures under section 5(h)(4) to exempt certain chemicals used in or for Polaroid Corporation's "SX-70" photographic film process. As requested by the applicant, the exemption would provide that the company could manufacture these chemical substances for a commercial purpose before the end of the 90 day review period. The application also provides that the exemption would be limited to chemical substances that will be used in the manufacture, processing, use, and disposal of Polaroid Corporation's "SX-70" film units. The Polaroid Corporation's application requests that an exemption treat such chemicals as a category of chemicals as defined by section 26(c). Under terms outlined in the application, a premanufacture notice would be submitted for each chemical eligible for the exemption and Polaroid would comply with a number of preconditions for each particular chemical to which the exemption would apply. EPA solicits comments on the Polaroid Corporation application (See "D. Public Record").

### C. Section 5(h)(4) Policy Issues

The Agency has not proposed rules implementing section 5(h)(4). EPA intends to develop an overall approach for handling 5(h)(4) exemption applications because such action will lead to a consistent policy and better serve the public interest than would development of procedures for 5(h)(4) exemption applications on a case-by-case basis. However, pending development of such procedures, EPA may consider individual applications.

The Agency believes that decisions made as a result of this exemption application could effect the development of an overall policy and has sought to resolve such issues before taking formal action on the application. Specifically, EPA solicits comments on the following:

1. Should the Agency consider individual exemption applications before development of the general approach?

2. What should the scope of an exemption rulemaking be? Should an exemption rulemaking on the new chemical substance apply broadly to an industry segment or narrowly to a particular firm? Likewise, should a rulemaking provide partial relief from certain PMN reporting requirements, such as the 90 day review period, or full relief from all PMN requirements?

3. Are there alternative procedures which could be used to consider exemption applications pending a rulemaking?

4. How would other interested parties be involved in the proceedings?

5. What is an appropriate basis for creating a category of chemicals? Can factors other than structural similarities serve as a basis for defining a category? For example, the Polaroid application proposes to treat all new chemical substances used in a process as a "category of chemicals". The Agency requests comments on this use of the term "category" as well as other ways of categorizing chemical substances for purposes of sections 5(h)(4) and 26(c) of TSCA.

The Agency solicits comments on these issues and others which may be appropriate, and will consider recommendations in development of section 5(h)(4) exemption policy.

### D. Public Record

Interested persons may submit written comments regarding this notice to the Document Control Officer (TS-793) Rm. E-401, Office of Pesticides and Toxic Substances 401 M Street, SW., Washington, D.C. 20046. 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-50028]".

EPA has established a public record of this rulemaking (docket number OPTS-50028) which is available for inspection in the OPTS Reading Room E-105 from 8:00 a.m. to 4:00 p.m. Monday through Friday except legal holidays at the above address. This record includes all information considered by the Agency in reviewing this exemption application. The Agency will supplement the record with additional information as it is received. The record includes the following information.

1. Polaroid Corporation, "Application of Polaroid Corporation for Exemptive Rule Under Paragraph 5(h)(4) of the Toxic Substances Control Act, 15 U.S.C. Secs. 2601, 2604 (h)(4)", dated April 2, 1980.

2. USEPA-OTS, "EPA acknowledgement of the Polaroid Exemption Application" letter from Steven D. Jellinek, Assistant Administrator for Pesticides and Toxic Substances, dated May 16, 1980.

3. Polaroid Corporation letter requesting a meeting, dated May 16, 1980.

4. Polaroid Corporation letter responding to EPA suggestion of a meeting with Polaroid, dated May 27, 1980.

5. USEPA-OTS, "Agenda for the July 17, meeting with Polaroid", letter from Warren R. Muir, Deputy Assistant Administrator for Toxic Substances, dated June 1, 1980.

6. USEPA-OTS, "Summary of the July 17 meeting between EPA and Polaroid Corporation concerning the section 5(h)(4) exemptive application."

7. Polaroid Corporation, "Petition for Rules and Policies under Rule 5 U.S.C. section 553(e)," dated October 10, 1980.

8. USEPA-OTS, Control No. 68-01-6016 Technical Directive 23, "Examination of the Domestic Non-Instant Photographic Industry", September 8, 1980.

9. SRI International, "Examination of the Domestic Non-Instant Photographic Film Industry—EPA contract 68-01-6016", Technical Directive 23, dated October 16, 1980.

10. Polaroid Corporation, "Control of PMN Chemicals by Polaroid Corporation during Exemption Period covered by Paragraph 5(h)(4) of the Toxic Substances Control Act", dated November 12, 1980.

11. Polaroid Corporation, "Manufacturing and Processing by Polaroid Corporation of Photographic Chemicals", dated November 25, 1980.

EPA welcomes comment on the documents included in the public record.

Dated: February 12, 1981.

**Edward A. Klein,**

*Director, Chemical Control Division.*

[FR Doc. 81-5089 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-31-M

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[AS-FRL 1758-2]

## Annual Comprehensive Review of EPA Advisory Committees

We are currently in the process of conducting the Agency's annual comprehensive review of Federal advisory committees. I invite you to submit whatever remarks are germane to answering the following questions about each of our advisory committees: (1) Does the Agency have a compelling need for it; (2) Is the committee's membership truly balanced in terms of the points of view represented and the functions to be performed; and (3) Has the Committee conducted its business as openly as possible, consistent with the law and its mandate? The EPA advisory committees are listed below:

1. Administrator's Toxic Substances Advisory Committee

2. Clean Air Scientific Advisory Committee

3. FIFRA Scientific Advisory Panel
4. Management Advisory Group to the Municipal Construction Division
5. National Air Pollution Control Techniques Advisory Committee
6. National Drinking Water Advisory Council
7. Science Advisory Board

If you wish to comment, please submit your responses by March 13, 1981 to: Mrs. Mary Anne Beatty, Committee Management Officer, U.S. Environmental Protection Agency, Room 2125 Waterside Mall (PM-213), 401 M Street, S.W., Washington, D.C. 20460, (telephone (202) 755-0866). Also, if you would like to receive a copy of our brochure of advisory committee charters, rosters and accomplishments for calendar year 1980, contact Ms. Vicki Bailey Hostetter at the same telephone number.

Dated: February 10, 1981.

**Roy Gamse,**

*Acting Assistant Administrator for Planning and Management.*

[FR Doc. 81-5801 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-36-M

## FEDERAL COMMUNICATIONS COMMISSION

### Information Concerning Limits on ISM Equipment

**AGENCY:** Federal Communications Commission.

**ACTION:** Public Notices.

**SUMMARY:** The International Radio Consultative Committee (CCIR) has been directed to study the limits and interference potential of industrial, scientific and medical (ISM) equipment. An interim working party and study program has been established. The output of this working party may form the basis of a recommendation for an international standard for such equipment. Parties interested in helping to prepare a U.S. response to this Study Program are invited to submit their comments and views.

**DATES:** Comments are due March 31, 1981.

**ADDRESS:** Federal Communications Commission Office of Science and Technology Chief, RF Devices Branch Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Mr. Art Wall, U.S. Representative CCIR/IWP 1/4, phone 202-653-8128 or Mr. Herman Garlan, U.S. Technical Advisor for CISPR/B, phone 202-653-8121.

The World Administrative Radio Conference meeting in Gevena during 1979 (WARC-1979) requested the CCIR [1] to prepare a Recommendation on the limits to be imposed on radiation from ISM equipment both inside and outside the ISM frequencies.

In response to this request, CCIR Study Group I drafted a new Study Program AT/1, attached below and established an Interim Working Party (IWP 1/4) to prepare the requested Recommendation. All Administrations were invited to participate in the work of IWP 1/4. The United States named Art Wall, Chief of RF Devices Branch, FCC, to be the U.S. representative.

In view of the urgency in finding an answer to this question, IWP 1/4 was requested to prepare its response to AT/1 for consideration at the Final Meeting of CCIR Study Group 1 scheduled to begin October 19, 1981. To meet this schedule, the U.S. response to AT/1 must be in the hands of the Chairman of IWP 1/4 no later than June 19, 1981.

All persons desiring to help the U.S. prepare a response to Study Program AT/1 are invited to submit their views on the limits that should be imposed on radiation from ISM equipment inside and outside the bands designated for ISM purposes. Comments and views should be submitted to: Mr. Art Wall, U.S. Representative CCIR/IWP 1/4, Federal Communications Commission, Office of Science and Technology, Washington, D.C. 20554, Phone: 202-653-8128.

Information is particularly requested as to the cost of suppression, the technical problems involved and the degree of protection that the proposed limit will provide.

In a related action CCIR Study Group 8 has proposed a new study question (CCIR Document 8/218-E, December 1, 1980) whether the current IEC/CISPR recommended limits for ISM equipment provide adequate protection for the aeronautical radionavigation service. Since this question is closely related to Study Program AT/1, persons commenting on the Study Program are also requested to reply to the new study question Document 8/218-E. The replies to Document 8/218-E will be consolidated into a U.S. reply and submitted to CCIR for appropriate consideration by Study Group 8.

Comments on both documents are requested by March 31, 1981.

[1] CCIR is the acronym of the name in French of the International Radio Consultative Committee (of the International Telecommunications Union (ITU)).

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

**Attachment 1**

*Annex III.—Study Programme at/1* Limitation of Radiation From Industrial, Scientific and Medical (ISM) Equipment*

The CCIR, Considering

(a) that WARC-79 (in Resolution 63(AG)) invites the CCIR to continue, in collaboration with the CISPR and the IEC, its studies relating to radiation from ISM equipment;

(b) that limits should be imposed on radiation from ISM equipment inside and outside the bands designated for their use in the Radio Regulations;

(c) that WARC-79 (in Resolution No. 63(AG)) invites the CCIR to specify these limits in the form of Recommendations;

(d) that priority should be given to study limits in the following recently designated frequency bands:

6765-6795 kH$_z$,
433.05-434.79 MH$_z$,
61-61.5 GH$_z$,
122-123 GH$_z$,
244-246 GH$_z$,

Decides that the following studies should be carried out:

1. to determine, in collaboration with the CISPR and IEC, tolerable limits for the radiation of ISM equipment in those parts of the spectrum which are not designated for use of ISM equipment;

2. to determine, in collaboration with the CISPR and IEC, acceptable limits for the radiation of ISM equipment in the frequency bands which are designated for their use, taking into account the needs for present and future ISM applications.

Note.—See CISPR Publication 11 (1975)—Limits and methods of measurement of radio interference characteristics of ISM radio frequency equipment (excluding surgical diathermy apparatus), with its Amendment No. 1 (1976) and first supplement CISPR 11A (1976).

*8-E.—Draft New Question Interference to the Aeronautical Radionavigation Service*

The CCIR, considering

(a) that the Aeronautical Radionavigation Service is a safety service;

(b) the increasing concern being expressed over the degree of control of harmful interference to this safety service;

(c) that the types of radiation which can cause harmful interference to this service can differ widely, depending on the particular technical and operational characteristics involved;

(d) that it may be possible in some cases to identify in detail the characteristics of the interfering radiation;

(e) that the radiations from many of the potential sources of harmful interference are the subject of standards and measurement methods developed by the International Electrotechnical Commission (IEC);

(f) that the practical control of harmful interference often needs to be effected by the

*This Study Programme derives from Question 4-1/1.

national legislation of individual Administrations and it is common for the above-mentioned IEC standards and measurement methods to be adopted in this context:

(g) that there would be considerable practicable advantages if there was a better understanding of relationships between these IEC test and measurement standards and the protection criteria for the aeronautical radionavigation service,

Decides that the following Question should be studied:

1. are the IEC/CISPR recommended limits and measurement methods adequate for the protection of the aeronautical radionavigation service?

2. what methods can be recommended for stating detailed protection criteria?

**Note.**—The Director, CCIR, is invited to draw the attention of the IEC, ICAO and the CISPR to this Question.

**Attachment 2**

February 10,1981.

Supplementary Information Requested Concerning Limits on ISM Equipment.

Re: Public Notice titled Information concerning limits on ISM equipment is sought (FCC 06176 released January 23, 1981).

On January 23, 1981, the reference Public Notice was released, asking for information to be used in formulating a US reply to CCIR Study Program AT/1 being considered by Interim Working Party IWP 1/4.

Study Program AT/1 recognizes that CISPR (Special International Committee on Radio Interference of the IEC) has prepared recommendations for limits on interference radiation from ISM equipment and instructs persons studying this problem to take into account the work performed by CISPR.

CISPR proposes to prepare its own reply to the Chairman of IWP 1/4 as its contribution toward preparing a comprehensive reply to the questions in Study Program AT/1. The persons contributing to the work of CISPR have been asked to provide answers to a questionnaire on the subject of interference from ISM equipment.

The US is a participant and proposes to provide a response to CISPR. (This response to CISPR will be in addition to the response to the Chairman of IWP 1/4 as indicated in the reference Public Notice.)

Persons desiring to help the US prepare a response to CISPR are invited to submit answers to the CISPR questionnaire to: Mr. Herman Garlan, US Technical Advisor for CISPR/B, FCC/Office of Science and Technology, Washington, DC 20554. Phone 202-653-8121.

Replies should be submitted as soon as possible but in no event later than March 31, 1981.

Attachment: CISPR Questionnaire on Interference from ISM equipment.

Federal Communications Commission.

William J. Tricarico,

*Secretary.*

**CISPR Questionnaire**

*Interference From ISM Equipment*

1. What is the estimated total number and total power of ISM Equipment installed in your country?

2. What is the estimated percentage of ISM Equipment working in the frequency bands designated by the ITU for ISM Applications in relation to the total number of installed ISM Equipment?

3. What is the estimated percentage of ISM Equipment fulfilling the CISPR Publ. 11 limits in relation to the total number of installed ISM Equipment?

4. What is the estimated number of verified complaints on interference from the ISM Equipment in comparison with:

(a) the total number of verified complaints from all man-made sources of interference?

(b) the total number of installed ISM Equipment?

5. Please specify radio services really and potentially affected by ISM generated interference.

6. Please specify the verified causes of the ISM generated interference and types of equipment and operational conditions in which interference occurs in the following groups:

(a) radiation within the bands designated by the ITU for ISM applications

(b) excessive/not fulfilling the CISPR limits/radiation out of ITU-Designated bands

(c) other.

7. Can the limits recommended by the CISPR Publ. 11, including amendments, be accepted by the CCIR to cover radiation of ISM Equipment in those parts of the spectrum which are not designated by the ITU for use of ISM Equipment?

If not, what are your proposal/with full discussion of the background?

8. What are your proposals for acceptable limits for the ISM generated radiation not covered by the CISPR Publ. 11:

(a) in the frequency bands designated by the ITU for ISM application

(b) out of the frequency bands designated by the ITU for ISM application above 18 GHz

(c) for the r.f. excited arc welding equipment/with full discussion of the background.

In answering questions 1 to 5, please estimate the present state and the forecasts for the future. Other comments you may have are welcomed too.

[FR Doc. 81-5598 Filed 2-18-81; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

**[Docket No. 81-17]**

### Aroundworld Shipping & Chartering, Inc., License No. 1860 and John Tarnowski, Applicant for a License as an Independent Ocean Freight Forwarder; Order of Investigation and Hearing

Aroundworld Shipping & Chartering Inc. (ASC), 16515 Hedgecroft Street, Houston, TX 77205, is an independent ocean freight forwarder operating pursuant to FMC License No. 1860 issued October 17, 1976.

John J. Tarnowski, 10902 Clear Forks Street, Humble, TX 77338, an officer of ASC, has applied for a license as an independent ocean freight forwarder.

Information has been developed by the Commission's staff which indicates that ASC has apparently violated §§ 510.5(c), 510.23(a), 510.23(d), 510.23(e), 510.23(f), and 510.23(j) of the Commission's General Order 4 (46 CFR 510). ASC's actions may render it unfit to continue to be licensed. Information also indicates that Mr. Tarnowski apparently had management control of ASC during the period of time when that firm apparently violated §§ 510.5(c) and 510.23(a) of the Commission's General Order 4. Mr. Tarnowski's actions may render him unfit to be licensed.

Section 510.5(c) of the Commission's General Order 4 states that every licensee shall submit to the Commission each change of business address and any other changes in the facts called for on form FMC-18 (application form for a license) within thirty days after each change occurs. During the course of an investigation of ASC it was disclosed that the licensee had failed to report changes in its management, changes in its headquarters and changes in the address of its branch office, within the prescribed time limit.

Section 510.23(a) of the Commission's General Order 4 provides that no licensee shall permit his license or name to be used by any person not employed by him for the performance of any freight forwarding service. The investigation revealed that ASC, with Mr. Tarnowski as President and managing officer, apparently permitted its license and name to be used by an unlicensed individual on at least sixteen occasions from December 17, 1979 to January 25, 1980.

Section 510.23(f) of the Commission's General Order 4 provides, among other things, that each licensee shall promptly account to its principal for overpayments, adjustments of charges, reductions in rates, etc. Investigation of ASC has shown that on one occasion the firm apparently did not make a prompt refund of freight monies due a shipper, but rather withheld such payment for 337 days.

Sections 510.23(d), 510.23(e) and 510.23(j) of the Commission's General Order 4 requires that licensees properly invoice their clients as to the insured value, insurance, rate and premium cost of insurance arranged and the charge for each accessorial service performed in connection with the shipment on behalf of their clients. The investigation of ASC disclosed at least 31 instances during the period September 15, 1977 through March 1, 1979 in which ASC apparently invoiced various shippers incorrectly for

the cost of insurance and accessorial services.

Mr. Tarnowski was apparently in control of ASC when the apparent violations of §§ 510.5(c) and 510.23(a) were committed. He was the manager of ASC's Houston branch office and appears to have exerted a substantial degree of control over the firm when the apparent violations of §§ 510.23(d), 510.23(e), 510.23(f) and 510.23(j) were committed.

On September 7, 1978, Mr. Tarnowski submitted an application for an independent ocean freight forwarder license as a sole proprietor. Based upon the information developed by the Commission's field staff, Mr. Tarnowski was sent a letter informing him that the Commission intended to deny his application and also advising him of his opportunity to request a hearing. In a letter dated October 6, 1980, Mr. Tarnowski requested that he be given an opportunity to show at a hearing that such a denial is, in fact, unwarranted.

Therefore it is ordered, that pursuant to sections 22, 32 and 44 (USC 821, 831 and 841(b)) of the Shipping Act, 1916, and section 510.9 of General Order 4 (46 CFR 510.9) a proceeding is hereby instituted to determine:

1. Whether ASC has violated § 510.5(c) of the Commission's General Order 4 by failing to inform the Commission of changes in its management and location within the thirty day time limit;

2. Whether ASC has violated § 510.23(a) of General Order 4 by permiting its license to be used by a person not in its employ to perform ocean freight forwarding services on 16 shipments from December 17, 1979 through January 25, 1980;

3. Whether ASC violated § 510.23(f) of General Order 4 by failing to promptly refund monies due one shipper in March 1978;

4. Whether ASC has violated §§ 510.23(d), 510.23(e) and 510.23(j) of General Order 4 by incorrectly invoicing shippers for the cost of cargo insurance and accessorial services on at least 31 instances during the period September 15, 1977 through March 1, 1979;

5. Whether a civil penalty should be assessed against ASC pursuant to section 32(e), Shipping Act, 1916, for violations of sections 510.5(c) and 510.23(a), (d)(e)(f) and (j) of the Commission's General Order 4 and, if so, the amount of any such penalty.

6. Whether ASC's 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 the sections of the Commission's General Order 4 listed in subparagraph 5 above; or

b. such conduct as the Commission shall find renders ASC unfit to carry on the business of forwarding in accordance with § 510.9(e) of General order 4.

It is further ordered, that pursuant to the above cited sections of the Shipping Act, 1916, this proceeding also determines whether John J. Tarnowski, in light of the evidence adduced pursuant to the first, second, third and fourth issues, together with any other evidence adduced, possesses the requisite fitness within the meaning of section 44(b) Shipping Act, 1916, to be licensed as an independent ocean freight forwarder.

It is further ordered, that Aroundworld Shipping & Chartering Inc. and John J. Tarnowski be made Respondents 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 a basis of sworn statements, affidavits, depositions or other documents, or that the nature of the matters in issue are such that 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 that a copy thereof and notice of hearing be served upon Repsondents and the Commission's Bureau of Investigation and Enforcement.

It is further ordered, that any person other than Respondents and the Commission's Bureau of Investigation and Enforcement having an interest in 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).

It is further ordered, that all future notices issued by or on behalf of the Commission, including notice of time and place of hearing and prehearing, shall be mailed directly to all parties of record.

By the Commission.

**Frances C. Hurney,**

*Secretary.*

[FR Doc. 81-5679 Filed 2-18-81; 8:45 am]

BILLING CODE 6730-01-M

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**[Independent Ocean Freight Forwarder License No. 872]**

## Inter Americas Shipping Co. (Miguel A. Jorba, d.b.a.); Order of Revocation

On March 25, 1980, Inter Americas Shipping Co. (Miguel A. Jorba, dba), 127 North Broadway, Hicksville, NY 11801, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 872 effective March 31, 1980.

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 Forwarer License No. 872 issued to Inter Americas Shipping Co. (Miguel A. Jorba, dba) be revoked effective March 31, 1980, without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 872 issued to Inter Americas Shipping Co. (Miguel A. Jorba, dba) 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 Inter Americas Shipping Co. (Miguel A. Jorba, dba).

**Daniel J. Connors,**

*Director, Bureau of Certification and Licensing.*

[FR Doc. 81-5681 Filed 2-18-81; 8:45 am]

BILLING CODE 6730-01-M

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**[Independent Ocean Freight Forwarder License No. 1322]**

## Kriegsman Transfer Co.; Order of Revocation

On February 2, 1981, Kriegsman Transfer Company, 278 Koch St., Pekin, Illinois 61554, surrendered its Independent Ocean Freight Forwarder License No. 1322 for revocation effective May 11, 1980.

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), 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1322 issued to Kriegsman Transfer Company, be revoked effective May 11, 1980, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Kriegsman Transfer Company.

**Daniel J. Connors,**

*Director, Bureau of Certification and Licensing.*

[FR Doc. 81-5662 Filed 2-18-81; 8:45 am]

BILLING CODE 6730-01-M

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**[Agreement No. T-3948]**

## Lease Agreement Between Georgia Ports Authority and Sea-Land Services, Inc.; Notice of Availability of Finding of No Significant Impact

Upon completion of an assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3948 between the Georgia Ports Authority and Sea-Land Services, Inc., with regard to a container storage and handling facility in Container Central at the Garden City Terminal of Georgia Ports Authority 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. Commission action on the agreement also will not have an impact upon energy conservation.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

**Francis C. Hurney,**

*Secretary.*

FR Doc. 81-5680 Filed 2-18-81; 8:45 am]

BILLING CODE 6730-01-M

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# FEDERAL RESERVE SYSTEM

## Dritter Financial Corp.; Formation of Bank Holding Company

Dritter Financial Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 13, 1981.

**Jefferson A. Walker,**

*Assistant Secretary of the Board.*

[FR Doc. 81-5641 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

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## National Detroit Corp.; Proposed Acquisition of Auto-Draft Forwarding Company, Inc.

National Detroit Corporation, Detroit, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Auto-Draft Forwarding Company, Highland Park, Michigan.

Applicant states that the proposed subsidiary would be organized as a limited purpose bank and would engage in the activities of receiving cash drafts from Chrysler Corporation for deposit to demand accounts, for processing, and for collection. These activities would be performed from offices of Chrysler Corporation in Highland Park, Michigan, and the only customer to be served would be Chrysler Corporation. Such activities have not been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies. Neither has the Board approved a previous individual proposal to engage in these activities in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether the activity is so closely related to banking or managing banks as to be eligible under the Bank Holding Company Act as a "proper incident" to banking and whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 16, 1981.

Board of Governors of the Federal Reserve System, February 13, 1981.

**Jefferson A. Walker,**

*Assistant Secretary of the Board.*

[FR Doc. 81-5639 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

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## Society Corp.; Acquisition of Bank

Society Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The First National Bank at Carollton, Carollton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 13, 1981.

**Jefferson A. Walker,**

*Assistant Secretary of the Board.*

[FR Doc. 81-5640 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

### CNB Corp.; Formation of Bank Holding Company

CNB Corp., Shenandoah, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The City National Bank, Shenandoah, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 12, 1981.

**Jefferson A. Walker,**

*Assistant Secretary of the Board.*

[FR Doc. 81-5572 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

### Commonwealth Bancshares, Inc.; Formation of Bank Holding Company

Commonwealth Bancshares, Inc., Shelbyville, Kentucky, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C.§ 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Shelby County Trust Bank, Shelbyville, Kentucky. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 12, 1981.

**Jefferson A. Walker,**

*Assistant Secretary of the Board.*

[FR Doc. 81-5570 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

### First United Bancshares, Inc., Formation of Bank Holding Company

First United Bancshares, Inc., North Platte, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of McDonald State Bank, North Platte, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 12, 1981.

**Jefferson A. Walker,**

*Assistant Secretary of the Board.*

[FR Doc.81-5571 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control

### Work Group on Infectious Diseases; Open Meeting

On February 26 and 27, 1981, the Centers for Disease Control will convene an open meeting of a work group to discuss infectious diseases. The meeting is open to the public, limited only by space available. Time will be set aside for public comment.

The meeting is scheduled to begin at 8:30 a.m., in Room 207, Building 1, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia.

Additional information may be obtained from: Walter R. Dowdle, Ph. D., Director, Center for Infectious Diseases, Centers for Disease Control, Building 1, Room 2118, 1600 Clifton Road, N.E., Atlanta Georgia 30333, Telephones: FTS: 236-3701, Commercial: (404) 329-3701.

Dated: February 13, 1981.

**George E. Hardy, Jr., M.D.,**

*Acting Director, Centers for Disease Control.*

[FR Doc. 81-5599 Filed 2-18-81; 8:45 am]

BILLING CODE 4110-85-M

### Health Resources Administration

### Determination of Population of Health Service Areas

Section 1516 of the Public Health Service Act (added by the National Health Planning and Resources Development Act of 1974, Pub. L. 93-641 and the Health Planning and Resources Development Amendments of 1979, Pub. L. 96-79), authorizes the Secretary of Health and Human Services to make grants (hereinafter referred to as "planning grants") to health systems agencies to assist them in meeting their costs of operation. The amount of the planning grant to each health systems agency is determined in accordance with a formula set forth in amended section 1516, and is based in part upon a determination by the Secretary of the population of the health service area to be served by each agency. The governing regulations, at 42 CFR 122.205, provide that the Secretary will determine the population of the areas based upon the latest available estimate from the Department of Commerce, and will publish annually in the **Federal Register** a list of all health service areas and their populations. The populations of the health service areas are to be published prior to the final allocation of funds in each fiscal year. Pursuant to section 1536 of the Act, certain States (District of Columbia, Hawaii and Rhode Island, as well as the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands and American Samoa) do not have health service areas established within them or health systems agencies designated for them but are nonetheless eligible to receive planning grants under section 1516 based in part upon their population. This Notice sets forth their populations as of July 1, 1978, on the same basis as for health service areas.

The Secretary of Health and Human Services has determined, for puposes of the determination of planning grants for health systems agencies of Fiscal Year 1981, that the population of the health service areas and the District of Columbia, Hawaii and Rhode Island, based on the latest available estimates of the Department of Commerce, are to be derived from the July 1, 1978,

revenue-sharing estimates issued by the Bureau of the Census. These Series P–25 Population Reports furnish the latest available estimates (known as "revenue-sharing estimates") for the population of States and territories by counties, incorporated places, and selected minor jurisdictions which are on a comparable, uniform, and consistent basis as needed for the derivation of population totals for health service areas. Data from the Department of Treasury, Office of Revenue Sharing, "General Revenue Sharing Indian Tribe List", were used to make adjustments of the population of health service areas in Arizona and the health service area that includes portions of Arizona, New Mexico, and Utah.

Accordingly, the Secretary has made the following determination of the populations of the health service areas and areas designated under section 1536 as described above.

Dated: February 12, 1981.

**Robert Graham,**

*Acting Administrator.*

**Health Service Area Populations for Purposes of Determination of Planning Grants in Fiscal Year 1981 [1]**

| | Health service area | Population |
|---|---|---|
| Alabama | 1 | 717,867 |
| | 2 | 219,738 |
| | 3 | 876,494 |
| | 4 | 480,443 |
| | 5 | 695,386 |
| | 6 | 691,841 |
| | (7) See Ga. No. 5. | |
| Alaska | 1 | 50,977 |
| | 2 | 276,263 |
| | 3 | 83,868 |
| American Somoa. | Sec. 1536 | 31,100 |
| Arizona | 1 | 1,428,520 |
| | 2 | 588,008 |
| | 3 | 156,301 |
| | 4 Incl. Ut. No. 2-6,194 and N. Mex. No. 2-52,555. | 142,010 |
| | 5 | 116,845 |
| Arkansas | 1 | 663,837 |
| | 2 | 569,114 |
| | 3 | 473,769 |
| | 4 | 460,705 |
| California | 1 | 624,617 |
| | 2 | 1,172,719 |
| | 3 | 576,694 |
| | 4 | 1,462,089 |
| | 5 | 1,727,781 |
| | 6 | 755,436 |
| | 7 | 1,233,792 |
| | 8 | 613,839 |
| | 9 | 1,211,594 |
| | 10 | 776,825 |
| | 11 | 7,079,216 |
| | 12 | 1,408,563 |
| | 13 | 1,832,854 |
| | 14 | 1,833,790 |
| Colorado | 1 | 1,858,050 |
| | 2 | 588,895 |
| | 3 | 259,479 |
| Connecticut | 1 | 636,075 |
| | 2 | 594,132 |
| | 3 | 497,553 |
| | 4 | 900,151 |
| | 5 | 468,017 |
| Delaware | 1 | 583,553 |
| District of Columbia. | Sec. 1536 | 671,001 |
| Florida | 1 | 808,927 |
| | 2 | 596,269 |
| | 3 | 936,337 |
| | 4 | 1,530,075 |
| | 5 | 853,138 |
| | 6 | 857,466 |
| | 7 | 682,780 |
| | 8 | 889,317 |
| | 9 | 1,509,163 |
| Georgia | (1) See Tenn. No. 3. | |
| | 2 | 530,115 |
| | 3 | 2,103,708 |
| | 4 Incl. S.C. No. 5–98,961 | 606,609 |
| | 5 Incl. Ala. No. 7–46,274 | 780,642 |
| | 6 | 536,897 |
| | 7 | 562,363 |
| Guam | Sec. 1536 | 113,800 |
| Hawaii | Sec. 1536 | 902,370 |
| Idaho | 1 | 682,155 |
| Illinois | 1 | 572,954 |
| | 2 | 702,306 |
| | 3 | 567,613 |
| | 4 | 782,009 |
| | 5 | 616,127 |
| | 6 | 3,049,479 |
| | 7 | 2,822,464 |
| | 8 | 848,196 |
| | 9 | 475,630 |
| | 10 Incl. Ia. No. 3–196,060 | 432,567 |
| | (11) See Mo. No. 3. | |
| Indiana | 1 | 1,951,827 |
| | 2 | 2,140,879 |
| | 3 | 1,294,113 |
| Iowa | 1 Incl. Nebr. No. 4–16,854 | 2,539,604 |
| | (2) See Nebr. No. 3. | |
| | (3) See Ill. No. 10. | |
| Kansas | 1 | 431,431 |
| | 2 | 595,006 |
| | 3 | 829,795 |
| | (4) See Mo. No. 1. | |
| Kentucky | 1 | 1,761,675 |
| | 2 | 1,471,171 |
| | (5) See Oh. No. 1. | |
| Louisana | 1 | 1,440,602 |
| | 2 | 1,420,219 |
| | 3 | 1,117,528 |
| Maine | 1 | 1,091,537 |
| Maryland | 1 | 322,919 |
| | 2 | 575,009 |
| | 3 | 817,920 |
| | 4 | 2,147,103 |
| | 5 | 284,637 |
| Massachusetts | 1 | 803,750 |
| | 2 | 675,563 |
| | 3 | 476,144 |
| | 4 | 2,172,875 |
| | 5 | 1,002,840 |
| | 6 | 639,783 |
| Michigan | 1 | 4,703,626 |
| | 2 | 684,629 |
| | 3 | 759,851 |
| | 4 | 1,051,643 |
| | 5 | 588,055 |
| | 6 | 756,695 |
| | 7 | 311,617 |
| | 8 | 327,920 |
| Minnesota | | |
| | (1) See N. Dak. No. 2. | |
| | 2 Incl. Wis. No. 7–135,031 | 477,878 |
| | (3) See N. Dak. No. 3. | |
| | 4 | 437,085 |
| | 5 | 1,954,904 |
| | 6 | 526,754 |
| | 7 | 404,134 |
| Mississippi | 1 | 2,409,165 |
| Missouri | 1 Incl. Kans. No. 4–493,606. | 1,370,980 |
| | 2 | 1,071,471 |
| | 3 Incl. Ill. No. 11–576,041 | 2,394,171 |
| | 4 | 589,621 |
| | 5 | 494,640 |
| Montana | 1 | 780,039 |
| Nebraska | 1 | 627,838 |
| | 2 | 376,337 |
| | 3 Inc. Ia. No. 2–187,315 | 734,960 |
| | (4) See Ia. No. 2. | |
| Nevada | 1 | 289,319 |
| | 2 | 376,899 |
| New Hampshire | 1 | 869,100 |
| New Jersey | 1 | 1,308,201 |
| | 2 | 1,933,893 |
| | 3 | 554,297 |
| | 4 | 2,024,359 |
| | 5 | 1,493,070 |
| New Mexico | 1 | 1,162,049 |
| | (2) See Ariz. No. 4. | |
| New York | 1 | 1,717,256 |
| | 2 | 1,201,137 |
| | 3 | 1,415,762 |
| | 4 Incl. Pa. No. 8–103,668 | 419,424 |
| | 5 | 1,351,267 |
| | 6 | 1,916,616 |
| | 7 | 7,134,542 |
| | 8 | 2,695,930 |
| North Carolina | 1 | 954,858 |
| | 2 | 1,056,223 |
| | 3 | 939,140 |
| | 4 | 764,754 |
| | 5 | 843,942 |
| | 6 | 1,013,624 |
| North Dakota | 1 | 296,651 |
| | 2 Incl. Minn. No. 1–161,335. | 311,848 |
| | 3 Incl. Minn. No. 3–198,678. | 404,552 |
| Northern Mariana Islands. | Sec. 1536 | 16,700 |
| Ohio | 1 Incl. Ky. No. 3–256,500 | 1,731,441 |
| | 2 | 1,113,952 |
| | 3 | 402,007 |
| | 4 | 996,524 |
| | 5 | 1,585,336 |
| | 6 | 710,786 |
| | 7 | 831,632 |
| | 8 | 657,971 |
| | 9 | 2,206,516 |
| | 10 | 757,037 |
| Oklahoma | 1 | 2,842,516 |
| Oregon | 1 | 1,057,246 |
| | 2 | 1,062,788 |
| | 3 | 332,010 |
| Pennsylvania | 1 | 3,736,983 |
| | 2 | 908,239 |
| | 3 | 799,939 |
| | 4 | 1,350,738 |
| | 5 | 729,936 |
| | 6 | 2,689,122 |
| | 7 | 750,131 |
| | (8) See N.Y. No. 4. | |
| | 9 | 495,182 |
| Puerto Rico | Sec. 1536 | 3,355,00 |
| Rhode Island | Sec. 1536 | 932,392 |
| South Carolina | 1 | 771,533 |
| | 2 | 803,406 |
| | 3 | 579,945 |
| | 4 | 648,082 |
| | (5) See Ga. No. 4. | |
| South Dakota | 1 | 690,573 |
| Tennessee | 1 Incl. Va. No. 6–67,185 | 481,445 |
| | 2 | 799,169 |
| | 3 Incl. Ga. No. 1–99,689 | 565,192 |
| | 4 | 1,410,611 |
| | 5 | 433,883 |
| | 6 | 829,527 |
| Texas | 1 | 348,271 |
| | 2 | 350,820 |
| | 3 | 465,151 |
| | 4 | 629,076 |
| | 5 | 2,983,460 |
| | 6 | 1,232,218 |
| | 7 | 724,964 |
| | 8 | 1,146,906 |
| | 9 | 1,279,284 |
| | 10 | 617,608 |
| | 11 | 2,945,726 |
| | 12 | 323,307 |
| Trust Territory of the Pacific Islands. | Sec. 1536 | 126,000 |
| Utah | 1 | 1,316,741 |
| | (2) See Ariz. No. 4. | |
| Vermont | 1 | 489,124 |
| Virginia | 1 | 663,438 |
| | 2 | 1,050,920 |
| | 3 | 1,107,710 |
| | 4 | 937,662 |
| | 5 | 1,332,376 |
| | (6) See Tenn. No. 1. | |
| Virgin Islands | Sec. 1536 | 95,900 |

See footnote at end of table.

**Health Service Area Populations for Purposes of Determination of Planning Grants in Fiscal Year 1981 [1]—Continued**

| | Health service area | Population |
|---|---|---|
| Washington | 1 | 2,303,973 |
| | 2 | 543,370 |
| | 3 | 456,753 |
| | 4 | 487,887 |
| West Virginia | 1 | 1,860,091 |
| Wisconsin | 1 | 812,109 |
| | 2 | 1,787,288 |
| | 3 | 467,796 |
| | 4 | 513,881 |
| | 5 | 577,053 |
| | 6 | 390,623 |
| | (7) See Minn. No. 2 | |
| Wyoming | 1 | 425,180 |
| Total | 213 | 222,010,759 |

[1] Population based on Bureau of the Census "revenue-sharing" estimates for July 1, 1978 as noted in the accompanying text of this Notice.

[FR Doc. 81-5553 Filed 2-18-81; 8:45 am]

BILLING CODE 4110-83-M

## Health Services Administration

### Advisory Committee, Announcement of Meeting; Cancellation

In Federal Register Document 81-4014 appearing at pages 10856-10857 in the issue for Wednesday, February 4, 1981, the March 10-11, 1981 meetings of the EMS Communications Work Group of the Interagency Committee on Emergency Medical Services, the EMS Training Work Group of the Interagency Committee on Medical Services, and the Interagency Committee on Emergency Medical Services have been cancelled.

Dated: February 12, 1981.

**William H. Aspden, Jr.,**

*Associate Administrator for Management.*

[FR Doc. 81-5587 Filed 2-18-81; 8:45 am]

BILLING CODE 4110-84-M

## DEPARTMENT OF THE INTERIOR

## Geological Survey

### Intent To Prepare an Environmental Impact Statement and To Hold Public Scoping Meetings on the Reclamation of the Jackpile-Paguate Uranium Mine Complex on the Laguna Indian Reservation in Northwestern New Mexico

**AGENCY:** Geological Survey, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Geological Survey and the U.S. Bureau of Indian Affairs have determined that an environmental impact statement (EIS) is required on the Anaconda Copper Company's proposal to reclaim the Jackpile-Paguate Uranium Mine on the Laguna Indian Reservation in northwestern New Mexico, approximately 40 miles west of Albuquerque.

The Jackpile-Paguate Uranium Mine has been in operation since 1953. The mine complex affects approximately 2,650 acres and measures approximately 3 miles by 4 miles.

A plan of reclamation has been submitted by Anaconda to reclaim the affected acreage. The U.S. Geological Survey and the U.S. Bureau of Indian Affairs have prepared a proposed scoping document for the EIS which summarizes Anaconda's reclamation plan, anticipated issues and concerns, alternative decisions, and identifies responsible personnel on the EIS task force.

Important issues and concerns to be discussed and clarified at the public scoping meetings include:

1. The potential release of radioactive substances into the atmosphere from waste and storage piles.
2. Potential radiological contamination of the Rio Paguate and Rio Moquino Rivers and the Quick Reservoir.
3. Potential radiological contamination of the groundwater by the leaching of the waste piles, backfills, and underground mining areas.
4. Potential radiological contamination of the soil-vegetation-livestock-wildlife-human food chain.
5. The establishment of long term monitoring needs and procedures.
6. Development of alternative methods of conducting the proposed reclamation.

Copies of the proposed scoping document are available on request from those individuals identified under information contacts. Additional public during business hours at the following locations:

- U.S. Geological Survey, Western Bank Building, Room 515, 505 Marquette, NW., Albuquerque, New Mexico 87102
- U.S. Bureau of Indian Affairs, Room 322, 123 Fourth Street, NW., Albuquerque, New Mexico 87103
- Laguna Tribal Council Building, Laguna, New Mexico 87104
- U.S. Geological Survey, National Center, Room 6A206, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

**DATES:** Public meetings will be held on March 16, 1981, at the Laguna Tribal Council Building, Laguna, New Mexico, at 6:00 p.m., and on March 18, 1981, at the Classic Hotel, 6815 Menaul Boulevard, NE., Albuquerque, New Mexico, at 9:00 a.m. The purpose of these meetings is to gather public input in determining the final scope of the EIS to be prepared on the reclamation of the Jackpile-Paguate Uranium Mine complex.

**FOR FURTHER INFORMATION CONTACT:** Marc Nelson, U.S. Geological Survey, Room 815, Western Bank Building, 505 Marquette, NW., Albuquerque, New Mexico 87102, ((505) 766-2841 or FTS 474-2841); or Bill Allan, Bureau of Indian Affairs, Room 322, 123 Fourth Street, NW., Albuquerque, New Mexico 87103, ((505) 766-3374 or FTS 474-3374).

**SUPPLEMENTARY INFORMATION:** Oral statements at the meeting will be limited to a period of 5 minutes. Individuals will be allotted time for the specific meeting requested in the order the requests are received. To the extent that time is available, after presentation of oral statements by those who have given advance notice, the presiding officer will give others present an opportunity to be heard in the order that their name appears on the meeting register.

Written comments may also be submitted to Mr. Nelson or Mr. Allan at the above addresses and shall be considered part of the meeting record if they are received by March 30, 1981.

The ultimate goal of the U.S. Geological Survey and U.S. Bureau of Indian Affairs is the preparation of an EIS which will assess all relevant issues. In order to accomplish that goal, public involvement is vital to assure that all important aspects will be addressed and properly considered. Moreover, all interested parties are invited to contact the task force at any time during the preparation of this EIS.

Dated: February 13, 1981.

**Eddie R. Wyatt,**

*Acting Deputy Division Chief, Onshore Minerals Regulation.*

[FR Doc. 81-5594 Filed 2-18-81; 8:45 am]

BILLING CODE 4310-31-M

## Bureau of Land Management

### Lakeview District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Lakeview District Advisory Council will be held on March 24, 1981.

The meeting will begin at 9 a.m. Pacific Standard Time, in the Lakeview BLM District Office Conference Room at 1000 South Ninth Street, Lakeview, Oregon.

The agenda for the Advisory Council Meeting is:

1. Review and discussion of Draft Lakeview Grazing E.I.S.
2. Discussion of Oregon BLM Range Improvement Policy.
3. Report on District Wild Horse Program.
4. Wilderness Review Update.

The meeting is open to the public and news media. Interested persons may make oral statements to the council between 2 and 3 p.m., or file written statements for the council consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, P.O. Box 151, Lakeview, Oregon 97630, telephone 503–947–2177, by close of business March 17, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A report of the council meeting will be maintained at the Lakeview District Office and be made available for public use. Copies of all or part of the report may be obtained for a fee.

**Malcolm T. Shrode,**

*Acting District Manager.*

February 9, 1981.

[FR Doc. 81–5645 Filed 2–18–81; 8:45 am]

BILLING CODE 4310–84–M

## INTERSTATE COMMERCE COMMISSION

**[Ex Parte No. 387 (Sub-7)]**

### Consolidated Rail Corporation Exemption for Contract Tariffs ICC–CR–C–0006 and ICC–CR–C–0007

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of provisional exemption.

**SUMMARY:** Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariffs will become effective February 12, 1981. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

**FOR FURTHER INFORMATION CONTACT:** Richard B. Felder, (202) 275–7656 or Richard Schiefelbein, (202) 275–0826.

**SUPPLEMENTARY INFORMATION:** Consolidated Rail Corporation (ConRail) has requested that we authorize short notice for its proposed tariffs ICC–CR–C–0006 and ICC–CR–C–0007. Those tariffs reflect four month contracts expiring on May 1, 1981.

The purpose of the contracts is to maximize the dumping capacity of the Pier 124 coal dumping facility in South Philadelphia, PA. ConRail currently operates two coal dumpers at this site. Under a modernization program scheduled to begin in February, 1981, only one of these dumpers will remain operational during construction activity. In order to take advantage of the Pier's dumping capacity while both dumpers are still available, ConRail is encouraging the substitution of untreated, water-washed coal with coal that has been chemically treated to prevent freezing. This treated coal dumps more quickly than untreated coal and requires little or no thaw shed time. ConRail plans to use one dumper exclusively for treated coal until construction forces shutdown of one of the two dumpers.

Tariffs ICC–CR–C–0006 and ICC–CR–C–0007 and their accompanying contracts provide that the shippers may replace their untreated coal destined for Pier 124 with an equivalent tonnage of freeze-treated coal. The untreated coal will be stored on ConRail lines without accruing demurrage charges.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The contracts are intended to allow the most efficient use of ConRail's Pier 124 facilities before they are disrupted by planned construction beginning in February of this year. To permit the contracts to become effective only after a 30 day period would frustrate this purpose. We believe that the contract proposals will enhance carrier service by encouraging efficient use of transportation facilities and should not impair the carrier's obligation to provide service to other shippers. ConRail states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted.

ConRail has already indicated in its petition a willingness to be bound by the following conditions, which have been imposed in similar exemption proceedings:

> If the Commission permits the contracts to become effective on one day's notice, this fact neither shall be construed to mean that these are Commission approved contracts for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contracts and to disapprove them during the periods specified in 49 U.S.C. 10713.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(a) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Decided: February 11, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

**Agatha L. Mergenovich,**

*Secretary.*

[FR Doc. 81–5568 Filed 2–18–81; 8:45 am]

BILLING CODE 7035–01–M

**[Ex Parte No. 387 (Sub-5)]**

### Consolidated Rail Corporation Exemption for Contract Tariff ICC–CR–C–0008

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of provisional exemption.

**SUMMARY:** Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariff will become effective February 10, 1981. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

**FOR FURTHER INFORMATION CONTACT:** Richard B. Felder, (202) 275–7656 or Richard Schiefelbein, (202) 275–0826.

**SUPPLEMENTARY INFORMATION:** Consolidated Rail Corporation (ConRail) has requested that we authorize short notice for its proposed tariff ICC–CR–C–0008. That tariff reflects a four month contract expiring on May 1, 1981.

The purpose of the contract is to maximize the dumping capacity of the Pier 124 coal dumping facility in South Philadelphia, PA. ConRail currently operates two coal dumpers at this site. Under a modernization program scheduled to begin in February, 1981, only one of these dumpers will remain operational during construction activity. In order to take advantage of the Pier's dumping capacity while both dumpers are still available, ConRail is encouraging the substitution of untreated, water washed coal with coal that has been chemically treated to prevent freezing. This treated coal dumps more quickly than untreated coal and requires little or no thaw shed time. ConRail plans to use one dumper exclusively for treated coal until construction forces shutdown of one of the two dumpers.

Tariff ICC–CR–C–0008 and its accompanying contract provide that the shipper may replace its untreated coal

destined for Pier 124 with an equivalent tonnage of freeze-treated coal. The untreated coal will be stored on ConRail lines without accruing demurrage charges. Additional contracts embodying these same provisions will be filed by ConRail in the near future.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The contract is intended to allow the most efficient use of ConRail's Pier 124 facilities before they are disrupted by planned construction beginning in February of this year. To permit this contract to become effective only after a 30 day period would frustrate this purpose. We believe that the contract proposal will enhance carrier service by encouraging efficient use of transportation facilities and should not impair the carrier's obligation to provide service to other shippers. ConRail states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted.

ConRail has already indicated in its petition a willingness to be bound by the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101 a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: February 9, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

**Agatha L. Mergenovich,**

*Secretary.*

[FR Doc. 81-5566 Filed 2-18-81; 8:45 am]

BILLING CODE 7035-01-M

**[Ex Parte No. 387 (Sub-6)]**

## Petition Requesting Inspection of Rail Contract

Decided: February 6, 1981.

On February 3, 1981, Louis Dreyfus Corporation (Dreyfus) filed a petition requesting the opportunity to review and copy a contract filed by the Atchison, Topeka and Santa Fe Railway Company (Santa Fe). The Santa Fe contract, ICC–ATSF–C–0006 (filed on January 23, 1981), applies to the movement of wheat from Denver, Colorado to the ports of Beaumont, Galveston, and Houston for export. The narrative summary of the Santa Fe's contract tariff reads as follows:

> Contract ICC–ATSF–C–0006 provides a varying annual volume basis for shipping wheat over a three year period of time from Denver, Colorado to the Gulf Ports of Beaumont, Galveston and Houston for export. The base rate is $2.07 per hundredweight for a distance of 1,150 miles. This contract also provides that the rate is to be subject to an escalation agreement and that shipments will apply in carrier unassigned equipment or shipper-owned or shipper-leased equipment or a mixture thereof.

In its petition, Dreyfus claims that the "essential terms" of the contract (which are to be available to the general public under the provisions of 49 U.S.C. 10713 (b) are more than the information made available in the summary of the Santa Fe's contract. Dreyfus claims that the information in the summary is insufficient to allow Dreyfus to determine whether it has sufficient grounds to challenge the contract under the "unreasonable discrimination" or "destructive competitive practice" provisions of 49 U.S.C. 10713(d)(2)(B). Dreyfus states: "The extent of rate decreases and the volume which must be shipped to obtain the reduced rates clearly are essential terms of the contract, necessary for Dreyfus to determine whether the contract violates 49 U.S.C. 10713(d)(2)(B) as to Dreyfus."

Dreyfus also states that 49 U.S.C. 10713(d)(2)(B)(i) entitles Dreyfus to offer to enter a similar contract with Santa Fe for transportation of the same commodity under similar conditions to the contract at issue, and that, without access to various contract provisions not included in the summary, Dreyfus cannot determine whether to offer to enter into a similar contract.

We consider the confidentiality of railroad transportation contracts to be an important and serious matter. In our interim rules on *Railroad Transportation Contracts* (Ex Parte No. 387, served October 24, 1980) [45 FR 73481, November 5, 1980], which were subsequently changed to proposed rules, we stated the following regarding the summary of nonconfidentail contract information and the essential elements of a contract (at pages 73481 and 73482):

> We interpret this provision [Section 10713 (b)] to mean that the summary must be available to the public, but that the actual contract filed with the Commission need not be made available and should be treated as confidential. This interpretation is consistent with the intent of the Rail Act to rely on ordinary market mechanisms. Rail contracts, like most other contracts, should be the result of private negotiations and should not, without an exceptional showing of need, be made available to the parties' competitors or the general public. Our rules provide that such a showing of need would have to demonstrate that the petitioner is likely to succeed on the merits of its complaint and that the matter complained of could not be proven without access to the complete contract.

We also consider the right of individuals to due process important and serious. For that reason, we included in the discussion quoted above a procedure by which a potentially harmed party could have access to a confidential contract. In balancing the right of confidentiality with the right of access under due process, we believe that there should be a heavy burden of proof placed on a party requesting the Commission to make its competitor's confidential marketing information available for inspection. This belief was reflected in part 1300.310(b) of our proposed rules (at page 73485):

> (b) The contract filed under these rules will not be available for inspection by persons other than the parties to the contract and authorized Commission personnel, except by petition demonstrating that petitioner is likely to succeed on the merits of its complaint and that the matter complained of could not be proved without access to the complete contract.

In our initial review of the Dreyfus petition, we do not find that Dreyfus has demonstrated that it is likely to succeed on the merits of its complaint and, thus, has not presented sufficient justification to warrant our revealing confidential information to Dreyfus. We do not believe that contracts should be made available to other shippers based simply on statements that certain information is not included in a contract tariff summary. We do not believe that such a decision would be consistent with the intent of Section 208 of the Staggers Rail Act of 1980 (Pub. L. 96–448). We will not establish here a precedent which would allow a potential protesting shipper full access to a contract on the basis of simple allegations.

We acknowledge, however, that the criteria by which we would weigh petitions for inspection of a contract

were not clearly described in our proposed rules. In order to provide Dreyfus the full benefit of the provisions permitting it to challenge a contract, we will describe the criteria by which we will judge inspection petitions and will provide Dreyfus additional time in which to determine whether its situation meets the criteria and to present its petition to us.

We believe that, before a shipper can claim that a contract unreasonably discriminates against it or is a destructive competitive practice, the shipper should be expected to have attempted to negotiate with the railroad. One can hardly claim discrimination if a railroad is willing to provide the same treatment to him as it did to another shipper. Similarly, we cannot find a "destructive competitive practice" to exist on the basis of unsupported allegations. Specific evidence must be offered.

We find it to be crucial in this decision that Dreyfus has not claimed to have attempted to secure similar treatment from the Santa Fe. To the contrary, Dreyfus, on page 6 of its petition, states that without access to various undisclosed elements of the contract, "* * * Dreyfus cannot conceivably determine whether to offer to enter into a similar contract, as provided by statute."

In any petition requesting access to a rail transportation contract, we will expect the petitioner to demonstrate that it has contacted the railroad involved and has attempted to secure an agreement similar to the contract at issue. We will expect the petitioner to detail the terms and conditions it is willing to accept. The Commission will then be in a position to determine whether it is necessary to release any additional contract information. Without this information, we would not be in a position to determine whether a petitioner is likely to succeed on the merits of its challenge. Without such a determination, we cannot justify the disclosure of confidential information.

In order to provide time for Dreyfus to meet with and negotiate with the Santa Fe, we will extend the time available to Dreyfus to file a challenge to the contract and/or a sufficient petition for inspection of the contract. We will not, however, suspend the effective date of the contract at this time based on the petition before us now. If, in its subsequent filing, Dreyfus presents sufficient information to warrant a proceeding to review the contract under the provisions of 49 U.S.C. 10713(d), we will at that time institute the necessary proceeding.

We will extend until February 18, 1981 the deadline for Dreyfus to file either a challenge to the contract or a sufficient petition for inspection of a contract. This is an extension of eight days beyond normal procedures. This will permit us two working days in which to decide, prior to the February 22, 1981 effective date, whether to initiate a proceeding to review the contract.

*It is ordered:*

1. The petition of Louis Dreyfus Corporation filed on February 3, 1981 is denied without prejudice to refiling as described above.

2. Louis Dreyfus Corporation is granted an extension until February 18, 1981 to file a complaint against the subject contract and/or to file a new petition to inspect the contract.

3. This decision is effective on February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Clapp dissenting in part and submitting a separate expression at a later date.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 81-5564 Filed 2-18-81; 8:45 am]

BILLING CODE 7035-01-M

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**[Finance Docket No. 29486]**

## Delaware and Hudson Railway Co.—Purchase (Portion)—Consolidated Rail Corp.[1]

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Supplemental decision and notice accepting application for consideration.

**SUMMARY:** On January 7, 1981, the Commission published notice in the **Federal Register**, at 46 FR 1789, accepting the application of Delaware and Hudson Railway Company for authority to purchase a line of railroad owned by Consolidated Rail Corporation. That notice did not comply fully with the requirements of the Staggers Rail Act of 1980. Therefore, the Commission is publishing this supplemental notice of acceptance of the application. The title has also been changed to accurately reflect the proposed transaction. The proposed transaction is not one of regional or national transportation significance within the meaning of the Staggers Rail Act of 1980.

**DATES:** Written comments must be filed no later than February 23, 1981.

**FOR FURTHER INFORMATION CONTACT:** Ellen Hanson, (202) 275-7245 or Ernest B. Abbott, (202) 275-3002.

**ADDRESS:** An original and 10 copies of all statements should be sent to: Section of Finance Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

**SUPPLEMENTARY INFORMATION:** Applicants Delaware and Hudson Railway Company (D&H) and the Consolidated Rail Corporation (Conrail) jointly seek authority pursuant to 49 U.S.C. 11343 *et seq.* for D&H to purchase and operate a line of railroad owned by Conrail between Binghamton, NY and Scranton, PA, a total distance of 60.34 miles in Broome County, NY, and Susquehanna, Wyoming, and Lackawanna Counties, PA.

The application was filed under our current consolidation regulations, 49 CFR Part 1111, as modified in Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures*, (45 FR 62991, September 23, 1980), 363 I.C.C. 200 (1980). The transaction is governed by 49 U.S.C. 11343 and the time limits of 49 U.S.C. 11345, as those sections are modified by section 228 of the Staggers Rail Act of 1980, Pub. L. 96-448, October 14, 1980.

On January 7, 1981, by notice published in the **Federal Register** at 46 FR 1789, the Commission accepted the application for consideration because it substantially complies with the applicable regulations.

The application and exhibits are available for inspection in the Public Docket Room at the offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicants' representatives upon request.

### Background

On September 22, 1980, D&H filed an application under 49 U.S.C. 10901 for authority to "acquire and operate" the Conrail line between Binghamton, NY and Scranton, PA. After a preliminary review, Commission staff determined that the application could not be processed under Section 10901 and that the application should properly have been filed under 49 U.S.C. 11343 because it involved "a purchase, lease, or contract to operate property of another carrier by any number of carriers." 49 U.S.C. 11343(a)(2).

Subsequently, D&H and Conrail supplemented the application and later further supplemented it with additional information. The last supplemental filing was received on December 3, 1980; that date is now treated as the actual filing date of the application.

[1] Previously titled *Delaware and Hudson Railway Company—Acquisition and Operation—of A Line of Railroad In Broome County, NY, and Susquehanna, Wyoming, and Lackawanna Counties, PA.*

On January 7, 1981, the Commission published notice in the **Federal Register** inviting comments on the proposal. 46 FR 1789 (January 7, 1981). This notice did not comply fully with the requirements of the Staggers Rail Act of 1980, in that, *inter alia*, it did not specify the statutory time limits applicable to this proceeding. In addition, the title in the notice was that given the proposal when it was initially filed under section 10901.

Therefore, we are publishing this supplemental notice to cure the defects of the previous notice. However, because the January 7 notice stated that commenters on the proposal had 45 days after the date notice is published to file their submissions (based on our findings herein, commentors normally would have been allowed only 30 days), we shall continue to regard February 23, 1981 as the deadline for comments. The Secretary of Transportation and Attorney General shall file comments by March 9, 1981.

We shall continue to treat January 7 as the notice date for other deadlines in this proceeding. For example, because we find that the proposal is a minor transaction within the meaning of that term as used in our consolidation regulations, 49 CFR Part 1111, the Staggers Rail Act of 1980 requires us to conclude the evidentiary proceeding by April 22, 1981 (the 105th day after the publication of the notice).

**Statutory Standards**

Under the Staggers Rail Act, if a proceeding does not involve the merger or control of at least two class I railroads, we must approve the application unless we find:

(1) as a result of the transaction there is likely to be a substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

49 U.S.C. 11344(d). Parties filing comments are cautioned and urged to address these statutory criteria.

The Staggers Rail Act requires us, in the notice accepting an application under 49 U.S.C. 11343, to indicate whether the proposed transaction is of "regional or national transportation significance." [2] Our interim regulations state that a § 11343 transaction between a Class I railroad and a Class I or Class II railroad is of regional or national transportation significance if it is a "control or merger" or if it is a "major market extension" resulting from, *inter alia*, an acquisition or purchase. 49 CFR 1111.5(a), *as amended by* Ex Parte No. 282 (Sub-No. 8), (45 FR 74488 November 10, 1980) *super.*

The application does not appear to constitute a major market extension. The attractiveness of the proposal to D&H is clear; it would permit D&H to transfer its traffic from one of its existing lines to a parallel adjacent line currently owned by Conrail which D&H considers to be a physically superior line. The Conrail Binghamton-Scranton line is approximately 20 miles shorter than D&H's Lanesboro, PA-Scranton line for east-west traffic and has more favorable grades and curvature; the smmmit is 810 feet lower than the elevation of the largely parallel Lanesboro-Scranton line. D&H expects these characteristics to permit it to provide better service at a lower cost in its existing market. Since it believes the Conrail line is generally in better condition than its own line, D&H would spend far less for necessary rehabilitation. D&H also anticipates that it will be able to abandon a substantial portion of the parallel route and reduce the cost of operating the remainder.

However, we do not believe these improvements would give D&H a "major market extension." D&H will not be given acess to any new markets as a result of the transaction. The estimated reduction in running time anticipated from the purchase is only 1½ Hours, which is not likely to be of competitive significance. The seller, Conrail, has already diverted its overhead traffic to a different route, indicating its belief that transfer of the line to D&H will not affect Conrail's ability to provide competitive service. Finally, the acquisition will not permit D&H to bypass major areas of congestion over which it has little operating control. *Compare* F.D. 30,000, *Union Pacific Corp.—Control—Missouri Pacific Corp.* (not printed), served December 29, 1980, at 3.

For all of these reasons, we believe the proposed transaction is not a major market extension. Moreover, the transaction is clearly not a "control or merger". Accordingly, we find that the proposed transaction is not of regional or national transportation significance. 49 CFR 1111.5(a).

**Participation in the Proceeding: Comments**

Any interested person may participate in this proceeding by submitting written comments regarding the applications. An original and 10 copies must be filed with the Section of Finance, Room, 5414, Interstate Commerce Commission, Washington, DC 20423, no later than February 23, 1981. Written comments shall be concurrently served by first-class mail on the United States Secretary of Transportation, the Attorney General of the United States, and the applicants' representatives:

Charles E. Mechem, Commerce Counsel, Consolidated Rail Corporation, 6 Penn Center Plaza, Philadelphia, PA 19104
and
George H. Kleinberger, corporate Counsel, Delaware and Hudson Railway Company, Albany, NY 12207.

Written comments must also be served upon all parties of record within 10 days of our issuances of the service list in this proceeding. (We plan to issue that service list by March 2, 1981). All persons who file timely written comments may be considered as parties of record, but only if they so indicate in their comments. In this event no petition for leave to intervene need be filed.

Written comments must contain: (1) the docket number and title of the proceeding;

(2) the name, address and telephone number of the commenting party and its representative upon whom service shall be made;

(3) the commenting party's position, in support of or opposition to the proposed transactions;

(4) a statement of whether the commenting party intends to participate formally in any hearings or merely comment upon the proposal;

(5) a list of all information sought to be discovered from applicant carriers;

(6) an initial list of specific protective conditions sought; and

(7) anyrequest for oral hearing that the commenting party will make with reasons supporting the request. Particular attention should be given to Ex Parte No. 282 (Sub-No. 3A), *Railroad Consolidation Proceedings, Expedited Processing*, —— I.C.C. —— (served December 17, 1980), 45 FR 84803 (December 23, 1980).

We Advise Interested Persons to Direct Their Comments to the Statutory Criteria Discussed at Page 4, *supra.*

Preliminary comments from the Secretary of Transportation and the

[2] This finding determines the time frames applicable to the proceeding. If the transaction is not of regional or national transportation significance, we must issue a final decision within 150 days from the date of publication of the notice in the **Federal Register**; otherwise, we have 270 days in which to issue a final decision.

Furthermore, there is no provision for the filing of inconsistent applications if the transaction is not of regional or national transportation significance. See Ex Parte No. 282 (Sub-No. 8), *Railroad Consolidation Procedures—Time Revisions*, (decided October 29, 1980), 45 *Fed. Reg.* 74488 (November 10, 1980).

Attorney General must be filed with the Commission by March 9, 1981.

**Responsive Applications**

The Staggers Rail Act of 1980 contains no provision for inconsistent applications in connection with a transaction which is not of regional or national significance. Our interim regulations implementing the Act expressly prohibit such responsive applications. Ex Parte No. 282 (Sub-No. 8), *supra*. Thus, none will be entertained.

**Procedural Information**

Applicants are directed to respond no later than March 11, 1981, to any information requests contained in the written comments of other parties. We encourage response to discovery requests as soon as possible in order to expedite the proceeding. Applicants' responses should indicate what information will be voluntarily supplied and the reasons why the remainder will not be voluntarily supplied. We warn parties now that we will not tolerate dilatory tactics in response to reasonable discovery requests designed to elicit relevant evidence. A refusal voluntarily to supply information will be treated as an objection to the request for discovery. Responses should be served upon all parties of record, and 10 copies of those responses should be concurrently filed with the Commission.

Oral hearings are not contemplated at this time. On or before March 20, 1981, if oral hearings or other evidentiary proceedings are deemed necessary, we will issue a further order to that effect.

By statute, the evidentiary phase of the proceeding must be concluded by April 22, 1981. Service of an initial decision will be waived, and determination on the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345, by June 5, 1981.

*It is ordered:*

1. The application in Finance Docket No. 29486 is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

**Agatha L. Mergenovich,**

*Secretary.*

[FR Doc. 81-5563 Filed 2-18-81; 8:45 am]

BILLING CODE 7035-01-M

**Permanent Authority Decisions; Decision-Notice**

*Correction*

In FR Doc. 80-39760, published at page 84882, on Tuesday, December 23, 1980, on page 84883, in the first column, in paragraph "MC 112520 (Sub-397F)", in the seventh line, "AL, AR, GA" should be corrected to read "AL, AR, FL, GA".

BILLING CODE 1505-01-M

## INTERNATIONAL TRADE COMMISSION

[332-123]

**Probable Economic Effect on Domestic Industries of the Designation of the Peoples Republic of China as a Beneficiary Developing Country for Purposes of the U.S. Generalized System of Preferences**

**AGENCY:** United States International Trade Commission.

**ACTION:** The Commission has rescheduled the hearing dates for the above captioned investigation, No. 332-123. The hearing will now be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t., on April 22, 1981, and continued on April 23, 1981, as required. Requests to appear at the public hearing should be filed in writing with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, April 16, 1981.

The hearing was originally scheduled to begin April 21, 1981. The Commission's initial notice concerning the investigation, including the scope, the hearing, and procedures for submitting information, was published in the **Federal Register** of January 22, 1981 (46 F.R. 7108).

By order of the Commission.

Issued: February 13, 1981.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 81-5087 Filed 2-18-81; 8:45 am]

BILLING CODE 7020-02-M

[332-122]

**Study of the Economic Impact on the Domestic Jewelry Industry of the Subdivision of Item 740.10 of the Tariff Schedules of the United States for Purposes of the Generalized System of Preferences**

**AGENCY:** United States International Trade Commission.

**ACTION:** As a result of a request of February 5, 1981 from the Senate Committee on Finance to give favorable consideration to any request from domestic interests for an extension of the date for the public hearing for the subject investigation, the Commission has rescheduled the hearing for Investigation No. 332-122 from February 19, 1981 to March 30, 1981. The hearing will be held in the conference room of the Biltmore Hotel, Kennedy Plaza, Providence, RI beginning at 10:00 a.m. e.s.t. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436 not later than noon, March 24, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter Bodde, General Manufacturers Division, Office of Industries, U.S. International Trade Commission, Washington, D.C. 20436 (Telephone 202-724-1730).

**SUPPLEMENTARY INFORMATION:**

**Request for Extension**

The Commission's initial notice of Investigation No. 332-122 containing information on investigation coverage, the public hearing, and related information, was published in the **Federal Register** of January 22, 1981 (46 F.R. 7108). On February 5, 1981 the Commission received a Senate Finance Committee request to give favorable consideration to any request by a domestic interest for extenstion of the date of the public hearing for the investigation. on February 6, 1981 a letter was received from a representaitve of the domestic jewelry industry requesting that the hearing be postponed three weeks until sometime after March 9, 1981.

**Written Submissions**

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commerical or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persosns. To be ensured of consideration by the Commission,

written statements should be submitted at the earliest practicable date, but no later than April 6, 1981 (extended from the original deadline of February 27, 1981). All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commisison.

Issued: February 11, 1981.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 81-5808 Filed 2-18-81; 8:45 am]

BILLING CODE 7020-02-M

## DEPARTMENT OF JUSTICE

### Proposed Consent Judgment in Action To Enjoin Discharge of Air Pollutants

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. *Keystone Coke Co., and Alabama By-Products Corporation* has been lodged with the District Court for the Eastern District of Pennsylvania. The proposed decree requires the defendant to comply with the Clean Air Act at two coke batteries in Upper Merion Township, Pennsylvania. In particular, the decree requires the Defendants to control emissions from its coke batteries by installing pushing control technology and a coke oven gas desulfurization system. In addition Keystone is required to pay a $250,000 penalty to the Pennsylvania Clean Air Fund for violations of a previous state decree.

The Department of Justice will receive written comments relating to the proposed judgment for 30 days from the date of publication of this notice. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to "*United States* v. *Keystone Coke Co.*," D.J. Ref. No. 90-5-2-1-125.

The proposed decree may be examined at the Office of the United States Attorney, United States Courthouse, Philadelphia, 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 may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. All requests for copies should be accompanied by a check or a money order made out for $2.00 to the Treasurer of the United States in order to cover the reproduction costs.

**Angus Macbeth,**

*Deputy Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 81-5646 Filed 2-18-81; 8:45 am]

BILLING CODE 4410-01-M

## Drug Enforcement Administration

### Manufacture of Controlled Substances; Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 21, 1980, Arenol Chemical Corporation, 40-33 23rd St., Long Island City, N.Y. 11101, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Amphetamine (1100) | II |
| Methamphetamine (1105) | II |

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I St., N.W., Washington, D.C 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than March 13, 1981.

Dated: February 12, 1981.

**Peter B. Bensinger,**

*Administrator, Drug Enforcement Administration.*

[FR Doc. 81-5629 Filed 2-18-81; 8:45 am]

BILLING CODE 4410-09-M

### S & S Pharmacy, Inc.; Denial of Registration

On September 4, 1980, the Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause proposing to deny the pending application of S & S Pharmacy, Inc., trading as Commercial Wharf Pharmacy (Respondent), of Boston, Massachusetts, for registration as a retail pharmacy under section 303 of Controlled Substances Act, 21 U.S.C. 823. The basis for the the proposed denial, as stated in the Order to Show Cause, was that Stanley J. Sokolowski, and owner of S & S Pharmcy, Inc., and registered pharmacist-manager of Commercial Wharf Pharmacy, had been convicted of felony offenses relating to controlled substances and that the application which is the subject of this proceeding was materially falsified in that it denied that any officer, partner or shareholder had been convicted of a felony offense relating to controlled substances and denied that any such person had previously had a registration revoked, when in fact, Mr. Sokolowski had been convicted of a controlled substance-related felony and had, in the Matter of Llynnfield Drug, Inc., DEA Docket No. 76-6, had such a registration revoked.

The Respondent, pursuant to 21 CFR 1301.54(c), has filed a waiver of hearing and a written statement of fact intended to show cause why its application should not be denied.

The Respondent's statement was accompanied by a number of documents submitted in support of its contention that its application for registration should not be denied. In summary, the statement and documents show that on May 8, 1980, the date of the Respondent's application for DEA registration, Stanley Sokolowski was not an officer, director or stockholder of S & S Pharmacy, Inc., and therefore, the Respondent argues, the application was not materially falsified in any way. The supporting documents reveal that as of the date of its incorporation, about December 12, 1979, Stanley Sokolowski was the president, treasurer, clerk, sole director and sole shareholder of S & S Pharmacy, Inc. These documents further show that on May 4, 1980, Stanley Sokolowski resigned his offices and his directorship and transferred all of his stock in the corporation to Barbara Ann Sokolowski, his wife, who then became president, treasurer, clerk, sole director and sole shareholder of the corporation.

Subsequent to the receipt of the Respondent's waiver of hearing and supporting statement, further inquiries were made to ascertain whether the information supplied by the Respondent was accurate and, if so, whether is was sufficient to persuade the Administrator to grant the Respondent's application for registration. In response to its inquiry, DEA received certified documents from the Commonwealth of Massachusetts' Board of Registration in Pharmacy. The State documents include the

Respondent's applications for a permit to operate a retail pharmacy and for a State controlled substance registration. These documents, filed on or about December 18, 1979, show Stanley Sokolowski as the president, clerk, treasurer, sole stockholder and registered pharmacist in charge. As of October 8, 1980, a full five months after the Respondent's application was executed and filed with DEA, the Board of Registration in Pharmacy still carried Stanley Sokolowski as holding all of these positions of responsibility.

The Massachusetts Pharmacy Regulations, 247 CMR § 4.04(5), provide that licensees such as the Respondent must promptly notify the Board of Registration in Pharmacy of changes in the identify of officers and major stockholders, such as that which occured within the Respondent coporation on May 4, 1980. The Respondent has failed to make such notification. This fact, taken together with the fact that the corporate changes took place just four days prior to the filing of the application for DEA registration, lead the Administrator to conclude that the transfer of Stanley Sokolowski's offices, directorship and stock to Barbara Sokolowski represents nothing more that a straw transaction, designed to conceal Stanley Sokolowski's management of the Respondent's business, for the purpose of obtaining a Federal Controlled Substance registration.

Even if these transactions were genuine, the State documents show, and the Respondent admits, that Stanley Sokolowski is still the registered pharmacist in charge of Commercial Wharf Pharmacy. The Controlled Substances Act speaks in terms of the conviction of the "registrant" of felony offenses relating to controlled substances. 21 U.S.C. 824(a)(2). In a retail pharmacy, such as the Respondent's, the registered pharmacist in charge of the pharmacy is responsible for ordering controlled substances; for keeping and maintaining the required records and inventories; for taking all necessary measures to prevent the loss and diversion of controlled substances; and for dispensing such substances only in accordance with applicable State and Federal laws. The corporate pharmacy acts through the agency of its pharmacist-manager or pharmacist in charge.

Business entities are rarely convicted of criminal offenses. On the other hand, the people who are entrusted with the operation of such businesses can be, and they are, convicted when they violate the law. In enacting the Controlled Substances Act, the Congress provided a means for protecting the public by denying certain convicted felons access to controlled substances. The remedies, found in 21 U.S.C. 823 and 824, provide for the denial, revocation and suspension of registrations when it is found that the registrant has been convicted of a felony offense relating to controlled substances. A further remedy, designed to prevent these individuals from having access to controlled substances is found in the DEA's regulations. 21 CFR 1301.76(a) provides that a registrant shall not employ, as an agent or employee having access to controlled substances, any person who has had an application for registration denied, or has had his registration revoked, at any time. The law and the regulation apply, with equal force, to all registrants: manufacturers, distributors, individual practitioners and pharmacies.

Congress did not intend to exempt pharmacies from the reach of the law merely because they may be organized along corporate lines as opposed to being sole proprietorships. Thus, the Administrator has in the past looked behind the corporate veil to revoke or deny a registration when a responsible official of a corporate registrant has been convicted of violating the laws relating to controlled substances. See, for example, the *Matter of Serling Drug Company, Inc.*, DEA Docket No. 74–12, 40 FR 11918, affirmed without written opinion by the United States Court of Appeals for the Sixth Circuit at 524 F.2d 1406 (1975); the *Matter of Nicholas G. Gakidis, t/a New Seabury Pharmacy*, DEA Docket No. 76–2, 41 FR 52555 (1976); the *Matter of Lynnfield Drug, Inc.*, DEA Docket No. 76–6, 42 FR 8435 (1977). The law will not be read to permit corporate pharmacies to evade a congressionally mandated sanction by permitting a convicted individual to simply shed his various offices and financial interests, by transferring them to a member of his family, and then to continue to do business as usual.

The Administrator finds that Stanley Sokolowski has been convicted of felony offenses relating to controlled substances and that he is a person who has had a controlled substance registration revoked. The Administrator further finds that the Respondents have materially falsified their application for registration by incorporating into that application a straw transaction designed to conceal Stanley Sokolowski's management of the Respondent's pharmacy business. Were the Respondent a current registrant under the Controlled Substances Act, there would be lawful or statutory grounds for the revocation of its registration. See, for example, the *Matter of Lynnfield Drug, Inc., supra*, the case in which Mr. Sokolowski originally had a registration revoked. The Administrator has consistently held that where there are grounds for the revocation of a registration, an application for the issuance of such a registration may likewise be denied, since the law will not be read as requiring the granting of a registration on one day, only to revoke it on the next. See the *Matter of Thomas W. Moore, Jr., M.D.*, DEA Docket No. 79–13, 45 FR 40743 (1980). The Administrator concludes that there are lawful grounds for the denial of the Respondent's application for registration and that, under all of the facts and circumstances presented in this case, the application should be denied.

Accordingly, under the authority vested in the Attorney General by section 304 of the Controlled Substances Act, 21 U.S.C. 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the application of S & S Pharmacy, Inc., for registration as a retail pharmacy under Section 303 of the Controlled Substances Act, 21 U.S.C. 823, be, and it hereby is, denied.

Dated: February 13, 1981.

**Peter B. Bensinger,**

*Administrator, Drug Enforcement Administration.*

[FR Doc. 81-5026 Filed 2-18-81; 8:45 am]

BILLING CODE 4410-09-M

## NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

### Meeting Addendum Change

February 12, 1981.

The agenda for the meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled for February 24–25, 1981, published in the February 11, 1981 **Federal Register**, on pages 11925–11926, has been changed. The amended agenda is as follows for February 24, 1981:

**February 24, 1981**

*Plenary Session*

8:45 a.m.–9:00 a.m.

- Announcements—Acting Chairman

9:00 a.m.–10:30 a.m.

- Guest Speaker: Congressman Joel Pritchard, Ranking Minority Member, Subcommittee on Oceanography, Committee on Merchant Marine and Fisheries, U.S. House of Representatives

10:30 a.m.–12:00 Noon

- Robert W. Knecht, Director, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration

12:00 Noon–1:00 p.m.

Lunch

1:00 p.m.–3:30 p.m.

*Panel Meetings*

- Hydrology Panel, Paul Bock, Chairman

Speakers: Alfred J. Cooper, Former Chief, River Control Branch, Tennessee Valley Authority

Peter Eagleson, Professor of Civil Engineering, Massachusetts Institute of Technology

- Ad Hoc Panel on Oil Pollution Liability Legislation, (Room B–100)

3:30 p.m.–5:00 p.m.

*Steering Committee Meeting*

- To discuss internal administrative matters of NACOA

5:00 p.m.

*Adjourn*

**Stephanie M. Jones,**

*Administrative Assistant.*

[FR Doc. 81–5585 Filed 2–18–81; 8:45 am]

BILLING CODE 3510–12–M

## NATIONAL CREDIT UNION ADMINISTRATION

### Performance Review Board

**AGENCY:** National Credit Union Administration.

**ACTION:** Notice of appointment to Performance Review Board.

**SUMMARY:** Notice is hereby given of an additional member of the Performance Review Board.

**DATE:** Effective March 4, 1981.

**FOR FURTHER INFORMATION CONTACT:** Dorothy W. Foster, Director, Division of Personnel, National Credit Union Administration, 1776 G St. N.W., Washington, D.C. 20456, telephone (202) 357–1156.

**SUPPLEMENTARY INFORMATION:** Section 4314(c) (1) through (5) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The members of the Performance Review Board are:

1. Dr. Harold Black, Member of NCUA Board.

2. Mr. Leonard Lapidus, President, Central Liquidity Facility.

3. Mr. Barry Jolette, Regional Director, Region VI.

4. Mr. John Otsby, General Counsel.

Dated: February 6, 1981.

**Lawrence Connell,**

*Chairman, National Credit Union Administration Board.*

[FR Doc. 81–5597 Filed 2–18–81; 8:45 am]

BILLING CODE 7535–01–M

## NATIONAL TRANSPORTATION SAFETY BOARD

**[N-AR 81-8]**

### Report, Recommendations and Reponses; Availability

*Railroad Accident Report No. NTSB–RAR–80–12: Train Accident Involving Amtrak Work Extra No. 4934, Linden, New Jersey, July 9, 1980.*—This report, released by the National Transportation Safety Board on February 9, indicates that westbound train No. 225 was struck by a 15-foot section of rail that had been protruding from the side of a railcar on Work Extra No. 4934, an eastbound continuous welded rail train. The rail penetrated the first car of the passenger train, struck and killed one passenger, and injured 17 others.

The safety Board determines that the probable cause of this accident was the failure of the track supervisor to instruct the maintenance crew and the failure of the crewmembers of Work Extra No. 4934 to remove and secure loose buffer rails when the train was being prepared for movement. Contributing to the accident were the failure of Amtrak to provide comprehensive instructions for unloading rails and the failure of Amtrak to provide qualified personnel to direct the unloading of continuous welded rail.

As a result of its investigation, the Board last September 15 recommended (No. R–80–37) that Amtrak set up procedures to insure that all loose material carried on continuous welded rail trains and work trains is removed or secured. (See 45 FR 63584, September 25, 1980.) The Board also reemphasizes a 1979 recommendation to the Federal Railroad Administration to require operable radios on all mainline trains. The passenger train's radio was inoperable at the time of the accident.

*Aviation Safety Recommendations to the Federal Aviation Administration—*

*A–81–9 through A–81–11, issued February 8, 1981.*—The Safety Board's letter cites the crash of a Cessna 207A, N6424H, into a hanger at Merrill Field, Anchorage, Alaska, moments after lift-off. The accident occurred October 8, 1979. All four occupants were killed, and the postcrash fire destroyed the hanger.

Investigation revealed that: the fuel system showed evidence of extensive water and rust contamination; the underground fuel tank at Merrill Field where the aircraft was last fueled contained a large quantity of water and rust; the underground fuel tank's filtration system was heavily contaiminated, and an incorrect fuel system dispensing filter, intended for use with diesel fuel, had been installed. The Board issued the following "Class II, Priority Action" recommendations to FAA.

Expand 14 CFR Part 139 to include minimum specifications and design criteria for the installation, maintenance, and inspection of aviation fuel storage and dispensing systems at airports certificated under 14 CFR Part 139. (A–81–9)

Take necesary action to establish minimum specifications and design criteria for aviation fuel storage and dispensing systems at public-use airports not certified under 14 CFR Part 139. In addition to the equipment itself, such criteria should address their installation, operation, maintenance, and inspection.(A–81–10)

When specifications and criteria are established for aviation fuel storage and dispensing systems at public-use airports are not certified under 14 CFR Part 139, establish and implement procedures to verify compliance. (A–81–11)

*A–81–12 and A–81–13, issued February 10, 1981.*—The recommendation letter notes that the Safety Board sent a U.S. Accredited Representative and accompanying advisors to participate in the investigation of the Saudi Arabian Airlines Lockheed L–1011 accident at Riyadh, Saudi Arabia, on August 19, 1980. The accident involved an in-flight fire in the aft area of the aircraft. Even though the aircraft was landed successfully, the fire spread and all 301 occupants died as a result. The investigation, conducted in accord with provisions of International Civil Aviation Organization Annex 13, is continuing and a report of the investigation will be issued by the Kingdom of Saudi Arabia upon completion. As part of U.S. assistance in the investigation, tests and research were conducted at the Lockfeed California Company and at the FAA Technical Center, Atlantic City, N.J. The fire ignition source and exact area in which the in-flight fire originated have not yet been determined.

The Safety Board is aware of several instances of fire in checked baggage from ignition of matches and other items. In most of these instances, fires ignited while the aircraft were on the

ground and the aircraft were not damaged. However, the possibility of such a fire while in-flight and the questionable capability of the L-1011 C-3 compartment to contain a fire by "snuffing" it to keep it from spreading suggest that the "Class D" certification of the C-3 compartment should be reevaluated. Accordingly, the Board recommends that FAA:

Reevaluate the "Class-D" certification of the L-1011 C-3 cargo compartment with a view toward either changing the classification to "C," requiring detection and extinguishing equipment, or changing the compartment liner material to insure containment liner material to insure containment of a fire of the types likely in the compartment while in-flight. (Class I, Urgent Action) (A-81-12)

Review the certification of all baggage/cargo compartments (over 500 cu. ft.) in the "D" classification to insure that the intent of 14 CFR 25.857(d) is met. (Class II, Priority Action) (A-81-13)

**Responses to Safety Recommendations**

*Highway: H-80-29 through H-80-35, from the National Highway Traffic Safety Administration, January 19, 1981.*—Letter is in response to the Safety Board's December 24 inquiry concerning NHTSA's comments of October 17, 1980, regarding Board Evaluation of the National Highway Traffic Safety Administration's Rulemaking Process, Volume 4, Analysis, Conclusions and Recommendations. (See 45 FR 30573, May 8, 1980.) The Board noted that NHTSA's October 17 letter, while commenting extensively on the report, did not address the recommendations issued last April 22 (45 FR 29144, May 1, 1980), which called on NHTSA to:

•Revise its regulatory rules to (1) give early definition of the "precise nature and magnitude" of a safety problem, and compile more detailed support data; (2) consider all significant and practicable alternative approaches to its proposal, and detail the preliminary evaluation of such alternatives; (3) require that Rulemaking Support Papers detail NHTSA plans for evaluation of safety standards after they are issued; (4) revoke procedures formerly followed for Project Plan Descriptions and require that the Five-Year Plan for Motor Vehicles Safety and Fuel Economy Rulemaking be a continuing process; and (5) carefully coordinate Notices of Proposed Rulemaking and NPRM comment periods with other pending NPRM's on related safety standards.

•Establish written procedures which will formalize the safety standard research and development decisionmaking process to require: At least annual review of the R & D program, including summaries and analyses of work accomplished on specific issues; and documentation of specific decisions on the direction of future research, including decisions not to proceed in a given direction, with such documents made available to the public.

•Develop a system for collection, storage and rapid retrieval of research material related to the safety standard program.

In its January 19 response, NHTSA details its rationale in finding no basis for revising its Order 800-1 (Rulemaking Procedures: Motor Vehicle Standards) as recommended by the Board, or for initiating further rulemaking action.

*Marine: M-79-70 and M-79-71, from Offshore Crews, Inc. (Seahorse, Inc.), February 3,1981.*—Response is to Safety Board inquiry of January 26 as to status of implementation of recommendations developed as a result of investigation into the January 31, 1978, sinking in the Gulf of Mexico of the M/V SABINE SEAHORSE. The recommendations asked Seahorse, Inc., to instruct its offshore supply vessel crews to keep all watertight doors closed at all times, except when actually being transited, and its offshore supply vessel engineers to test the operation of high bilge water alarms before each voyage. (See 44 FR 39320, July 5, 1978.)

Offshore Crews reports that, upon receipt of the Safety Board's June 25, 1979, recommendation letter, copies of the letter were sent to the masters of all vessels in its fleet, urging them to carry out the Board's recommendations "which have been and are our Company Policy and Safety Rules." Offshore Crews is again circulating the Board's June 25, 1979, findings to all its vessels in view of considerable increase in its fleet and a considerable turnover and increase in its masters.

*Pipeline: P-72-10 and P-79-30, from Research and Special Programs Administration, U.S. Department of Transportation, January 15, 1981.*—Letter transmits a copy of a notice of withdrawal of Materials Transportation Bureau's Docket PS-53 concerning remote controlled valves and spacing of valves on highly volatile liquid (HVL) pipelines. The notice of withdrawal was published at 46 FR 2130, January 8, 1981, and contains information on past notices and public hearing along with related comments. The notice closes with the statement: "Because valves are not an effective means to reduce the accident effects of an HVL spill, the proposal to install valves along the pipeline and the proposal to install valves at pump stations and terminals as contained in Docket PS-53 are hereby withdrawn."

Recommendation P-72-10, issued June 12, 1972, following investigation of the gas explosion in Franklin County, Mo., December 9, 1970, called for a study, in cooperation with sources of qualified pipeline expertise, concerning minimum valve spacing standards and the use of remotely operated valves, and check valves on all liquefied petroleum pipelines. As an adjunct to this recommendation, the Safety Board invited attention to a recommendation made in its special study NTSB-PSS-71-1, "Effects of Delay in Shutting Down Failed Pipeline Systems and Methods of Providing Rapid Shutdown."

Recommendation P-79-30, issued October 4, 1979, in connection with the Board's safety report NTSB-SR-79-3, "Progress of Improvements in Pipeline Transportation of Highly Volatile Liquids," asked RSPA to establish minimum performance standards for the prompt detection and rapid isolation of failed sections of HVL pipelines. ( See 44 FR 60183, October 18, 1979.)

**Note**—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters, responses and related correspondence are also provided free of charge. All reqests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

**Margaret L. Fisher,**

*Federal Register Liaison Officer.*

February 13, 1981.

[FR Doc. 81-5642 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-58-M

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

### Delegation of Authority to the General Counsel

Notice is given pursuant to the Freedom of Information Act, 5 U.S.C. 552, that the Commission hereby adopts a Delegation of Authority and Direction for the General Counsel concerning requests for briefs in cases before the Commission. The Delegation, which is effective immediately, states as follows:

### Delegation of Authority and Direction for the General Counsel

The General Counsel is hereby empowered, on behalf of the Members of the Commission, to instruct the Executive Secretary to issue requests for briefs under Commission Rule 93, 44 FR 70106, 70111-70112 (Dec. 5, 1979) (to be codified at 29 CFR 2200.93), in cases that are next in succession for disposition and that can be placed on the agenda at a Commission meeting within a reasonable period after briefs have been filed. This delegation of authority does

not empower the General Counsel to waive the submission of briefs or to alter, add, or delete issues on review.

Signed this 13th day of February, 1981.

**Timothy F. Cleary,**

*Chairman.*

**Frank R. Barnako,**

*Commissioner.*

**Bertram Robert Cottine,**

*Commissioner.*

[FR Doc. 81-5628 Filed 2-18-81; 8:45 am]

BILLING CODE 7600-01-M

## PENSION BENEFIT GUARANTY CORPORATION

### Multiemployer Pension Plans: Filing of Notices, Applications, and Complaints

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of mailing address.

**SUMMARY:** This notice advises plan sponsors of multiemployer pension plans of the mailing address for notices and applications to be filed with the Pension Benefit Guaranty Corporation (PBGC) pursuant to the Multiemployer Pension Plan Amendments Act of 1980. Because the PBGC has not yet issued regulations dealing with most of the notices required by the Multiemployer Act, it is necessary to establish a mailing address for those notices to assist PBGC in processing them in a timely manner. This notice establishes the mailing address which plan sponsors should use for all multiemployer plan notices, applications, and complaints unless the PBGC specifically provides otherwise in a notice of regulation.

**EFFECTIVE DATE:** February 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Terrence Deneen, Office of the Executive Director, Policy and Planning, Suite 7100, 2020 K Street, N.W., Washington, D.C.; 202-254-4895.

**SUPPLEMENTARY INFORMATION:** Unless otherwise provided by the Pension Benefit Guaranty Corporation in a notice or regulation published in the **Federal Register**, all notices or applications to be filed with the PBGC pursuant to the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208, shall be mailed or delivered by hand to:

Division of Case Classification and Control-Room 5300A, Office of Program Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006

All notices shall be clearly marked: "Multiemployer Notice—Attention: Policy and Planning". All applications shall be clearly marked: "Multiemployer Application—Attention: Policy and Planning".

All complaints required to be served upon PBGC pursuant to Section 104, Pub. L. 96-364, 94 Stat. 1263 (29 U.S.C. 1451), shall be mailed by certified mail to:

Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006

(Sec. 4002(b)(3), Pub. L. 93-406, 88 Stat. 1004, as amended by Section 403(1), Pub. L. 96-364, 94 Stat. 1302 (29 U.S.C. 1302))

Issued in Washington, D.C. this 12th day of February, 1981.

**Robert E. Nagle,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 81-5568 Filed 2-18-81; 8:45 am]

BILLING CODE 7708-01-M

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 17535; SR-CBOE-80-16]**

### Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

February 12, 1981.

On June 9, 1980, the Chicago Board Options Exchange, Inc. ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which, among other things, eliminates supplemental appointments for market makers, requires that a certain part of a market maker's transactions be executed by that market maker personally, and establishes an exchange committee which is responsible for evaluating the performance of market makers. On July 9, 1980 the CBOE filed an amendment to the proposed rule change excluding certain closing transactions from the calculation of transactions required to be executed in person by market makers and to require the recording of additional information on market maker orders.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16919, June 24, 1980) and by publication in the **Federal Register** (45 FR 43914, June 30, 1980). Notice of the amendment to the proposed rule change and its substance was given in a Commission Release (Securities Exchange Act Release No. 34-17012, July 25, 1980) and in the **Federal Register** (45 FR 51325, August 1, 1980).

The Chicago Board of Trade ("CBOT") filed a comment letter with the Commission concerning the proposed rule change. In that letter the CBOT argues that the proposed rule change would prevent its members from exercising their right to CBOE membership as provided in the CBOE constitution by eliminating the ability of CBOT members to trade as options market makers on a part-time basis. The Commission believes, however, that the proposed rule change would not unfairly affect the membership rights of CBOT members since it merely imposes on CBOT members the same obligations imposed on other CBOE members who register as market makers. As a result of compliance with these obligations, market makers receive certain benefits, including preferential credit treatment.

The Commission finds, therefore, that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulations pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc 81-5629 Filed 2-18-81; 8:45 am]

BILLING CODE 8010-01-M

**[Release No. 11618; 812-4803]**

### Cooperative Centrale Raiffeisen-Boerenleenbank B.A.; filing of application

February 12, 1981.

Notice is hereby given that Cooperative Centrale Raiffeisen-Boerenleenbank B.A. ("Applicant") c/o Michel de Konkoly Thege, Esq., Shearman & Sterling, 53 Wall Street, New York, New York 10005, filed an application on January 14, 1981, and an amendment thereto on January 29, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all the provisons of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a joint stock cooperative society, and that, as of December 31, 1979, it was the largest bank in The Netherlands, as measured by total deposits, and is among the twenty-five largest banks in the world. Its principal office is located at Catharijnesingle 30, P.O. Box 8098, 3403 S.E. Utrecht, The Netherlands. Applicant was formed in 1972, as a result of the merger of Cooperatieve Centrale Raiffeisen-Bank of Utrecht and Cooperatieve Central Boerenleenbank of Eindhoven.

Applicant states that it serves as the "umbrella" cooperative for 988 local cooperative credit institutions, which are both members and shareholders of Applicant. The application states that Applicant's principal business is the receipt of deposits, the issuance of bonds and notes and the extension of all types of credit, particularly agricultural and mortgage loans. In addition, Applicant provides international banking services such as international payments (remittances, collections, and letters of credit), foreign exchange, export credit, foreign currency loans and correspondent banking services. At December 31, 1979, Applicant's assets amounted $43,143,220,000. Agricultural loans to Dutch borrowers make up 33% of Applicant's loan portfolio and represent 90% of all the agricultural loans made in The Netherlands. Residential mortgages account for 48% of Applicant's loan portfolio and commercial and industrial loans account for the remaining 19% of its loan portfolio. Saving deposits, representing slightly more than 8 million savers and 42% of the market, comprise 62% of Applicant's total deposits. Demand balances account for 14% of deposits, with the remaining 24% of funding sources comprised of bond issues, private borrowings and other securities.

The application states that as a member of the Amsterdam stock exchange and options exchange, Applicant purchases and sells securities for the accounts of clients. Applicant provides non-discretionary investment management services to clients, and it participates with other banks in the underwriting and selling of new securities issues and sells insurance as well as tour packages and travel services, as an intermediary. The application states that Applicant has a wholly-owned mortgage banking subsidiary named Rabohypotheekbank, whose total assets are approximately $7 billion, and that this subsidiary obtains a substantial portion of its funds through the issuance of mortgage backed notes and bonds. Finally, according to Applicant, preliminary approval was granted by the Comptroller of the Currency on December 9, 1980, to Applicant's application to establish a branch in the United States.

Applicant represents that it is subject to extensive supervision by the Dutch Central Bank and by the Minister of Finance. Applicant states that the regulatory supervision is generally comparable to, and in certain respects more stringent than, the supervision imposed on United States banks. The application indicates that principal regulation of Applicant is under The Act On The Supervision Of The Credit System, and relates to minimum capital ratios, liquidity and reserve requirements. In addition, Applicant represents that it must file with regulatory authorities monthly financial statements and that it must annually submit audited financial statements to the Dutch Central Bank.

As a foreign bank having a branch in the United States, Applicant states that it is also subject, pursuant to the International Banking Act of 1978 ("IBA"), to most of the provisions of the United States Bank Holding Company Act, and thus to the regulation of the Federal Reserve Board. The principal effect of the applicable provisions of the IBA is to restrict the United States nonbanking activities of a foreign bank with a branch or agency to generally the same activities as those which may be performed by domestic bank holding companies. Furthermore, Applicant's branch bank in the United States will be subject to the supervision and examination by the Comptroller of the Currency.

Applicant proposes to issue and sell prime quality commercial paper notes ("notes") in bearer form and denominated in United States dollars to a registered United States securities dealer, who will then reoffer the notes in minimum denominations of $100,000 or more to institutional investors, entities and individuals in the United States who normally purchase commercial paper. The notes are intended to be of prime quality and of the type eligible for discounting by a Federal Reserve Bank. The notes will not be advertised or otherwise offered for sale to the general public, and will mature not more than nine months from the date of issuance with no provision for extension, renewal, or automatic roll-over at the option of either the holders or Applicant. Applicant represents that it does not intend to sell the notes in the United States in excess of an aggregate principal amount of $350 million outstanding at any one time. Applicant states that the purposes for making the proposed offering of the notes are to provide funds for use in its New York branch operations and to provide an additional source of supply of United States dollars to supplement dollars currently obtained in the Eurodollar market.

The application states that the notes will rank *pari passu* among themselves and equally with other unsecured indebtedness (including deposit liabilities) of Applicant and ahead of its share capital. Applicant plans to sell the notes without registration under the Securities Act of 1933 ("Securities Act"), in reliance upon an opinion of its United States counsel that the offering will qualify for the exemption from the registration requirements of the Securities Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not issue its notes until it has received such an opinion. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the proposed issue of notes and any future issue of debt securities in the United States shall have received, prior to issuance, one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization, and that its United States counsel shall have certified that such rating has been received.

Applicant agrees to secure an undertaking from its commercial paper dealer that such dealer will provide each offeree who has indicated an interest in the notes, prior to any sale of notes to such offeree, with a memorandum describing Applicant's business and containing Applicant's most recent publicly available annual financial statements (including a balance sheet, profit and loss statement and notes thereto) audited in accordance with Dutch accounting principles and its most recent publicly available unaudited semi-annual balance sheet and summary profit and loss statement. Such memorandum will describe the material differences between Dutch accounting principles applicable to Dutch banks and "generally accepted accounting principles" applicable to United States commercial banks. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in offering commercial paper in the United States and that they will be updated periodically to reflect material changes in Applicant's business and

financial condition. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon Applicant's compliance with all of its undertakings regarding disclosure documents. Applicant represents that any future offering of its debt securities in the United States will be made on the basis of disclosure documents at least as comprehensive in their description of Applicant, its business and its financial statements as those used in the presently proposed offering. In no event will such disclosure documents be less comprehensive than is customary for United States offerings of similar debt securities. Applicant undertakes to insure that such disclosure documents will be provided to each offeree who has indicated an interest in the securities then being offered by Applicant, prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the Securities Act, such disclosure documents will be provided to such persons and in such manner as may be required by such Act and the rules and regulations thereunder.

Applicant represents that it will appoint a bank in the United States (the authorized agent to issue Applicant's notes) or the Commission to accept sevice of process in any action based on the notes and instituted in any state or federal court by the holder of any of its notes. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York with respect to any such action. Applicant states that both its appointment of an authorized agent for service of process and its consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the notes have been paid by Applicant. Applicant will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the notes or otherwise. Applicant similarly represents that it will consent to jurisdiction and will appoint an agent for service of process in suits arising from any other offerings of securities that it may make in the United States, which may include debt securities but not shares of its capital stock.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis."

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act because of uncertainty as to whether a foreign commercial bank such as Applicant would be considered an investment company as defined under the Act. Applicant states that, among other things, compliance by it with a number of substantive provisions of the Act would, as a practical matter, conflict with its operation as a bank and that Applicant would thus be effectively precluded from selling securities in the United States if it were required to register as an investment company and comply with such provisions of the Act. Applicant further submits that an exemptive order pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors in the United States because they would otherwise be precluded from purchasing Applicant's commercial paper notes. Moreover, the application contends that because of the development of the large Eurodollar market, the major foreign banks which deal in that market need a source of United States dollars in case of a disruption of the market. Applicant additionally argues that its activities are extensively regulated by Dutch banking authorities and that the limitations imposed by Dutch banking laws together with the requirements of Section 3(a)(3) of the Securities Act and the anti-fraud provisions of the Securities Act and the Securities Exchange Act of 1934 will afford substantial protection to investors in its debt securities. As a closely regulated banking entity, Applicant also states that it is different from the type of institution that Congress intended the Act to regulate. It is asserted that the particular abuses against which the Act is directed are not present in Applicant's case. Finally, Applicant states that granting its requested order will not give it an advantage over domestic banks in the issuance of commercial paper. Applicant concludes that granting its requested exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 9, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 81-5630 Filed 2-18-81; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

**[Application No. 09/09-0282]**

### Benox, Inc., Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (CFR 107.102 (1981)), under the name of Benox Incorporated, 17295 East Railroad Street, City of Industry, California 91749, for a license to operate as a small

business investment company, under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The Proposed officers, directors and stockholders are as follows:

*Name and Title*

John C. Bennett, 125 Belday, Pasadena, Ca. 91105—Chairman of the Board
Easton E. Thornton, Jr., 520 So. Fairmont Circle, Anaheim, Ca. 92807—President, Director
L. James Frazer, 20559 Dulliand Drive, Walnut, Ca. 91789—Secretary
Neal G. Smith, 20359 Fuerte Drive, Walnut, Ca. 91789—Chief Financial Officer
Utility Trailer Manufacturing Co., 17295 East Railroad Street, City of Industry, Ca. 91749—100 percent
John, Walter and Paul Bennett own 36.8, 30.1 and 12.9 percent, respectively of Utility Trailer Manufacturing Co.

The Applicant which is a California Corporation, proposes to commence operations with private capital of $500,000 and intends to purchase convertible subordinated obligations or other securities of small business concerns located throughout the United States.

Matters involved in SBA's consideration of the application include the general business reputations of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before March 5, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Investment, 1441 "L" Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Asistance Program No. 59.011, Small Business Investment Companies)

Dated: February 11, 1981.

**Peter F. McNeish,**

*Acting Associate Administrator for Investment.*

[FR Doc. 81-5562 Filed 2-18-81; 8:45 am]

BILLING CODE 6025-01-M

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**[License No. 04/04-5112]**

## Invesat Capital Corp.; Approval of Application for Transfer of Control of a Licensed Small Business Investment Company

Pursuant to the provisions of §107.701 of the Small Business Administration's (SBA) Rules and Regulations governing section 301(d) small business investment companies (13 CFR 107.701(1980)) a proposed transfer of control of Invesat Capital Corporation, 162 East Amite Street, Jackson, Mississippi 39201, to the National Business League, 4324 Georgia Avenue, N.W., Washington, D.C. 20011, was published in the **Federal Register** on September 5, 1980 (45 FR 59005).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Invesat Capital Corporation.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 11, 1981.

**Peter F. McNeish,**

*Acting Associate Administrator for Investment.*

[FR Doc. 81-5561 Filed 2-18-81; 8:45 am]

BILLING CODE 6025-01-M

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

Intent to Prepare a Finding of No Significant Impact for Proposed Improvements, Alterations and Additions at Aurora Municipal Airport, Aurora, Illinois.

On April 7, 1980, the Federal Aviation Administration, Great Lakes Region, give notice that it intended "* * * to prepare an Environmental Impact Statement for the acquisition of approximately 155 acres of land for installation of an ILS, approach protection, and a primary borrow area; the expansion of general aviation aircraft parking apron; the construction of a storm water detention area; and, the installation of an ILS (Instrument Landing System) and approach lighting system."

As a result of preliminary consultation with Federal agencies with jurisdiction by law or having special expertise regarding environmental impacts involved, it was determined that the proposed action is not likely to have a significant adverse environmental impact.

An environmental assessment for the proposed action has been prepared and submitted to Federal, State and local agencies, the State and Regional Clearinghouses, and concerned individuals. A review period ending March 13, 1981, has been established. Upon completion of this review a Finding of No Significant Impact is proposed.

Additional information concerning the proposed project may be obtained by contacting: Mr. Michael C. Rose, AGL-611.1, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018 (Tel: (312) 694-7538).

Dated this 2nd day of February, 1981.

**Frederick M. Isaac,**

*Chief, Airports Division, Federal Aviation Administration, Great Lakes Region.*

[FR Doc. 81-5550 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

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## Israel Aircraft Industries Ltd., Arava Model 101B Airplane; Aircraft Certification and Availability of Documents

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of availability of documents.

**SUMMARY:** On November 17, 1980, the FAA amended Type Certificate No. A32EU by adding the Arava Model 101B airplane. The airplane is a new version of the Arava Model 101 which has been upgraded and modified to comply with SFAR 41. The Arava Model 101B is a twin turbopropeller small airplane with 20 seats. Changes in weights are accompanied with a change of engine from the PT6A-27 to PT6A-36 to maintain the airplane performance at higher weights.

The Director, Europe, Africa, and Middle East Office, FAA, has examined the document, which was prepared by the State of Israel Ministry of Transport, Civil Aviation Administration (CAA), at the request of the FAA and has reviewed the findings of the FAA certification team. Based on this information and the CAA's certifying statement that the Arava 101B airplane, produced by Israel Aircraft Industries Ltd., Ben-Gurion International Airport, Israel, has been examined, tested, and found to meet the applicable airworthiness requirements of the Federal Aviation Regulations, as outlined in paragraph 2 of the Airworthiness Bilateral Agreement between the United States of America and Israel, Type Certificate A32EU was amended to include approval of the Arava 101B airplane.

The document includes the basis upon which the final recommendations for certification was made including, but not limited to, the certification basis, including discussion of special conditions, design features, significant type certification issues and their resolution, type certification board minutes, and type inspection results.

A copy of the document is available for examination at the FAA Rules Docket, Room 916, 800 Independence

Avenue, SW, Washington, DC, between 8:30 a.m. and 5 p.m. Copies of the report may be obtained from the Technical Standards Branch, AWS-110, Room 335, 800 Independence Avenue, SW, Washington, DC.

Issued in Washington, DC, on February 12, 1981.

**Joseph A. Pontecorvo,**

*Acting Director of Airworthiness.*

[FR Doc. 81-5552 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

## Federal Highway Administration

### Environmental Impact Statement; City and County of Fresno, Calif.

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City and County of Fresno, California.

**FOR FURTHER INFORMATION CONTACT:** C. Glenn Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-2521.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct State Route 41 as a freeway, north from Bullard Avenue, a distance of approximately 3.5 miles.

There is a need to relieve congestion and reduce accidents now being experienced on the present State Route 41 (Blackstone Avenue). The proposed project will satisfy this need by moving the State highway to a new alignment, thereby removing through traffic from the existing conventional highway. The proposed alignment is in the northern part of the City of Fresno, and runs parallel to the existing State Route.

The alternatives under consideration are: (1) Extend Route 41 northerly on the adopted line as a freeway; (2) Extend Route 41 northerly on the adopted line as a freeway to Herndon Avenue and as an expressway to the vicinity of the San Joaquin River; (3) Extend Route 41 northerly on the adopted line as an expressway; (4) Extend Route 41 northerly on the adopted line as an expressway to Herndon Avenue, jog westerly on Herndon Avenue to Blackstone Avenue, continue northerly on Blackstone; and (5) No-Build. Traffic will jog westerly to Blackstone Avenue on Bullard Avenue.

Incorporated into and studied with the various build alternatives will be design variations of grade, alignment, and number of lanes. Transportation system management strategies will also be considered with each alternative. Upgrading the existing facility is not considered to be a viable alternative.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Public notice will be given of the time and place of meetings and a public hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: February 9, 1981.

**C. G. Clinton,**

*District Engineer, Sacramento, California.*

[FR Doc. 81-5359 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-22-M

## National Highway Traffic Safety Administration

**[Docket No. IP81-3; Notice 1]**

### Firestone Tire & Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

Firestone Tire & Rubber Company of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicles Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.5 of Standard No. 119 requires tires to be marked with certain information on each sidewall. Firestone has produced "not more than 51 tires" at its Memphis, Tenn., plant on November 24-25, 1980, with incorrect or missing information on the sidewall. The correct information on the serial sidewall reads:

10.00-20 Load Range G
10 Plies Nylon 14 Ply Rating Tube Type
Max Load Single 6040 lbs. at 100 PSI Cold
Max Load Dual 5300 lbs. at 90 PSI Cold

The information the side opposite the serial side, however, reads:

10.00-20 Nylon
Load Range F
12 Ply Rating

The tires, therefore, fail to state the maximum load rating and corresponding inflation pressure, the words "tube type" while containing an incorrect tire load range and actual number of plies. The noncompliance was caused by "two instances in which stamping cover plates fell out of the top halves of molds, so as to expose pre-FMVSS 119 stamping. The same molds are used to cure Load Range G and Load Range F tires of this type in size 10.00-20. Some of the noncompliant tires have been retrieved from Firestone facilities.

The noncompliance is said to be inconsequential for several reasons. First, mismounting the tire on the wrong size rim will not occur as "there is no tubeless rim available in this size and a tubeless valve is too small to fill the tube-type slot". Second, the correct ply information does appear on the other sidewall and can be referred to "at the time of purchase, time of retreading and/or time of application". Thus, user reliance on "understated load range and ply-rating" will not increase the likelihood of overloading but should increase the user's margin of safety. Fourth, "any user who actually searches for [tire load-rating and corresponding inflation pressure] on the tire sidewall will be sufficiently knowledgeable and/or concerned to check the inward sidewall if the outward sidewall does not contain it" because "the trucking community is generally more attentive to tire capability information than are passenger car tire purchasers."

Interested persons are invited to submit written data, views and arguments on the petition of Firestone Tire & Rubber Company described above. Comments should refer to the docket number and submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C.

20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 19, 1981.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.1)

Issued on February 10, 1981.

**Michael M. Finkelstein,**

*Associate Administrator for Rulemaking.*

[FR Doc. 81-5458 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-59-M

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**[Docket No. IP81-4; Notice 1]**

### Suzuki Motor Co., Ltd.; Receipt of Petition for Determination of Inconsequential Noncompliance

Suzuki Motor Co., Ltd. of Santa Fe Springs, California, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR Part 567 (a safety-related defect) and 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance and defect are inconsequential as they relate to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

The petition involves both a safety-related defect and a noncompliance with a Federal Motor Vehicle Safety Standard. The defect exists from failure to meet the certification regulations, 49 CFR Part 567. Section 567.4(g) (3) and (4) requires that the maximum load rating marked on the rear tire of a motorcycle be not less than the Rear Gross Axle Weight Rating ("RGAWR") of the machine.

From January through September 1980 Suzuki produced 6,675 1980 model and 1,500 1981 model GS1000 G model motorcycles with incorrectly marked certification labels. The RGAWR marked on the motorcycles is 668 pounds. The correct value is 640 pounds, 28 pounds less. The GVWR marked on the motorcycles is 1112 pounds. The correct value is 1084 pounds, 28 pounds less. The maximum load rating marked on the 4.50 V17-4PR rear tire is 640 pounds at 40 psi cold. The tire, however, is rated at 670 pounds up to 130 mph regardless of the 640 pounds marked on the sidewall. With respect to future production, Suzuki could have resolved the noncompliances either by marking future tires with a 670 pound maximum load rating, or by marking future certification labels with a 640 pound RGAWR (1084 pounds GVWR). It has decided to change future certification labels.

The company argues that the noncompliances are inconsequential because the tire will not be overloaded even if the operator puts 668 pounds on it; and that its customers to date are not confused by the incorrect information. In addition, there should be no safety problem with replacement tires; the maximum load rating of the tire meets or exceeds RGAWR and all are rated up to 130 mph, identical to the the tires in question.

Interested persons are invited to submit written data, views, and arguments on the petition of Suzuki Motor Co., Ltd. described above. Comments should refer to the Docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 19, 1981.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 10, 1981.

**Michael M. Finkelstein,**

*Associate Administrator for Rulemaking.*

[FR Doc. 81-5457 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-59-M

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**[Docket No. IP81-2; Notice 1]**

### Mercedes-Benz of North America, Inc.; Receipt of Petition for Determination of Inconsequentiality

*Correction*

In FR Doc. 81-4656, published on page 12182, on Thursday, February 12, 1981, in the third column, in the first paragraph, in the ninth line, "Fire Selection" should be corrected to read "Tire Selection."

BILLING CODE 1505-01-M

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## VETERANS ADMINISTRATION

### Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 24, 1981, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A-220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Blount County Sheriff's Department, Blount County Courthouse, Maryville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: February 11, 1981.

**R. S. Bielak,**

*Director, VA Regional Office, 110 Ninth Avenue, South, Nashville, Tenn.*

[FR Doc. 81-5647 Filed 2-18-81; 8:45 am]

BILLING CODE 8320-01-M

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## DEPARTMENT OF EDUCATION

### National Advisory Council on Bilingual Education; Meeting

**AGENCY:** National Advisory Council on Bilingual Education.

**ACTION:** Notice.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Bilingual Education. Notice of these meetings is required under the Federal Advisory Committee Act (U.S.C. Appendix 1, 10(a)(2)). This document is intended to

notify the general public of their opportunity to attend.

**DATE:** March 6, 1981—Legislative Advisory and Policy Committee Meeting March 7–9, 1981—Full Council Business Meeting—9:00–5:00 p.m.

**ADDRESS:** Legislative Advisory and Policy Committee Meeting will be held in the Reporters Building, 300 7th Street, NW., Room 412. Full Council Business Meetings will be held at the Reporters Building, Room 409 on March 7 and March 8, 1981. The meeting of March 9 will be held in Room 5167 of the North Building, 330 "C" Street, SW., Washington, D.C. For further information contact: Louis J. Serpa, Office of Bilingual Education and Minority Languages Affairs, Reporters Building, Room 514, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202–245–2600).

The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242) to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act.

The meetings on March 7–9, 1981 will be open to the public beginning at 9:00 a.m. (unless otherwise stated).

*March 7, 1981:* A meeting of the Council on the following subjects is scheduled from 9:00 a.m. until 5:00 p.m. The proposed agenda includes the following:

9:00–11:00—Business Meeting
a. Call to Order
b. Approval of Minutes
c. Chairperson's Report
d. Committee Reports
e. Ad Hoc Reports
11:00–11:30—OBEMLA Director's Report
11:30–12:00—Coordination and Research Report
1:30–2:00—Briefing and Discussion on Field Reader Process
2:00–3:00—Old Business
a. Budget Report
b. Activities with NABE
3:00–5:00—New Business
Annual Report

*March 8, 1981:* The proposed agenda includes the following:
10:00–12:00—New Business (cont.)
a. Agenda for Meeting with Secretary
b. Activities with NABE
1:30–5:00—New Business (cont.)
a. Annual Report
b. Action Items

*March 9, 1981:* The proposed agenda includes the following:
9:00–9:45—Action Items
9:45–11:45—Meeting with Secretary Bell
11:15–12:00—Discussion on Administration Initiatives
12:00–1:00—Plans for Public Hearings
2:00–5:00—Public Participation

Records will be kept of all Council proceedings and shall be available for public inspection after approval, by the Full Council, of said records has been obtained. These records will be available in Room 421, Reporters Building, 300 7th Street, SW., Washington, D.C. Written requests for such records should be sent to 400 Maryland Avenue, SW., Reporters Building, Room 421, Washington, D.C. 20202.

In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, D.C. on February 13, 1981.

**Gilbert Chavez,**

*Acting Director, Office of Bilingual Education and Minority Languages Affairs.*

[FR Doc. 81-5827 Filed 2-18-81; 8:45 am]

**BILLING CODE 4000-01-M**

## Office of the Secretary

### Data Acquisition Activities Involving Educational Agencies and Institutions

**AGENCY:** Department of Education.

**ACTION:** Notice of Data Acquisition Activities Involving Educational Agencies and Institutions.

**SUMMARY:** The paperwork control requirements in Section 400 A of the General Education Provisions Act, added by Pub. L. 95–561, require public announcement of certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981–82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary through the Federal Education Data Acquistion Council (FEDAC).

**DATE:** Comments must be received by March, 23, 1981.

**ADDRESSES:** Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wallace R. McPherson, Division of Education Data Control (Room 4522 Switzer), 400 Maryland Avenue, S.W., Washington, D.C. 20202 Telphone: (202) 472–3554. The contact persons listed in conjuction with the individual summaries are the ones to whom questions concerning a data acquisition activity should be directed.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated this authority to the Assistant Secretary for Management.

Interim FEDAC review procedures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

These data acquisition activities are prepared by program offices throughout the Department and reflect their judgments of the data needs of the individual programs.

The Secretary, however, will institute a study of these proposals with a view toward reducing paperwork burdens. The proposed data collection activities published in this issue and those published in the **Federal Register** on February 13, 1981 will be included in the study.

Public comments on these notices will be considered as part of the study.

Data activity plan summaries of proposed data acquisition activities for School Year 1981–82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite

listing of knows data acquisition activities planned for School Year 1981–82 will be published by February 15, 1981.

Dated: February 13, 1981.

**T. H. Bell,**

*Secretary of Education.*

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Grant application under Title I, Section 143 of the Elementary and Secondary Education Act, as amended.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 362–2.

(d) Justification: The purpose of this program is to award discretionary grants to State educational agencies (SEAs) for special projects designed to improve the interstate and intrastate coordination of the migrant education services conducted under the Elementary and Secondary Education Act, Title I, Section 141, basic program. Applications are accepted in accordance with the provisions in the Education Division General Administrative Regulations.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| State education agencies | 13 | 20 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $3,300.

(l) Detailed Justification of How Information Once Collected Will Be Used: The data will be used by the Secretary in making the determination of which grant applications to fund to provide assistance through Section 143.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: ". . . authorized to make grants to, or enter into contracts with, State educational agencies. . . ." (Section 143(a) of the Elementary and Secondary Education Act, as amended by Pub. L. 95–561, 20 U.S.C. 2763).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of total Person-Hours and Costs Required to Complete the Request: A total of 260 person-hours are estimated for the completion of the application at an estimated cost of $4,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the application may be obtained from the Office of Migrant Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Avenue SW., Washington, D.C., 20202, Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: The Office of Migrant Education conducted technical assistance workshops at national conferences on migrant education to assist potential grantees with the application requirements.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: A Notice of Closing Date will be published in the **Federal Register** at least thirty days prior to application deadline.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Financial Status Reports and Performance Reports for the Title I, Section 143, Elementary and Secondary Education Act, Grant Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 362–3.

(d) Justification: The purpose of this program is to award discretionary grants to State educational agencies (SEAs) for special projects designed to improve the interstate and intrastate coordination of the migrant education services conducted under the Elementary and Secondary Education Act, Title I, Section 141, basic program. Grantees are required to submit a financial status and performance report in accordance with the provisions of the Education Department General Administrative Regulations (EDGAR).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation Outside the Agency: Not applicable.

(i) Estimate of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| State education agencies | 13 | 5 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $50.

(l) Detailed Justification of How Information Once Collected Will be Used: The data will be used by the Office of Migrant Education to assure that grantees are in compliance with fiscal and performance reporting requirements.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Grantees will use Standard Form 269, Financial Status Report, to report the status of funds for all non—construction grants. . . ." (34 CFR Part 74 Section 74.73(a)). ". . . grantees shall submit annual performance reports. . . ." (34 CFR Part 74 Section 74.82(b)).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: A total of 65 person-hours is required to complete this requirement, and the estimated cost is $1,000.

(q) Evidence of Any Urgent or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the financial status report and the performance report may be obtained from the Office of Migrant Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C., 20202, Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Migrant Education conducted technical assistance workshops at national conferences on migrant education to assist potential grantees with financial and performance reporting requirements.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Financial status and

performance reports will be required annually—90 days after completion of the project.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: State Plan for Adult Education.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Vocational and Adult Education/Division of Adult learning Programs.

(c) Agency Form Number: ED 652.

(d) Justification: The Adult Education Act, pub. L. 91-230, as amended, authorizes a State-adminstered adult education program. This program includes adult basic and adult secondary education as well as State-administered special experimental demonstration projects and teacher training projects. For a State to participate in the adult education program, the Act requires that a State educational agency submit a general State application and a three-year State plan. Final regulations to implement the Act were published in the **Federal Register** on April 3, 1980, and contain program assurances for inclusion in the State plan.

The general State application is submitted only once and the first three-year plan is approved for Fiscal Years 1980, 1981, and 1982. Accordingly, the next three-year State plan is due on July 1, 1982, and will be submitted to the U.S. Department of Education, Division of Adult Learning Programs.

The statute is detailed and specific as to the contents of the State plan, The regulations follow the statue closely.

(e) Description of Survey Plan: NA.

(f) Tabulation and Publication Plans: NA.

(g) Time Schedule for Data Collection and Publication: NA

(h) Consultations Outside the Agency: In October and November of 1978, the Division convened four area workships with State Directors of Adult Education. The purpose of these workshops was to raise issues concerning the fulfillment of the legislative intent with suggested alternatives for resolving the issues. These workshops also provided an opportunity to share with State Directors suggested models and processes for planning and carrying out State adult education programs.

On November 29, 1978, a Notice of Intent to Develop Regulations for the Adult Education program was published in the **Federal Register**. Following this announcement, ten area meetings were held across the country to identify and resolve major issues raised by the amended legislation before final regulations were implemented.

Many comments and suggestions were submitted at the four workships and ten area meetings. In addition, over 200 persons mailed comments. These comments were analyzed and, in many instances, incorporated into the proposed regulations.

The Notice of Proposed Rulemaking was published on June 28, 1979. On August 7, 1979, public meetings were held in ten cities in order to receive public comment regarding the proposed regulations. Over 300 public comments were received. Due consideration was given to these comments in formulating the final regulations. Disposition of the various comments and suggestions appeared in an appendix to the final regulations.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Adult Education Administrators | 57 | 400 |

This estimate includes the effort required by a State educational agency on behalf of participatory planning in the formulation of the three-year plan. Participatory planning is required by the regulations. Representatives of a number of agencies and groups are given an opportunity to actively participate in all stages of formulating the plan. These representatives have the opportunity annually to comment on (1) how the State educational agency is carrying out the plan and (2) the expansion of the delivery system for providing adult education services.

(j) Sensitive Questions: NA.

(k) Estimate of Cost to Federal Government: The cost to the Federal Government involves $200 for development and $1,400 for the review and approval of State plans.

(l) Detailed Justification of how Information Once Collected Will be Used: Information in a State plan is used primarily for the determination of grant eligibility. It will serve as a program management tool for (1) conducting a compliance review, (2) assessing program effectiveness, and (3) identifying problem areas in a specific State program which require technical assistance.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

"(a) A State shall be eligible to receive its allotment under section 305 if—

"(1) It has on file with the Secretary a general State application under section 435 of the General Education Provisions Act, and

"(2) It has submitted to the Secretary at such times (not more frequently than one every three years), and in such detail, as the Secretary shall prescribe a State plan meeting the requirements of subsection (b)."

(Section 306 of the Adult Education Act, Pub. L. 91-230, as amended)

(o) Timetable for Dissemination of Collected Data: Not Applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: With the 57 State programs individually expending 400 person-hours to complete a three-year plan, it is estimated that 22,800 total person-hours are required at a total cost of approximately $228,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not Applicable.

(r) Copy or the Exact Data Instrument: Copies of the legislation and regulations which include the State plan requirements may be obtained from Mrs. Sallie R. Grimes, U.S. Department of Education, Office of Vocational and Adult Education, Division of Adult Learning Programs, Room 5052, 7th and D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The involvement that took place in the development of the regulations is discussed in item (h). Technical assistance was provided to the respondents during the development of the three-year plan for Fiscal Years 1979-1981. Ongoing communications and exchanges between State and Federal staffs during the implementation of that plan will prove beneficial to the forthcoming cycle.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The approval of a State plan as a prerequisite for funds in a State-administered program is a standard procedure. Therefore, State educational agencies will establish their own individual timetable to meet the July 1 date on which funds are availabe.

(u) Specific Justification for a Multi-Year Approval: The legislation authorizes a three-year State plan. The State plan for Fiscal Years 1979-1981 followed the legislative and regulatory requirements.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Pell Grant Program Student Validation Roster.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Pell Grant Program.

(c) Agency Form Number: ED Form 255–4.

(d) Justification: The Student Validation Roster is the vehicle through which end-of-year adjustments to the authorization of Pell Grant Grant are made, based on the actual and accepted disbursement of funds as reflected by the number of eligible BEOG recipients at the institution.

(e) Description of Survey Plan: The current approved Student Validation Roster for 1980–81 will be used throughout the remainder of the award year. It is anticipated that some changes will be made for the 1981–82 Award Year.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: The report is collected after the end of the award period on an annual basis. This information is not published but used in-house to reconcile and close the institution account.

(h) Consultations Outside the Agency: Not Applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Postsecondary Educational institutions | 5,000 | 5 |

(j) Sensitive Questions: Not Applicable:

(k) Estimate of Cost to Federal Government: Not Applicable:

(l) Detailed Justification of How Information Once Collected Will Be Used: The information is supplied by the institution on the Validation Roster to verify the actual disbursements made to recipients on behalf of the Pell Grant Program. This information, when compared with the final Progress Report data and actual institutional accounting data, will serve to reconcile each school's Pell Grant account at the end of the year. The roster also serves to assist in tracking recipients to ensure that no student receives Pell Grant awards beyond the duration of his/her eligibility and that overpayments are identified and collected.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The institution must submit the reports and information the Secretary requires in connection with the funds advanced to it and must comply with the procedures the Secretary finds necessary to ensure that the reports are correct." [34 CFR 690.84) (20 U.S.C. 1070a)

(o) Timetable for dissemination of Collected Data: Not Applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

5,000 institutions × 5 person-hours = 25,000
25,000 × $10 = $250,000

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not Applicable.

(r) Copy of the Exact Data Instrument: The data instrument is available at: U.S. Department of Education, Pell Grant Program, Room 4718, ROB–3, 400 Maryland Avenue SW., Washington, D.C. 20202, Attn: Charles Brazil.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not Applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: For the past award periods, a roster has been mailed to the institutions thirty to sixty days after the close (June) of the award period. Reports are due six weeks after the date received.

(u) Specific Justification for Multi-Year Approval: The Pell Grant Student Validation Roster is a document utilized by the Basic Grant Program completed by the institutions to report final Program expenditures. The Pell Grant Program requires that the institution submit this roster annually. The Student Validation Roster has been utilized since the inception of the Program which began in 1973.

The legislative authority states that the institution shall submit such reports and information as the Secretary requires in connection with the funds advanced to it and must comply with the procedures the Secretary finds necessary to ensure that the reports are correct. 34 CFR 690.84 (20 U.S.C. 1070a)

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Application for Fulbright Teacher Exchange Program.

(b) Name of Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Office of International Education, Fulbright Teacher Exchange Program.

(c) Agency Form Number: ED forms 856, 356–1, 356–2, 356–3.

(d) Justification: The U.S. Department of Education (ED) cooperates with the U.S. International Communication Agency (USICA) in administering the Teacher Exchange program as provided under the authority of the Mutual Educational and Cultural Exchange (Fulbright) Act of 1961. In accordance with an agreement between USICA and ED, funds are transferred to ED. ED administers this program under policies established by USICA and the Board of Foreign Scholarships, a twelve member body appointed by the President. Section 106(a)(1) of the Fulbright Act establishes the Board "* * * for the purpose of selecting students, scholars, teachers, and other persons to participate in the programs * * *." ED annually publishes a brochure in August announcing opportunities for American educators to teach abroad or to attend summer seminars overseas during the following year. Application to the program is made between September 1 and November 1.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plan: Not applicable.

(g) Time Schedule for Data Collection and Publication: Publicity and applications are distributed during September and October and collected by November for programs conducted during the following summer and the following academic year.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Teachers | 525 | 5 |

(j) Sensitive Questions: Selection criteria established by the Board of Foreign Scholarships for educators hoping to participate in the Teacher Exchange program requires ascertaining some sensitive information. For example, participants must be responsible U.S. citizens, emotionally stable, in good health, have demonstrated ability to work effectively with students and colleagues, have interest and background to well represent the U.S. Government and the American education community abroad.

and be acceptable to the host country's school which may be parochial.

(k) Estimate of Cost to Federal Government: $10,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Each application for the Teacher Exchange program is initially screened by an ED program specialist to determine whether prospective candidates meet the announced basic qualifications for consideration. If so, the applicant is requested to report to one of 70 regional interviewing committees, comprised of highly qualified, volunteer educators, for a personal interview. In order to receive preliminary consideration applicants must be favorably recommended by the Interviewing Committee and three references, and have the concurrence of his/her school administrator.

a. The applications of those desiring to interchange positions are then referred to ED's counterpart agencies in selected countries abroad to be matched, if possible, with one of their applicants. Taken into consideration are similarity of respective teachers' particular assignments and responsibilities; type of school system, i.e. urban, rural or denominational; personal recommendations; academic background; language ability where required, as well as other factors. If a match can be proposed, each applicant and respective school administrator is so advised and requested to indicate concurrence of the exchange. When all parties concur to a proposed match, it is recommended by ED to the Board of Foreign Scholarships for final approval. Teachers who have applied to teach abroad are notified of the Board's action in April or May. There are no ED funded grants; usually the American teachers take their home salaries with them and pay their own travel and in-country costs. In some cases teachers may be provided maintenance and round-trip travel by binational commissions abroad in the currency of the host country.

b. The applications from those wishing to attend a summer seminar abroad are reviewed by appropriate ED staff and by staff of the appropriate binational commissions abroad. Consideration is given to candidates' training and experience, current assignment, numbers of students and colleagues likely to benefit from the recipient's experience, and to geographical distribution. The funding of seminar grants varies from country to country and year to year.

A primary purpose of these programs is to broaden the educator's understanding of another culture. This understanding, in turn, is expected to be shared with students, colleagues, members of civic and professional organizations, and other interested parties in his/her respective community here and abroad. With the cooperation of American schools, teachers from other countries teach for an academic year in the United States. All of those who participate in these programs have opportunities to develop a better understanding of themselves and their society through the perspectives gained by cross-cultural experiences.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Sec. 101. Statement of Purpose.—The purpose of this Act is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange * * *"

(Public Law 87–254, 22 USC 2451)

(o) Timetable for Dissemination of Collected Data: Educators who apply for seminars are notified in March or April of the Board of Foreign Scholarship's action; those who apply to teach abroad are notified of the Board's action in April or May.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Person-hours: 1,050; Costs: $10,500.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Ms. Pat Kern McIntyre, Chief, Fulbright Teacher Exchange Program, Office of International Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: In August–September each year, 19,000 announcements of opportunities available under the Teacher Exchange Program are sent to public and private school, junior college and university administrators for circulation among their respective staffs. An additional 23,500 announcements are sent to foreign language and area studies professional groups and as requested by other groups and individuals.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: This annual program is announced in Spring and Summer issues of professional journals, newsletters, school bulletins, and conferences.

(u) Specific Justification for Multi-Year Approval: The Teacher Exchange Program has been in existence since 1947. The information needed from and about individual applicants varies little, if at all, each year. In order to maintain the necessary supply to serve public requests promptly, it is desirable to reprint the same form each July for the upcoming competition.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Lender's Request for Payment of Interest on Student Loans.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education: Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 799.

(d) Justification: ED Form 799 is used by an eligible lender to bill the Guaranteed Student Loan Program for interest benefits and for reporting data for calculation of special allowance.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation Outside the Agency: Representatives of commercial lenders, guarantee agencies, and lender's association were consulted in the development and modification of this form since 1966.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Commercial banks | 15,000 | 2.0 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $145,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Upon receipt of this completed form, the Department of Education edits, corrects, and records the amounts due the lenders. This is an automated system which produces the accounting tapes for delivery to the Finance Division of ED for payment.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 428 of the Higher Education Act as amended (P.L. 89–329)

states in part: "The holder of a loan with respect to which payments are reqiured to be made under this section shall be deemed to have contractual right as against the United States, to recover from the Secretary the portion of interest which has been determined."

(o) Timetable for Dissemination of Collected Data: The legislation requires the Secretary of Education to pay daily interest on all billings for interest and special allowance not paid by the Department of Education within 30-days of receipt.

(p) Estimate of Total Person Hours and Costs Required To Complete the Request: It is estimated that 30,000 hours at $8.00 hourly will cost the respondents approximately $240,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Maurice Tansey, Chief, Guaranteed Student Loan Branch, Department of Education, 7th & D Street SW. Room 4642 ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Representatives of commercial lenders, guarantee agencies, and lender's association were consulted in the development and modifications of this form since 1966.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Forms are mailed to the lenders and the lender has 90 days to complete the form and return to the Student Loan Processing Center.

(u) Specific Justification for a Multi-Year Approval: This program has been authorized through 1985.

(a) Title of Proposed Activity: Lender's Annual Report on Guaranteed Student Loans Outstanding.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Division of Program Operations, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 799–1.

(d) Justification: ED Form 799–1 is used by GSLB to collect, on an annual basis, essential data on regulated lenders (primarily banks, savings and loans and credit unions).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publications Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Government sends to lenders on October and report is completed by lender within 30 days.

(h) Consultations Outside The Agency: All eligible lending institutions.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Eligible lending institution | 15,000 | 1.0 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $20,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: This data is received, reviewed and used by the Guaranteed Student Loan Branch in financial reports and budget estimates.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 432 of the Higher Education Act of 1965 states in part: "The Secretary may (1) prescribe such regulations as may be necessary to carry out the purposes of this part . . . Section 177.519, Title 34 states in part: "A lender shall submit reports to the Secretary at the time and in the manner the Secretary may reasonably require . . . (3) The Lender's Annual Report on Guaranteed Student Loans Outstanding . . .

(o) Timetable for Dissemination of Collected Data: The report for the fiscal year ending September 30, 1981 must be completed and submitted within 30 days from the date of request.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: It is estimated that 15,000 hours at $8.00 hourly will cost respondent approximately $120,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Maurice Tansey, Chief GSLB, Office of Student Financial Assistance, Department of Education, 7th & D Street SW., Room 4642 ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The form is mailed to the lenders 2 weeks before the start of a new fiscal year, and the lender has 30 days to complete and return to the Student Loan Processing Center.

(u) Specific Justification for a Multi-Year Approval: This program has been authorized through 1985.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Field Testing of the Pell Grant (formerly Basic Educational Opportunity Grant) Application Form.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office of Postsecondary Education/Office of Student Financial Assistance/Division of Quality Assurance.

(c) Agency Form Number: ED–817.

(d) Justification: A Pell Grant (formerly Basic Grant) Common Form is to be designed and used for the 1983–84 Academic Year. A field test of the 1982–83 application will be conducted during FY 1982 to aid in preparing the 1983–84 Pell Grant Common form.

(e) Description of Survey Plan: The objectives of the project is to field test the 1982–83 Application Form together with at least two alternative application forms on a sampled group of students and parents to determine its reliability, validity, applicant appropriateness and ease of responding, management usability, and technical excellence. The two alternative forms are prototypes of the 1982–83 application form. Reactions to the application forms from the postsecondary school Financial Aid officers and from the secondary school guidance counselors are to be solicited from a small judgmental sample of schools.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: The field test will begin in March 1982 and end in May 1982. Results and recommendations must be delivered as an interim report in May 1982 or as a final report in November 1982, to meet critical management decision schedules.

(h) Consultations Outside the Agency: DQA/Office of Evaluation and Management, Senior Policy Advisor to the Assistant Secretary Postsecondary Education, OED/Office of Evaluation and Management, Federal Office of Statistical Policies and Standards.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Students | 1,000 | 2 hours each (two or more variations of application forms). |
| Parents | 1,000 | 2 hours each (two or more variations of application forms). |

(j) Sensitive Questions: The field test will request income and financial information of students and parents. However, respondents are informed that by participating in the field test, they will assist us in making future application forms for Pell Grant aid easier to fill out and reduce the total paperwork involved. The information provided by the respondents will be held in the strictest confidence. There is no risk involved in filling out the form; their participation will not affect their chances of receiving Pell Grant aid in the future.

Data from the field test will only be analyzed and reported in summary fashion for purposes of constructing the best possible form. Questions being asked are those used on the application form that are necessary in determining the expected contribution of students and parents for student assistance programs and the degree to which the student and parents understand what is required of them for reporting purposes.

(k) Estimate of Cost of Federal Government: Estimate: $400,000.

(l) Detailed Justification of How Information Once Collected Will be Used: From the findings of the field test will come recommendations for the 1983–84 Common Form including a prototype of a 1983–84 Common Application Form.

In addition, the field test will also address the following questions:

1. How reliable—stable—are the responses elicited by the application form? Does the item convey the same meaning to all types of applicants and in all types of situations?

2. How valid are the responses elicited by the items? Does the item (data elements) obtain the response that was sought?

3. What are the types and possible reasons for the error in the responses that are attributable to the application form design and item construction?

(m) Methods of Analysis: Cross tabulations by student/parent characteristic correlations, content analysis and basic descriptive data to be used in assessing and identifying the most effective form and item constructed for the 1983–84 Common Form.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary, in cooperation with representatives of agencies and organizations involved in Student Financial Assistance, shall prescribe a Common Federal Financial Aid Application Form to be used to determine the need and eligibility of a student for financial assistance under this title . . . ."

(Sec. 483(a) of the Higher Education Act of 1965, as amended by P.L. 96–374, 20 U.S.C. 1090)

(o) Timetable for Dissemination of Collected Data: The results of the field test and recommended common 1983–84 form will be available in May 1982.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 4,000 for a total estimated cost of $40,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Ms. Davelyn Bailey, Department of Education, Office of Student Financial Assistance, Division of Quality Assurance, Room 4673, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Student and parent sample will be drawn from secondary and postsecondary institutions, and letters will be sent requesting participation in the field test.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Planned data collection will begin in March 1982. Once responses have been received from the letter of request for participating in the field test, an agreed upon date will be established between the interviewer and the respondent for filling out the application form.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary(a) Title of the Proposed Activity: Equipment list for construction, reconstruction, and renovation projects.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Office of Institutional Support Programs/Academic Facilities Branch/Division of Facilities and General Support Programs.

(c) Agency Form Number: ED 1136–1.

(d) Justificiation: 1. The equipment lists are required to ascertain that recipients of Federal funds do not purchase elaborate and costly initial equipment above and beyond that needed for projects approved under Title VII of the Higher Education Act of 1965. In addition to costs expended for construction, reconstruction or renovation, the Title VII program authorizes financial assistance to meet the cost for initial equipment. However, all such costs must meet the statutory and regulatory costs eligibility requirements. Accordingly, program uses the lists to determine the extent of Federal cost participation for the Title VII approved projects.

2. The data are used only by the Department of Education program for the sole purpose of computing the amount of Federal financial assistance applicable to Title VII approved projects.

3. The information requested in the equipment list is not available from any other source.

(e) Description of Survey Plan. 1. Respondents are limited to institutions of higher education with Title VII approved projects that have not been closed out.

2. Information sufficient to identify the institution and the project, and the Title VII grant or loan recipient will be requested to indicate if the list constitutes an inventory of items already purchased, or if the items on the list have not been purchased. Also, information is requested to indicate if the list is a complete or partial listing of all initial equipment items for the project. In addition, specific information is requested with regard to the description of the items, the purchase dates, quantities, unit prices, and total costs. The Title VII grant or loan recipient will be requested to certify that the equipment listed will be housed and used in the Title VII supported facilities. Submission of an equipment list will be required to maintain project grant or loan eligibility.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: The equipment list must be submitted to the Department of Education before the project closeout. A Title VII grant or loan recipient will be required to submit an itemized equipment list only once and in connection with the project closeout. However, some Title VII recipients may want to seek equipment list approval from the Department of Education several times during the life of the project, to make sure eligible items are being purchased.

(h) Consultations Outside the Agency: None were consulted since only the basic, minimum information required is requested.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | 150 | 1.5 |

1. The estimated average person-hours required per response was arrived at after a review of the size of equipment lists submitted in the Past on Title VII projects.

2. Respondents keep records of costs for Title VII supported facilities. Accordingly, there is no unusual delay in gathering or compiling the data.

3. There is not any considerable variation in the reporting burden. This would depend on the size of the project.

(j) Sensitive Questions: There are no sensitive questions. The equipment list is kept by the Department of Education. However, one copy may be returned to the respondent, if equipment items are declared ineligible for Federal cost participation purposes.

(k) Estimate of Cost to Federal Government: $4,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: The equipment list is used to determine the extent of grant or loan eligibility of projects funded under Title VII.

(m) Method of Analysis: The equipment list will be used to ascertain that Federal funds are expended only for initial equipment meeting the regulatory requirements.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection "A grantee shall insure that the construction is—

(1) Functional;

(2) Economical; and

(3) Not elaborate in design or extravagant in the use of materials, compared with facilities of a similar type constructed in the State or other applicable geographic area." (Section 75.607(a) of the Education Department General Administration Regulations (EDGAR))

"The project will be undertaken in an economical manner." (Section 731(a)(3) of Title VII of the Higher Education Act of 1965, as amended)

(o) Timetable for Dissemination of Collected Data: The information is used only by the Department of Education program. Thus, there is no dissemination of collected data.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 225 person-hours for $3,375.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not Applicable.

(r) Copy of the Exact Data Instrument: Thomas F. McAnallen, Chief, Academic Facilities Branch Office of Institutional Support, Office of Postsecondary Education, Division of Facilities and General Support Programs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: No contact has been made since only data required to meet regulatory and statutory requirements is to be collected.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The respondents have sufficient time since the information is required only once in connection with project closeouts.

(u) Specific Justification for a Multi-Year Approval: Several years may be involved from the time of a Title VII award until the completion of a project and the closeout. Accordingly, multi-year approval is required, especially in view of the fact that all Title VII awards are not made in the same year. This data collection instrument has been used, substantially in its existing form, since 1965 for all Title VII projects and will continue to be needed as long as there are Title VII projects which have not been completed and closed out.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Physician's Certification of Borrower's Total and Permanent Disability.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Bureau of Student Financial Assistance, Division of Policy and Program Development, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED–1172.

(d) Justification: Legislative authority for use of this information based on Title IV, Part B, of the Higher Education Act of 1965, as amended. Section 437 (a) states "If a student borrower who has received a loan described in clause (A), (B), or (C) of section 428 (a) (1) dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Secretary), then the Secretary shall discharge the borrower's liability on the loan by repaying the amount owed on the loan." The Secretary of Education in regulations published September 17, 1979, Section 514 (b) (2) provides * * * "The lender shall promptly request that the borrower or his or her representative obtain a certification, from a physician who is a doctor of medicine or osteopathy and legally authorized to practice, on a form provided by the Secretary, that the borrower is totally and permanently disabled." In compliance with the law and the regulations, the Secretary provides ED Form 1172.

This form may be used by all student loan programs administered by the Bureau of Student Financial Assistance under Title IV of the Higher Education Act of 1965, as amended: Guaranteed Student Loan Program (GSLP); Health Education Assistance Loan (HEAL); National Defense/Direct Student Loan (NDSL); and the United States Loan Program for Cuban Students (USLPCS) for obtaining a physician's certification of the borrower's total and permanent disability for the purpose of cancelling the borrower's obligation to repay his or her student loan(s). The borrower or borrower's representative obtains the form from the lending institution, completes Section I, has his or her physician complete Section II, and then returns the form to the lending institution. The physician must make a judgement decision regarding the borrower's total and permanent disability. The borrower must be unable to engage in any substantially gainful activity because of a medically determinable impairment that is expected to continue for a long and indefinite period of time or to result in death.

The promissory notes for the four student loan programs, signed by the borrower and held by the lender, contain a provision for cancellation of the indebtedness in the event of the borrower's permanent and total disability.

For the indebtedness to be cancelled, a certification by a physician that the borrower is permanently and totally disabled is required by the Department of Education. The certification on this form provides the basis for ED to reimburse lenders the amount of indebtedness cancelled.

The data collected on Form ED 1172 will be used only in the aggregate, e.g. the total amount of disability claims paid in the Federal Insured Student Loan Program. There is no similar data available.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Borrower | 6500 | |
| Physician | 6500 | 333 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $3,000.00.

(l) Detailed Justification of How Information Once Collected Will be Used: Legislative authority for use of this information is based on Title IV, Part B, of the Higher Education Act of 1965, as amended.

The data collected on Form ED 1172 will be used only in the aggregate, e.g. the total amount of disability claims paid in the Federal Insured Student Loan Program.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority for use of this information is based on Title IV, Part B, of the Higher Education Act of 1965, as amended. Section 437(a) states "If a student borrower who has received a loan described in clause (A), (B), or (C) of section 428(a)(1) dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Secretary), then the Secretary of Education in regulations published September 17, 1979, Section 514(b)(2), provides * * * "The lender shall promptly request that the borrower or his or her representative obtain a certification from a physician, who is a doctor of medicine or osteopathy and legally authorized to practice, *on a form* provided by the Secretary, that the borrower is totally and permanently disabled." In compliance with the law and the regulations, the Secretary provides ED Form 1172.

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: Total person-hours: 1,300; Total costs: $26,000.

(q) Evidence of any Urgent or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Steven Wingard, Division of Training and Dissemination, OASPE/Office of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance that Respondents Will Have Sufficient Lead Time to Comply With Request: Not applicable.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Request for Deferment of Repayment-Student Loan Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Bureau of Student Financial Assistance, Division of Policy and Program Development.

(c) Agency Form Number: ED-1188.

(d) Justification: Public Law 89-329, Title IV, Part B, Section 429(a)(3) states: "* * * (the lender) * * * will submit such supplementary reports and statements during the effective period of the loan agreement, upon such forms, at such times and containing such information as the Secretary may prescribe * * *".

Section 429(b)(i) further states: "* * * while protecting the financial interest of the United States * * *, including (but not limited to) provisions as to the reporting of such loans and information relevant thereto * * * as to the payment of initial and other premiums and the effect."

Section 428(a)(3) in addition states: "* * * (the lender) * * * shall submit to Secretary, at such time or times and in such manner as he may prescribe statements containing such information * * * to determine the amount of payment which the Secretary must make with respect to that loan."

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent Type | Number | Estimate of average person-hours |
|---|---|---|
| Borrower | 10,000 | 1666 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $900.

(l) Detailed Justification of How Information Once Collected Will Be Used: The data collected on this form will be used as a basis of justification of a lenders claim for Federal interest benefits during the claim period of deferment. The data will also be used by the lender to prepare the lenders request for payment of interest on student loans.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 80-329, Title IV, Part B, Section 428(e) states: "* * * requiring that in the case of student loans covered by such program periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period (1) during which the borrower is pursuing a full-time course of study at an eligible institution, (2) not in excess of three years during which the borrower is a member of the Armed Forces of the United States, (3) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, or (4) not in excess of three years during which the borrower is in service as a full-time volunteer under Title VIII of the Economic Opportunity Act of 1964."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total Person-Hours: 1,666.

Total Costs: $8,330.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data. Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Steven Wingard, Division of Training and Dissemination, OASPE/Office of Student Financial Assistance, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Population: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request. Not applicable.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Lender's application for Insurance on Federal Insured Student Loan.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education; Office of Student Financial Assistance Division of Program Operations/Guaranteed Student Loan Branch

(c) Agency Form Number: ED Form 1207.

(d) Justification: Lenders must use this form in filing for payment of all student insurance loan claims.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Lenders submit on as needed basis.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Financial Inst. | 12,000 | [1]30 minutes per form |

[1] Minutes per form.

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: Estimated cost is $25,000.

(l) Detailed Justification of How Information Once Collected Will be Used: The form is used by landers for requesting payment of defaulted guaranteed student loan claims. The form provides ED with loan and payment history information which is vital in determining the validity of the claim and the amount to be paid.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 430 of the Higher Education Act, as amended (Pub. L. 89–329) states in part: "Upon default (death or disability included) by the student borrower on any loan covered by Federal Loan Insurance pursuant to this part * * * insurance beneficiary shall promptly notify the Secretary * * *.

(o) Timetable for Dissemination of Collected Data: ED receives the form, assigns a claim number for indentification purposes, reviews for accuracy and validity and determines amount to be paid. The claim should be paid in approximately 6–8 weeks from claim receipt.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that 6,000 hours at $8.00 per hour, the cost to the respondent will be $48,000.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 7th & D. Street, S.W. Room 4642 ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The form has been used since the inception of the Program.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Lender submits on as need basis and the time determination is his decision.

(u) Specific Justification for a Multi-Year Approval: This program is authorized through 1985. This has been funded.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Institutional of Release Funds/Request for Additional Funds under the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs.

(b) Agency/Bureau/Office: Department of Education/Bureau of Student Financial Assistance/Division of Program Operations.

(c) Agency Form Number: ED Form 1286.

(d) Justification: Under Title IV of the Higher Education Act, as amended, the Secretary of Education is assigned the task of allotting unused SEOG, CWS, and NDSL program funds within each State. Therefore in order to maximize the utilization of funds available for the current award period, and to assist as many needy students as possible the Department of Education conducts a reallocation process.

The form for which we are requesting clearance is a vehicle to identify those institutions that are unable to utilize all of the Federal funds in either the SEOG, NDSL and/or CWS Programs during the Award Period, and the amounts, if any, that they are willing to release. Funds released in this manner are, for the most part, the only funds available for reallocation to other institutions within each State. This form will also be a means to identify those institutions with additional need for funds in either or all three Programs.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: The Data will be collected annually in the fall. Institutions will submit the data on the ED Form 1286 by mail.

(h) Consultation Outside the Agency: Not applicable.

(i) estimation of Respondent Reporting Burden: Respondent reporting burden should be minimal. The form contains only eight data cells.

No institution is required to complete or return the form to the Washington office. If an institution does not wish to release funds or to request additional funds, no report is required and the Department of Education will not adjust that institution's award. Of approximately 4,000 participants in these programs, we expect a maximum return rate of 62% or 2,500. The avarage time to complete the form should be no more than 10 minutes since the information is readily available.

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Government: The total direct cost to the Federal government (including processing cost and staffing personnel) is estimated to be $5,000 per year.

(l) How Information Collected Will Be Used: The information will be used to identify those institutions that are unable to utilize all of their Federal funds in either the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs during the award period, and the amounts, if any, that they are willing to release. The information will also be used to identify those institutions with additional need for funds in either or both programs.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority for This Activity: The Supplemental Educational Opportunity Grants Statute states that funds allocated to an institution for initial grants which the institution anticipates will not be used by the end of the period for which such funds were made available may be reallocated on an equitable basis to other institutions in that State. Pub. L. 95–205 (20 U.S.C. 1070b–3), 34 CFR 176.4(b).

The College Work-Study statute states that funds allocated to an institution which the institution anticipates will not be used by the end of the period for which the funds were made available may be reallocated on an equitable basis to other institutions in that State. Pub. L. 95–205 (42 U.S.C. 2756), 34 CFR 175.4(b).

The National Direct Student Loan statute states that "if an institution . . . projects that it will not use a portion of its allocation by the end of the period for which those funds were made available, the amount . . . will be restored as part of the State apportionment. When the aggregate of

funds restored to a State's apportionment becomes sufficient to increase significantly the amount of Federal capital contributions that can be awarded to other institutions within the State, those funds will be awarded to other institutions in that State . . ." Pub. L. 95-480 (20 U.S.C. 1087bb), 34 CFR 144.4(b)).

(o) Timetable for Dissemination of Collected Data: The data will be collected annually in the fall. Institutions will submit the data on the ED 1286 by mail.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Person-hours = 500. Costs = $5,500.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Date: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the full plan and the data instrument may be obtained from: Robert R. Coates, Chief, Campus and State Grants Branch, DPO, Bureau of Student Financial Assistance, Room 4621, RHOB #3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Plans for conducting reallocation process are published in the BSFA Bulletin.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection is planned for November, 1981. The forms are mailed to institutions approximately three weeks prior to the deadline for submission of data.

(u) Specific Justification for a Multi-Year Approval: The reallocation process is conducted annually, with legislative authorization. The ED 1286 is a simple form and it is a vehicle which presents a minimal burden on the respondents. It has been used successfully in previous years and it provides for minimal effort to process.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Application to participate in State Student Incentive Grant Program (annual request for State's share of SSIG formula-grant funds).

(b) Name of Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Policy and Program Development/ State Programs Branch/State Student Incentive Grant Section.

(c) Agency Form Number: ED 1288.

(d) Justification: 1. This is the annual application for SSIG funds required by Sec. 415 of Title IV, HEA. This application form has been used since 1975 with only minor editorial changes. A revised version of the existing State application and instructions is needed in order to reflect the changes introduced in the Education Amendments of 1980. The following crosswalk shows adjustments in detail.

| (Old) 1980 version | (New) 1981 version |
|---|---|
| Section—Contents | Section—Contents. |
| I. General Information | I. General Information. |
| II. State Request for Federal Funds (Initial Awards Only). | II. State Request for Federal Funds (All Awards). |
| III. State Request for Federal Funds (Continuation Awards Only). | Deleted (Combined in Sec. II). |
| IV. State Matching Funds Available. | III. State Matching Funds Available. |
| V. State Maintenance of Effort. | IV. State Maintenance of Effort. |
| VI. State Criteria for Determining Substantial Financial Need of Students. | V. State Determination of Substantial Financial Need of Students. |
| VII. Number of Students Receiving Assistance. | Deleted (Not required in 1980 Statute). |
| VIII. Institutional Eligibility Within State. | VI. Institutional Eligibility Within State. |
| IX. Assurances | VII. Assurances. |
| X. Allotment Table (5 Columns). | VIII. Allotment Table (3 Columns). |

2. Exemption from A-102 Grants Application Format: The SSIG application form is exempt from the A-102 grants application format because this is a formula grant program and also because it does not use Federal funds on a project basis. This exemption is specifically stated in the Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, Office of Management and Budget Circular A-102, published in 42 FR 176, September 12, 1977, page 45830. All SSIG funds must be used specifically for awards to help needy students attend higher education institutions. States pay all administrative costs. There are no projects, no budgets, no earned income from supported activities. Federal funds may be used only for student awards.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and publication: The application form is mailed to officially designated State agencies in December of each year for a January closing date.

(h) Consultation Outside the Agency: Representatives of the National Association of State Scholarship and Grant Programs participated in development of the original form and in subsequent updates.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours per response |
|---|---|---|
| State scholarship or grant agency. | 57 States and territories. | 3 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The total direct cost to the Federal Government is estimated to be $50,000. This includes staff time in processing forms submitted by States and in recording and analyzing data.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information will be used to determine State eligibility for allotments and for various budget and policy decisions by the agency.

(m) Method of Analysis: Applications will be reviewed by program staff for compliance with statutory and regulatory requirements. Data will be recorded manually for analysis by program staff.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A State which desires to obtain a payment under this subpart for any fiscal year shall have a State agreement under section 1203 and shall submit an application therefor through the State agency administering its program of student grants, at such time or times, an containing such information as may be required by, or pursuant to, regulations for the purpose of enabling the Secretary to make the determinations required under this subpart."—Sec. 415C(a), HEA, as amended.

"To participate in the State Student Incentive Grant Program, a State must * * * (b) For each fiscal year that it wishes to participate, submit an application that contains the information that shows that the State's student grant program meets the requirements in § 692.21."—34 CFR 692.20. [Sec. 692.21 lists requirements in Sec. 415C(b) (1) through (8), HEA, as amended.]

(o) Timetable for Dissemination of Collected Data: Awards are mailed to States in April following receipt of applications.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Person-hours—171 (3 hours per State agency). Dollars—$1,800 (est.), absorbed by State agencies.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Instrument: Copies may be obtained from: Mrs. Lanora G. Smith, Acting Chief, State Student Incentive Grant Program, Room 4004, ROB #3, Washington, D.C. 20202; Tel. (202) 472–4265.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: State officials from the National Association of State Scholarship and Grant Programs participated in the original design of the form and have always been consulted about annual updates.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Forms are always mailed to participating State agences more than a month before announced closing dates.

(u) Specific Justification For a Multi-Year Approval: The legislative changes introduced by the 1980 Education Amendments have been incorporated into the new application form. There are no further changes anticipated in the program, except for the funding level. Therefore, multi-year approval is requested.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Financial Status and Performance Report—State Student Incentive Grant Program.

(b) Name of Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Policy and Program Development/ State Programs Branch/State Student Incentive Grant Section.

(c) Agency Form Number: ED 1288–1.

(d) Justification: This form has been used since 1975 with only minor editorial changes to update or condense. It is being revised to accommodate provisions of the Education Amendments of 1980. The report fulfills the statutory requirement in Sec. 415C(b)(8) of the Higher Education Act of 1965 (HEA), as amended. The following crosswalk shows adjustments in detail.

| (Old) 1980 version | (New) 1981 version |
|---|---|
| Section—Contents | Section—Contents. |
| I. Student Information (State Grant applicants and awards, initial and continuation). | I. Student Information, State grant applicants and awards. |
| II. State Student Incentive Grant Award Recipients (Initial and continuation, awards and recipients). | II. State Student Incentive Grant Recipients (All awards—initial/continuation combined, recipients, and Federal funds). |
| III. SSIG Awards by Type of Institution | III. SSIG Awards by Type of Institution. |
| A. Less-than full-time student eligibility | A. Student eligibility: Half-time, less-than-half-time; graduate. |
| IV. Certification by Authorized Official of Agency | IV. Certification by Authorized Official of Agency |

(e) Description of Survey Plan: The combined report uses ED 1288–1 for the performance data and SF 269 for the financial report. The current performance report includes data on student awards by income level, by size and type of institution, and whether part-time or graduate students are eligible.

(f) Tabulation and Publication Plans: The data will be used in the annual report of OSFA programs and as a basis for various budget and policy decisions.

(g) Time schedule for Data Collection and Publication: Data are collected annually, at the end of October, covering performance for the previous academic year, including summer term.

(h) Consultations Outside the Agency: The original form was developed in consultation with representatives from the National Association of State Scholarship and Grant Programs, and they have been consulted on any revisions through the years.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours per response |
|---|---|---|
| State Scholarship or Grant Agency | 57 | 3 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The total direct cost to the Federal Government is estimated to be $50,000. This includes staff time in processing forms submitted by States and in recording and analyzing data.

(l) Detailed Justification of How Information Once Collected Will Be Used: Data from individual States are used to determine the nature of program accomplishments and to provide fiscal information. Data summaries are analyzed and used for various budget and policy decisions by the agency and to assist States in program improvement.

(m) Methods of Analysis: Data will be recorded manually and analyzed by program staff. No ADP will be required.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "(8) provides * * *. (B) for the making of such reports in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform the functions under this subpart." Sec. 415C(b)(8), HEA, as amended.

"Provides for reports to the Secretary that are necessary to carry out the Secretary's functions under this part."—34 CFR 692.21(i).

(o) Timetable for Dissemination of Collected Data: Data from individual States are used throughout the year as a basis for monitoring and program improvement efforts. Summaries of data are analyzed to determine trends and as a basis for budget and policy decisions.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Person-hours 171 (3 hours per State agency). Dollars $1,800 (est), absorbed by State agencies.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Eact Data Instrument: A copy of the full plan and the data instruments may be obtained from: Mrs. Lanora G. Smith, Acting Chief, S.S.I.G., Room 4004, ROB #3, Department of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Cmmunication Wh Rspondent populations: State officials from the National Association of State Scholarship and Grant Programs participated in the original design of the form and have always been consulted about updates.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Forms are mailed to participating State agencies in August for reports due after the end of September (by October 31).

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is requested because provisions added by the Education Amendments of 1980 have been incorporated and no further changes are anticipated at this time.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: The Transition From Home to School For Children and Their Families: An Ecological Experiment.

(b) Name of the Sponsoring Agency/ Bureau/Office: Education Department: National Institute of Education: Teaching and Learning Program.

(c) Agency Form Number: ED(NIE)244.

(d) Justification: The study is addressed to the need to understand the influence of newly-developed experimental programs in conjunction with naturally-occurring environmental factors on the performance of children entering elementary school. The programs may affect the natural ecology both inside and outside the home, and are designed to build on family

strengths and help families develop the kinds of competencies they want their children to possess. The data to be collected are focused on the child's behavior and accomplishments at home and at school, and the support given by parents which encourages such activities. Unlike most intervention studies which tend to be limited to special populations, this sample, randomly assigned to programs, encompasses a wide range of family types and social contexts found in contemporary urban environments.

(e) Description of Survey Plan: Information will be collected from three sources: (a) From parents by interview on parent-child activities, supports and strains on their ability to help children develop, and knowledge and attitudes toward the school and children's behavior and accomplishments in different settings. (b) From children by interview concerning their everyday activities, attitudes toward school and perceptions of significant persons in their lives. (c) From school-related sources—by records of children's school performance and by questionnaire to teachers dealing with home-school relationships and perceptions of the child's behavior and personal characteristics. The study is being conducted in Syracuse, New York.

(f) Tabulation and Publication Plans: Information will be provided on possible causal connections between children's behavior and accomplishements, their parents' caregiving activities, and both the innovative programs and natural ecologies. Information collected by parental interview when children were 3–4 will be used as a baseline. Characteristics of the children, their parents, each other, the school and other environments will also be described. A technical report will be prepared for the sponsor. Other reports will be prepared for audiences of social scientists, local community and educational groups and other broader groups of educational practitioners and policy makers.

(g) Time Schedule for Data Collection and Publication: The estimated start date for data collection in the schools is May 1982, with data collection completed by September 1982. Published results are expected by September 1983, twelve months after the completion of data collection.

(h) Consultations Outside the Agency: The research design for this study was developed in collaboration with colleagues conducting similar studies in four other countries. The sponsoring agency has also conducted site reviews with outside professionals, and a symposium in Washington, DC on the project utilizing some reviewers. The study is based on available school recores, and does not require data collection from state or local governments.

(i) Estimate of Respondent Reporting Burden: For children in the study, the respondent burden is expected to total 270 hours for interviewing. For parents, the respondent burden is expected to total 1170 hours for five interviews. For teachers, the respondent burden for questionnaires on the children will vary depending on the number of project children in their classes but will be about 1.25 hours per child. The number of children per teacher ranges from one to four at present. This makes about 190 hours of teacher time needed.

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| First grade children | 270 | 1 |
| Their mothers | 270 | 3 |
| Their fathers | 180 | 2 |
| First grade teachers | 150 | 1.25 |

(j) Sensitive Questions: There are no sensitive questions in this study. Participation is voluntary and participants will be assured of anonymity.

(k) Estimate of Cost to Federal Government: The total cost of this research project for work begun in September 1980 will be $450,000 over three years.

(l) Detailed Justification of How Information Once Collected Will be Used: The purpose of this research is to acquire new knowledge about how the family and its environment affect children's preparation for the demands of school. The information will be available for educational policy makers and practitioners to use in developing more effective programmatic responses to these needs.

(m) Methods of Analysis: A combination of methods will be used to analyze these data. The open-ended questions in the parent interviews, approximately one-third of all questions, will be subjected to both qualitative and quantitative analysis. Statistical techniques for casual modeling will be applied to the study of linkages between family ecologies, parent-child relations and child outcomes.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The General Education Provisions Act (section 405, as amended, 20 USC 1221 (e) authorizes the National Institute of Education to foster and conduct educational research which "seeks to improve education in the United States through concentrating the resources of the Institute on . . . priority research and development needs."

(o) Timetable for Dissemination of Collected Data: It is expected that a technical report will be available to the sponsor twelve months after the completion of data collection, and that practitioner and policy oriented reports will also be produced at about this same time.

(p) Estimate of the Total Person-Hours and Cost Required To Complete: The total person hours to respond is estimated at 1630 hours based on item (i) including 270 for students and 1360 hours for adults. At a cost of $5.00 per hour for the time of the adults a total cost of $6800 would be incurred.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: the instruments can be obtained from Oliver Moles, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The contractor's staff have already collected data from the parents and maintain continuing contact with them or the intervention programs and the liaison staff who contact all families periodically. Contacts are presently underway with school systems in the Syracuse, NY area which are receiving the project children regarding access to school records and teachers.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection in schools will occur during May-September 1982 for information on the '81–'82 school year, over a year after the start of the project. Initial contact with schools will be made in the winter of 1981 but to avoid having teachers treat project children differently, they will not be told of the project till shortly before they are asked to describe the child and home-school relations.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Application for Non-Competing Continuation Grants under the Ethnic Heritage Studies Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education; Office of Educational Research and Improvement, Office of School Improvement, Ethnic Heritage Studies Program.

(c) Agency Form Number: ED 349–1.

(d) Justification: 1. In FY 1981 the Ethnic Heritage Studies Program is planning to award 25 awards that will be non-competing continuations in FY 1982 and years following. We anticipate to award additional non-competing continuations in FY 1982 and years following. We anticipate to award additional non-competing continuation awards that will begin in FY 1982. This form will be used to request information that will give evidence of satisfactory performance in the first year and provide budget informaton for the second and third fiscal year of the grant. It will also provide a place for the grantee to make modifications as needed in the activities proposed in the second and third year of the grant.

2. The Ethnic Heritage Studies staff will use the information provided to determine the continuation of the grant into second and third years.

3. There is no evidence of similar data already available.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: It is our intention to consult with the members of the National Advisory Council on Ethnic Heritage Studies and also the Council of Chief School Officers.

(i) Estimate of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and Universities | 3 | 10 |
| Local Educational Agencies | 10 | 50 |
| Nonprofit Organizations | 3 | 15 |
| Public Elementary/Secondary Schools. | 2 | 10 |
| Public Junior Colleges | 1 | 5 |
| State Educational Agencies | 3 | 15 |
| State Library Agencies | 1 | 5 |
| Public Libraries, Libranans | 2 | 10 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $165,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program Management:* Management will use the data in determining whether modification proposed by the grantee in the second or third year are within the activities originally approved, and (3) the budget proposed is appropriate for the activities to be carried out.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: P.L. 95–561, Title IX, Part E. Elementary and Secondary Education Act of 1965 as amended.

*Applications*

Section 954(a) Any public or private nonprofit agency, institution, organization desiring assistance under this part shall make application therefore in accordance with the provisions of this part and other applicable law and with regulations of the Secretary promulgated for the purposes of this part. The Secretary shall approve an application under this part only if he determines that—

"(1) the program for which the application seeks assistance will be operated by the applicant and that the applicant will carry out such program in accordance with this part;

"(2) such program will involve the activities described in section 953;

"(3) such program has been planned, and will be carried out, in consultation with an advisory council which is representative of the ethnic group of groups with which the program is concerned and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this part, the Secretary shall ensure that there is cooperation and coordination of efforts among the programs assisted under this part, including the exchange of materials and information and joint programs where appropriate."

*"Administrative Provisions"*

"Sec. 955.(b). Funds appropriated to carry out this part may be used to cover all or part of the cost establishing and carrying-out the programs, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purposes of carrying out the purposes of this part. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Secretary) to individuals receiving training as part of such programs, including allowances for dependents." P.L. 95–561, Title IX, Part E Elementary and Secondary Education Act of 1965, as amended.

(o) Timetable for Dissemination of Collected Data: It is intended that the data will be available on an annual basis during the second quarter of the fiscal year so that program managers can make decisions on continuations during the third quarter.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The total person-hours to respond is estimated to be 125 for a total cost estimated to be $3,225.00.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Mrs. Carmen D. Rodriquez, Program Officer, Ethnic Heritage Studies Program, Donohoe Building, Room 1128, 400 6th Street, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Grantees who visit the office and applicants inquiring about multi-year grants have been consulted during the application period that began October 7, 1980.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Data collection is planned to be conducted during the month of January in FY 1982 and each year following. It is expected that the forms due date will be March 1982.

(u) Specific Justification for a Multi-Year Approval: We are requesting multi-year approval through FY 1983 because the form is a routine application representing a minimum burden on fewer than 50 grantees over the next two fiscal years.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Final Financial Status and Perfomance Report for:

84.005—College Library Resources Prgram.

84.036—Library Career Training Program.

84.091—Strengthening Researcy Library Resources Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office for Educational Research and Improvements/Office of Libraries and Learning Technologies.

(c) Agency Form Number: ED–606.

(d) Justification: This consolidated report form (approved by OMB–SF 269) is used to determine the utilization of grant funds administered by three discretionary grant programs. This form is mandated by 34 CFR Part 75.720, Subpart F of EDGAR. The College Library Resources Program awards resource development grants to eligible institutions of higher education. A supplementary performance report is necessary to confirm the maintenance of effort assurance that is required of all grantees. The Library Career Training Program awards Fellowships to insitutions of higher education with degree programs in library science, while the Strengthening Research Library Resources Program assists

major research libraries in the collection and dissemination of research materials. Additional performance report requirements are necessary to determine project performance for both the Library Career Training and Strengthening Research Library Resources Programs. This data is unique and not collected by any other data activity initiated by the Department of Education.

(e) Description of Survey Plan: No applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Because of the use of Standard Form 269 and the relative simplicity of additional data requested, there was no consultation outside the agency.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| College and universities | 1400 | 4 |
| Nonpublic junior colleges | 230 | 4 |
| Nonprofit organizations | 40 | 4 |
| Combinations of institutions | 30 | 4 |
| Public junior colleges | 1000 | 4 |
| State library agencies | 1 | 4 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: Not applicable.

(l) Detailed Justification of how Information once Collected will be used: The proposed data acquisition activity is intended to provide detailed data describing the performance and expenditure of grant funds for the three discretionary grant programs. It provides the program with the fiscal data necessary to initiate the closeout of the grant awards.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing Data Collection: The General Education Provisions Act, as demonstrated in 34 CFR Part 75.720 in Subpart F—Financial and Performance Reports, provides the legislative authority allowing the data collection for all three programs. In addition, the College Library Resources Program has the following provision in its legislation—"A grant under this part may be made only if the application provides * * * (3) for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part; and (4) for making such reports as the Secretary may require and for keeping such records and for affording such access thereto as the Secretary deems necessary to assure the correctness and verification of such reports." (Section 211 (b)(3) and (4) of the Higher Education Act as amended by P.L. 96-374, 20 USC 1029).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that it takes approximately 10,804 hrs. for a total cost estimated at $108,040.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Mr. Frank A. Stevens, Department of Education, Library Education and Postsecondary Resources Branch, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The financial reports are due ninety days after the end of the grant periods for each program. Three months is considered sufficient time for the grantees to examine their expenditure reports as well as to assess their performance of specific project goals.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval for this form is requested because this routine administrative final report form has been used successfully in the past. Also, the three discretionary grant programs that require this form have been reauthorized until FY 1985.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Degrees and Other Formal Awards Conferred Between July 1, 1980 and June 30, 1981, (HEGIS XVI)

(b) Agency/Bureau/Office: Department of Education/Office of Educational Research and Improvement/National Center for Education Statistics/Division of Postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

(c) Agency Form Number: ED (NCES) 2300-2.1A. ED (NCES) 2300-2.1B.

(d) Justification: Both surveys:

These data are the only data concerned with the manpower resultants of higher education that are collected and reported annually by the National Center for Education Statistics (NCES), and are necessary for NCES to meet its requirement to provide "full and complete statistics on the conditions of educaton in the United States." (Section 406, Pub. L. 93-380). Also, Title IX of the Education Amendments of 1972 requires that, with certain exceptions, the services and benefits of Federally assisted educational programs and activities be offered without discrimination on the basis of sex.

The data from this survey are used by the Office for Civil Rights (OCR) of the Department of Education (ED) in carrying out its responsibilities to verify compliance or lack of compliance with Title IX.

(e) Description of Survey Plan: Both Surveys:

These surveys collect and report the number of degrees and other formal awards conferred by accredited universities and colleges in the aggregate United States in the academic years 1980-81. The surveys are part of the Higher Education General Information Survey (HEGIS). The data are collected and reported by level of degree, sex of recipient, discipline division, discipline specialty, control and level of institution. The data are reported by the above variables by institution and also in State aggregates.

The data are needed by NCES to meet its requirements and by OCR to meet its requirements respecting Title IX (see (d) above). The data also are needed by the Congressional Research Service of the Library of Congress, by the Department of Labor, by the Office of Postsecondary Education, Department of Education and by many other users at the national, regional, State and local levels (see (d) above).

1980-81 survey: This survey will collect and report the above data elements by racial/ethnic categories. These data are necessary for OCR to meet its requirements respecting Section 601 of Title VI—Nondiscrimination in Federally Assisted Programs of the Civil Rights Act of 1964 (Pub. L. 88-352) (see (d) above).

(f) Tabulation and Publication Plans: Data are arrayed in table format by U.S. total, State aggregates in institutional listings, cross tabulated by type of degree awarded, discipline specialty and sex of student. A limited number of charts and graphs are prepared showing trend data by number of degrees awarded, percent change in degrees conferred from year to year.

NCES' own Statistical Information Branch uses actual degree data in the preparation of the annual projections of earned degrees. The information from the survey and from the projections are used by the Bureau of Labor Statistics, U.S. Department of Labor, in its annual

projections of labor supply. The Department of Education's Offices of Postsecondary Education uses the degree data in its program planning and program mangement. The Congressional Research Service of the Library of Congress uses the data of this survey in preparing information for the members of the Congress, to help them assess tha changing and developing needs of our nation with respect to manpower and higher education.

The National Science Foundation uses these data in analyses of the supply and education of the scientists of our Nation; the Equal Employment Opportunity Commission (EEOC) uses the data in carrying out its mission respecting the employment of women; the U.S. Office of Personnel Management and all of the branches of the Armed Forces use the data in hiring women with specific skills and education specialities; and Office for Civil Rights uses the data in compliance review respecting Section 901 of Title IX — Prohibition of Sex Discrimination, of Education Amendments of 1972 (Pub. L. 92–380). In addition to the above uses by the Federal Government, these data are used by many national, regional, and State associations and agencies, by individual institutions of higher education in comparing their institution with peer institutions, and by guidance counselors in high schools and colleges, as well as by private citizens. Moreover, the data from this survey are used by a large number of businesses and industries to help them meet the requirements of Executive Order 11246, respecting the development and implementation of Affirmative Action Plans and the equal opporutunity program for women.

An early release of total degrees conferred by discipline division is published prior to the completion of the final hard copy report. The final report containing earned degree data is prepared by NCES and printed by GPO approximately seven months after the due date of surveys. Edited data are available on computer tape and disseminated by NCES.

(g) Time Schedule for Data Collection and Publication: The date are collected between June 1981 and December 1981. Approximately five months from due date of the survey form, a final earned degrees conferred count will be released through an NCES announcement. Approximately eight months from survey due date, all data will be available through an NCES data tape. Approximately ten months from due date of survey form a hard copy NCES publication will be released to the public.

(h) Consultations Outside the Agency: The 1981 survey has been developed in close cooperation with State postsecondary education agencies, Federal agencies and postsecondary education associations about their requirements for institutional data. Individuals such as the Executive Director, American Association of College Registrars and Admissions Officers; the Associate Director, NCHEMS; the Director SHEEO/NCES Communications Network; the Director for Institutional Coordination, Louisiana State Board for Higher Education; were actively involved in developing and reviewing items and definitions contained in the survey form.

(i) Estimate of Respondent Reporting Burden:

| Respondent Type | Number | Estimation of average person-hours |
|---|---|---|
| College and Universities | 3,190 | 3.8 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The total cost of this survey to the Federal government is estimated at about $294,000.00.

(l) Detailed Justification of How Information Once Collected Will Be Used: See (d) above.

(m) Method of Analysis: Data are arrayed in table format by U.S. total, State total and institutional listing cross tabulated by type of degree award, discipline specialty, and sex of student. A limited number of charts and graphs are prepared showing trend data of degrees conferred, percent change in degrees conferred from year to year, and degrees conferred by selected categories.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: See (d) and (h) above.

(o) Timetable for Dissemination of Collected Data: See (g) above.

(p) Estimate of Total Person-Hours and Cost Required to Complete the Request: $100.00 per institution X 3,190 institutions = $319,000.00. Person-hours: 3.8 hours per institution X 3,190 institutions = 12,122 hours.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the survey instrument may be obtained from the Project Officer, Dr. Andrew Pepin, National Center for Education Statistics (Presidential Building), 400 Maryland Avenue, S.W., Washington D.C. 20202: (301)436–6791.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: HEGIS has been the major survey program specifically designed to collect major national data on postsecondary colleges and universities. This will be the 16th survey year in which degrees conferred data has been collected from the nation's colleges and universities. In developing this survey program, NCES holds an annual conference of all respondent populations to consult with and brief representatives of the institutions concerning the completion of the survey form. The conferences have provided each respondent annual opportunity tocomment on and give feedback to the utility and feasibility of the HEGIS program.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: All institutions are notified one year in advance as to changes in HEGIS surveys and definitions. In addition, the NCES/SHEEO network provides for a direct communication line with institutions as to probable change to survey forms.

(u) Specific Justification for Multi-Year Approval: A one-year clearance is requested.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Fall Enrollment in Institutions of Higher Education, 1981.

(b) Agency/Bureau/Office: Department of Education/Office of Educational Research and Improvement/National Center for Education Statistics/Division of Postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

(c) Agency Form Number: ED (NCES) 2300–2.3A. ED (NCES) 2300–2.3B.

(d) Justification: "* * * The (National) Center (for Education Statistics) shall— * * * collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States * * *" (Sec. 501. (a) of Pub. L. 93–380; Sec. (G) of the General Education Provisions Act, 20 USC 1221e–1). The execution of Pub. L. 89–329, as amended requires the use of college enrollment data in making formula allotments in college work-study programs, State incentive grants, direct loans to students, equipment and remodeling, and others.

Fall enrollment data are also used to provide full and complete statistics on the condition of education in the United States, not only in their absolute form as

standards of measurement and comparison, and in making projections, but also in combination with other educational variables to calculate indices and perform other analyses.

In addition, these enrollment data are used by other Federal agencies, by Congress, by State education agencies, by institutions of higher education, by private education associations and organizations, by market and other research firms and individuals, and by students.

(e) Description of Survey Plan: This activity involves the collection of enrollment data from all 3,190 institutions of higher education in the United States as of fall 1981. The number of students enrolled by each college and university are identified according to the students' sex, attendance status, race/ethnicity, major field of study, and level of enrollment.

(f) Tabulation and Publication Plans: Data are arrayed in table format by U.S. aggregation, State aggregation, and institutional listing. Cross tabulation of the above categories are made by sex of student, attendance status, level of enrollment, and type and control of institution attended. A limited number of charts and graphs are prepared showing trend data of enrollments, percentage change in enrollments from year to year, and enrollment distribution by selected categories.

A preliminary estimate of total enrollment by full-time and part-time status and sex of student is released in Bulletin format by October 31 of the school year. A final hard copy report containing final enrollment data is prepared by NCES and printed by GPO approximately seven months after the due date of the enrollment survey form. All edited data are available on computer tape and are disseminated by NCES.

(g) Time Schedule for Data Collection and Publication: The data are collected between October 1981 and December 1981. Approximately two months from due date of survey form, a final enrollment count will be released through an NCES announcement. Approximately seven months from survey due date, all data will be available through an NCES data tape. Approximately twelve months from due date of survey form, a hard copy NCES publication will be released to the public.

(h) Consultations Outside the Agency: Prior to preparing the 1981 HEGIS package, UCSSB queried State postsecondary education agencies, Fedeal agencies, and postsecondary education associations about their requirements for institutional data. Excluded from their consideration were the Survey of Institutional Characteristics and Fall Enrollment in Higher Education because these two surveys were the most vital data sources for these constituencies and thus were not questioned as to their priority in the HEGIS package. The specific needs of the fall enrollment data are grouped in a number of programs requiring fall enrollment data which are essential to the program's operation and success.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and Universities | 3,190 | 1.5 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government:

| | |
|---|---|
| Contractor: | |
| Data Processing and Collection | $113,754 |
| Publication Costs: NCES | 10,000 |
| Salaries and Expenses: NCES | 50,000 |
| Total | 173,754 |

(l) Detailed Justification of How Information Once Collected Will Be Used: Higher education enrollment data are widely used for a broad range of purposes not only by various government agencies, but in many areas of the private sector as well. They are used by the Department of Education for both program planning and as funding allocation standards; i.e., *College Work Study Programs, State Incentive Grants, Direct Loans to Students, Equipment and Remodeling,* and *Supplemental Opportunity Grants.* The National Center for Education Statistics uses higher education enrollment data developed from this survey not only to update its annual enrollment projections, but also as important inputs in the *Condition of Education* and *Digest of Education Statistics* publications. In addition to other Federal agencies such as the Bureau of the Census and the National Science Foundation, many State government education agencies depend heavily on annual college enrollment data for use in economic and financial planning and policy formulation. If these data were not collected on an annual basis by NCES, the States themselves would have to collect them to meet State needs. This would doubtless result in a departure from the standardization of terms and categories that have developed over many years. These points apply to the private sector as well. Educational and professional associations use enrollment data for a wide variety of purposes and, since they are for the most part nationally oriented, data collected by individual States would have very limited utility.

Perhaps more than anything else, enrollment data are extremely important for their measurement and comparability characteristics. Higher education enrollment data are the most common and equitable measure of comparison among individual institutions or groups of institutions.

(m) Method of Analysis: Data are arrayed in table format by U.S. aggregation, State aggregation and institutional listing. Cross tabulation of the above categories are made by sex of student, attendance status, level of enrollment and type and control of institution attended. A limited number of charts and graphs are prepared showing trend data of enrollments, percent change in enrollment from year to year, and enrollment distribution by selected categories.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: See (d) and (h) above.

(o) Timetable for Dissemination of Collected Data: Approximately two weeks after due date of questionnaire, preliminary estimates will be available in bulletin format. Approximately four months after due date of survey final edited data will be available on computer tape and seven months from survey due date a final hard copy publication with tables, text, and graphs will be available for dissemination.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request:

—$100.00 per institution × 3,190 institutions = $319,000.00.

—Person-hours: 1.5 hours per institution × 3,190 institutions = 4,785 hours.

(q) Evidence of any Urgent or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: An exact copy of the survey instrument may be obtained from the Project Officer, Dr. Andrew Pepin, Department of Education, Office of Educational Research and Improvement, NCES, DPVES/UCSSB, Room 905, Presidential Building, Prince George's Plaza, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (301) 436-6791.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: HEGIS has been the major survey program specifically designed to collect major national data on postsecondary colleges and universities.

The 1981–82 cycle will be the 16th survey year in which enrollment data have been collected from the nation's colleges and universities. In developing this survey program, NCES holds an annual conference with respondents to brief these individuals on completing the survey forms. In addition, the conferences have provided respondents an opportunity to comment on the data collection process, and to suggest changes in the process to improve the utility and feasibility of the HEGIS program.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: All institutions are notified one year in advance as to changes in HEGIS surveys and definitions. In addition, the NCES/SHEEO network provides a direct communication line with institutions as to probable change to survey forms.

(u) Specific Justification for a Multi-Year Approval: This is a one-year approval request only.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Survey of College and University Libraries, Fall 1981.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, Division of Multilevel Education Statistics, Learning Resources Branch.

(c) Agency Form Number: ED (NCES) 2300–5.

(d) Justification: The survey of academic libraries is one of the biennial components of the Higher Education General Information Survey (HEGIS) which is conducted on a regular basis by the National Center for Education Statistics. HEGIS includes surveys of institutional characteristics, enrollment, degrees, finance, faculty salaries, facilities, and student migration, as well as libraries. Thus, the survey of libraries represents an important component of a data system covering the vital elements of colleges and universities. The continuation of the data obtained from HEGIS provide a basis for evaluating trends as well as current condition of higher education institutions.

(e) Description of Survey Plan: The survey forms will be mailed to 3,300 colleges and universities listed in the *Education Directory, College and Universities, 1980–81* compiled by the National Center for Education Statistics and to the 475 separately organized health science libraries as identified by the National Library of Medicine. A pretest is not required, because the survey items have been included in previous library surveys. The response rate has traditionally been high (95 percent). Nonresponse will be imputed by substituting data from a responding library which is located in an institution having the same characteristics as the institution in which the nonresponding library is located. Institutions will be matched on the basis of financial control, enrollment, level of degrees offered, geographical location, etc. The contractor will conduct follow-up to obtain response, prepare an edit and tabulation specification manual, edit responses, and tabulate the data under direction of the NCES Survey Director. Survey data will be divulged by the contractor only on approval of the Survey Director. Furthermore, salaries will be suppressed in all data releases if they reflect the salary of 1 or 2 individuals.

(f) Tabulation and Publication Plans: A preliminary report will be published in March 1982, and will include tabulations as follows:

(1) National totals for each data item in 1979 and 1981 with percentage changes.

(2) Number of items in collections, by control and type of institution.

(3) Total and detailed expenditures, by control and type of institution and by State.

(4) Number and mean salaries of library staff, (total, men women), by type of position, control and type of institution.

(5) Circulations, library loans, and transactions by control and type of institution.

In June 1982, institutional data will be published, which will include tabulations as follows:

(1) National totals of all data items in 1979 and 1981 and percent changes over the two-year period.

(2) Number of collections in each category, added during year and held at end of year, by institution.

(3) Library operating expenditures for each purpose and total, by institution.

(4) Interrelationship of library and other institutional data; i.e., book volumes per FTE student, library staff per FTE student and faculty, ratios of library expenditures to education and general expenditures, by institution.

In December 1982, an analytical report will be published presenting frequency distributions, means, quartiles by control, type and enrollment-size of institutions for all survey items.

(g) Time Schedule for Data Collection and Publication:

May 1981—survey forms mailed to respondents
October 15, 1981—completed survey forms due
February 1, 1982—survey closeout
April 1982—preliminary report published
June 1982—institutional data report published
December 1982—analytical report published

The lapsed time between close-out and the first published report will be two months.

(h) Consultations Outside the Agency: The proposed survey form was reviewed by individuals representing the following organizations: Library Education and Postsecondary Resources Branch, Office of Libraries and Learning Resources, Department of Education; National Library of Medicine; College and University Library Statistical Committee, American Library Association; and Association of Research Libraries. Several minor modifications of the survey were made in response to their recommendations.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | 3,300 | 2.5 |
| Health science libraries | 475 | 2.5 |

(j) Sensitive Questions: Information on individuals must be treated confidentially as required by both the Education Amendments of 1974 and the Privacy Act. Responses to the survey items on library staff which reveal salaries of individuals will be suppressed whenever salaries are reported to the public in association with the names of individual libraries.

(k) Estimate of Cost to Federal Government: The estimated cost of this project to the government is $152,800; $133,000 for contract costs and $19,000 in salaries and expenses.

(l) Detailed Justification of How Information Once Collected Will Be Used: Data will be used by the Congress to assess the impact of library grant programs, the need for revision of present legislation, the need for new or revised legislation, and for the allocation of funds; by governmental agencies such as the Education Department, Library of Congress, State education departments, and State Library Agencies to evaluate the condition of libraries and to administer programs; by college administrators and librarians to compare their libraries with libraries in other colleges, to evaluate and prepare library budgets, establish

salaries of library staff, etc.; Library Associations to determine status of library operations and status of the profession, provide information to their members, and petition governments; by publishers and associations of publishers to assess growth in libraries and to evaluate markets; by trade associations and equipment manufacturers to identify needs for services and to evaluate markets; and by research organizations for studies on libraries as it relates to studies on education and finance.

(m) Methods of Analysis: Survey results will be analyzed by examining and interrelating library collections, staff, salaries, expenditures, circulations, etc. both within the current survey and in comparison with previous survey data. Current and recent library data will also be related to data from other HEGIS surveys such as enrollment, faculty, and institutional expenditures. Percentages, means, medians, and quartiles will be utilized in the analysis.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 93-380 states, "* * * The (National) Center (for Education Statistics) shall * * * collect, collate, and, from time to time report full and complete statistics on the condition of education in the United States * * *"

This survey is responsive to the mandate to "* * * review the life long learning opportunities provided through * * * libraries and museums, * * * to determine means by which the enhancement of their effectiveness and coordination may be facilitated." (Higher Education Act of 1965, as amended in the Education Amendments of 1976, Pub. L. 94-482, 20 U.S.C. 1001.)

(o) Timetable for Dissemination of Collected Data:

(1) Publication of a preliminary release of partially edited data—April 1982.

(2) Availability of a computer tape of completely edited data—June 1982.

(3) Publication of selected data items by individual libraries—September 1982.

(4) Publication of an analytical report of all data in the survey in aggregate form—December 1982.

(5) Data will be available in response to special requests beginning in June 1982.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: Total person-hours: 9,438. Total costs: $377,520.

The estimated average cost for one respondent to complete the form is $40, assuming $7 for one-half hour by an administrator, $11 for 2 hours clerical effort, and $22 for computer time.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies May Be Obtained From: Richard M. Beazley, Department of Education, National Center for Education Statistics, (Room 205, Presidential Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: The respondent population is very familiar with the library survey, which has been conducted at regular intervals for more than 20 years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: An announcement of intent to conduct the 1981 Higher Education General Information Survey (HEGIS), of which the library survey is one part, will be mailed in March, 1981, to each college and State education agency. The survey forms will be mailed to respondents in May, 1981. Since the due date for the library form is October 15, 1982, respondents will have approximately 6 months advance notice.

(u) Specific Justification for a Multi-Year Approval: It is planned that this survey will be conducted biennially. No changes in the form are anticipated. This survey has been conducted for many years, and consistency in the items collected is important to produce time series and to spare respondents the additional burden of adjusting to changes in data requirements.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: 1982 Survey of 1980-81 College Graduates.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, National Center for Education Statistics, Division of Elementary and Secondary Education Statistics.

(c) Agency Form Number: ED (NCES) 2385.

(d) Justification: This is a survey of the occupation and education experience of recent college graduates. A major emphasis of the study will be on graduates prepared to teach in order to assess teacher supply and demand. This survey will provide data on the supply of beginning teachers and on the numbers of those who obtain teaching jobs (demand). It is the third in a series of surveys whose data are being used to fulfill the Education Amendments of 1976 (Pub. L. 94-482) which requires NCES to "conduct a continuing survey * * * to determine the demand for, and the availability of, qualified teachers * * *" Since persons newly qualified to teach come from the pool of new college graduates, this study is necessary to carry out the mandate.

(e) Description of Survey Plan: The survey will consist of a sample of approximately 15,000 graduates (12,000 Bachelor's degree and 3,000 Master's degree recipients from July 1, 1980 through June 30, 1981).

(f) Tabulation and Publication Plans:

Publication Plans: The contractor will deliver the final methodological report in March 1983. NCES plans to publish in December 1982 two management bulletins, one on the employment status of recent college graduates and one on new teachers in the job market. Two analytic reports on those topics are planned for release in July 1983. The NCES reports will include tabulations of the data as described below, with accompanying narrative and interpretive analysis as well as comparison of data with that of previous surveys.

Tabulation Plans: In general, the tabulations arising out of this study will give information on the labor force and education status of recent college graduates. Particular attention will be given to graduates who, by virtue of their recent degree work, represent additions to the national supply of elementary and secondary teachers. Sets of cross tabulations will be used to answer the major questions of the study. All tabulations will present weighted national estimates (adjusted for nonresponse) of the number and percent of persons in each analytic cell.

(g) Time Schedule for Data Collection and Publication:

Gather lists of 1980-81 college graduates—September 1981-March 1982;

First mailing to graduates—February 1982;

Telephone and other field follow-up—April-June 1982;

Final tables—January 1983;

Final publications—June-August 1983.

(h) Consultations Outside the Agency: Consultations and coordination (outside of NCES) were made with a number of representatives of government and private organizations. While individuals differed as to what areas should be emphasized, there was general agreement that the objectives of the study were reasonable and that the questionnaire was appropriate. Among those consulted in this and earlier surveys in the series were individuals from the College Placement Council; American Association of Collegiate Registrars and Admissions Officers; U.S. House of Representatives, Committee on Education and Labor; National Institute of Education; Bureau of Labor Statistics; National Science Foundation; Department of Education, Bureau of

Education for the Handicapped and the Office of Planning, Budget and Evaluation; National Education Association; and the American Association for Colleges of Teacher Education.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | 350 | 2 |
| Individuals | 15,000 | .33 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $420,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The final data tape, tabulations and publications will be available to the Congress and to the public for any research or study of the supply of persons newly qualified to teach. The survey will also provide the employment and enrollment status of all college graduates during the year following their graduation by major field. It will allow for the conduct of trend analyses with the previous two surveys.

Up-to-date information on the current problem of the employment status of college graduates will be available, with data relating to such issues as: What kinds of jobs are recent college graduates getting?; What is the relation between major field of study and jobs?; How many recent graduates are unemployed?; How many are not in the labor force?; For what fields of study are unemployment rates high or labor force participation rates low?; How many recent graduates are underemployed?; What salaries do the graduates earn by race, sex, and major field of study?; What do students receiving different types of Federal educational assistance choose as their major field of study and what is their labor force status?

Articles based on data form this survey series will be published in the *Condition of Education Report.*

Other Federal agencies will make use of the report, such as the Department of Agriculture—Outlook for agricultural personnel; Department of Labor, Bureau of Labor Statistics—occupational outlook studies; and U.S. Department of Education, Office of Student Financial Assistance—for planning student loan programs.

Outside users include: Southern Regional Education Board; American Association of Colleges for Teacher Education; National Education Association; Council of Graduate Schools, State Departments of Education; State Education Associations; and Colleges and Universities.

(m) Methods of Analysis:

(1) Data aggregation—National;

(2) 100 complex tables, each run for bachelor's degree recipients—males, females and total; and master's degree recipients—males, females and total;

(3) Trend analyses with the previous two surveys in this series;

(4) Cross tabulations; and

(5) Tests of Significance of difference of means and proportion.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 406(b)(5). (The Center shall) "Conduct a continuing survey of institutions of higher education to determine the demand for, and the availability of qualified teachers * * * " (Pub. L. 93–380 as amended by Pub. L. 94–480; 20 USC 1221e–1)

(o) Timetable for Dissemination of Collected Data: Final tables and data tape—January 1983. Final publications and/or reports in print—June-August 1983.

(p)Estimate of the Total Person-Hours and Costs Required to Complete the Request: Colleges and universities—700 person-hours. Individuals—4,950 person-hours. Costs—$27,000.

(r) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(s) Copy of the Exact Data Instrument: Copies may be obtained from: Jane L. Crane, U.S. Department of Education, National Center for Education Statistics, Division of Elementary and Secondary Education Statistics, Population Surveys Branch, (Room 901, Presidential Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(t) Brief Account of Early Involvement and Communications With Respondent Population: Contacts have been made with the American Association of Collegiate Registrars and Admissions Officers and the State Higher Education Executive Officers to facilitate contacts with the colleges and universities.

(u) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: See item (g).

(1) Gather lists of 1980–81 college graduates for the major survey—September 1981–March 1982

(2) Mailing to graduates—February 1982

(3)Telephone and other field follow-up—April–June 1982. Colleges and universities have lists of graduates on file. Graduates answer the questionnaire from memory.

(v) Specific Justification for a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Survey of Teacher Demand and Shortage, 1981–1982.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, National Center for Education Statistics, Division of Elementary and Secondary Education Statistics, Population Surveys Branch.

(c) Agency Form Number: ED (NCES) 2406–1.

(d) Justification: The survey responds in part to the mandate of Section 406 of the General Education Provisions Act, which requires that the National Center for Education Statistics "conduct a continuing survey of * * * local education agencies to determine the demand for * * * qualified teachers * * * especially in critical areas which are developing or are likely to develop * * *".

(e) Description of Survey Plan: Survey forms will be mailed to approximately 2000 local education agencies (LEAs) and other institutions providing elementary and secondary level education. The methods of dissemination and return will vary from State to State, in accordance with the preferences of State education officials. The Survey will be conducted during the 1981–82 school year.

(f) Tabulation and Publication Plans: Data will be tabulated by subject field and area of assignment. Other tabulation categories will be geographical region (NE, SE, NW, SW), size of responding unit, metropolitan status, and socioeconomic characteristics of school district. Publications will be in the form of reports, bulletins, and formal publications. Data tapes will be made available.

(g) Time Schedule for Data Collection and Publication: Data collection will take place between October, 1981 and April, 1982. No large-scale mailout will occur after April, 1982. Respondents will be asked to return the forms within 30 days of receipt, with 30 additional days allowed for followup and call-back activities. Initial reporting of survey results will be made within six months of the end of the 1981–82 school year.

(h) Consultations Outside the Agency: Consultations on this survey in 1979 were held with the Committee on Evaluation and Information Systems (CEIS) and other State education agency personnel, and with program specialists in the Office of Bilingual Education and

Minority Language Affairs and the Office of Special Education and Rehabilitative Services of the Department of Education. Consultations have also been held with the American Association of Colleges for Teacher Education, the National Education Association, and the American Personnel and Guidance Association. Consultations to determine whether changes in the 1981–82 form are necessary and ongoing.

(i) Estimate of Repondent Reporting Burden: Respondent burden including administrative time is expected to average 30 minutes per questionnaire. This burden will fall primarily on school district superintendents and private school principals or their designees.

Some burden will also fall on survey coordinators in the State education agencies, to varying degrees according to the type of involvement in the survey elected by the chief State school officer.

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Local education agencies | 1800 | 0.5 |
| Nonpublic, nonprofit elementary/secondary schools | 150 | 0.5 |
| Nonpublic, proprietary elementary/secondary schools | 50 | 0.5 |
| State education agencies | 50 | 1.0 |

(j) Sensitive Questions: There are no sensitive questions in the survey. No records will be kept on respondents' names. Participation in the survey is voluntary. No confidentiality problems are anticipated.

(k) Estimate of Cost to the Federal Government: The estimated cost of this survey is $200,000. This includes both contract funds and staff time.

(l) Detailed Justification of How Information Once Collected Will Be Used: *General Purpose:* The results of this survey will be used (a) by Congress in its deliberations concerning programs dealing with teacher preparation, (b) by universities in their planning regarding teacher preparation programs, (c) by State and local education officials in their staffing strategies, and (d) by students and counsellors in career planning.

(m) Methods of Analysis: In addition to the basic tabulations outlined in part (f) above, the relative magnitude of most data elements will be shown through the use of percentages.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 406 of the General Education Provisions Act (20 USC 1221e–1) requires that the National Center for Education Statistics "conduct a continuing survey of * * * local education agencies to determine the demand for * * * qualified teachers * * * especially in critical areas which are developing or are likely to develop * * *".

(o) Timetable for dissemination of the collected data: The first reports from these data should be available by October of 1982. Other reports and publications will be made available as they are completed during the following 6 months.

(p) Estimate of the Total PersonHhours and Costs Required to Complete the Request: The total estimated cost to the respondents and the coordinating State agencies is $16,275. The total number of person-hours is 1,050.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the data instrument may be obtained from John P. Sietsema, Department of Education, National Center for Education Statistics, Presidential Building, Room 901, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Representatives of both public and nonpublic education institutions have been involved in planning for this survey series. The previous edition of this form, nearly identical to this one, included a pretest and a post-survey validation, both involving extensive dialogue and feedback from respondents.

(t) Assurance That Respondents Will have sufficient lead time to comply with request: The data collection is planned for November of 1981. Initially, 30 days will be allotted for questionnaire return, with extensions available where needed. Potential respondents are informed of this survey through State education agency officials, national nonpublic education organizations, and the coordinated data plan of the Committee on Evaluation and Information Systems of the Council of Chief State School Officers. A list of school districts selected for the sample will be sent to each chief State school officer in the summer of 1981, when they are formally notified of the survey and are invited to participate and to express their preference as to the method of distribution and return. As soon as possible thereafter, LEAs and others in the sample are notified either by NCES or by the State education agency of their selection and the nature of the survey.

(u) Specific justification for a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of proposed activity: 1981–82 Library Human Resources: Study of Supply and Demand. (b) Name of sponsors: Department of Education, National Center for Education Statistics, Division of Multilevel Education Statistics, Learning Resources Branch.

(c) Agency form number: ED (NCES) 2425.

(d) Justification: (1) The proposed survey instruments are part of the "1981–82 Library Human Resources Study of Supply and Demand." The data to be collected are needed to model the library labor market in order to develop projections of supply and demand through 1990. The projections will provide government and educational policy-makers with information on the library labor market, including information on whether supply will exceed demand, and on the social and economic factors affecting supply and demand. For the legislative justification for this data collection effort, see section (n).

(2) The information collected on the pretest will be used to modify the survey instruments prior to the full survey. The information collected on the full survey will be used to generate the projections. The data collected on the surveys and the projections that result will be used by ED in designing and funding programs in library education, research, and development; by state library agencies, for the same purposes; by colleges and universities in designing library education programs and deciding on the number of students to admit to them; by individuals considering entering the library profession, and those who counsel them; by individuals currently in the library profession, to assess their future opportunities; and by libraries and other employers of librarians for information about their potential labor pool.

(3) As part of the literature review on this project, we have collected all existing secondary data. The information needed to develop the models of library supply and demand does not exist. The available data have been collected by different organizations using different data elements and different survey universes. No consistent, comparable data across types of libraries and library education programs currently exist.

(e) Description of the survey plan: (1) The potential respondent universe for the Library School survey is directors of college and university library education programs, estimated at 500. The

potential respondent universe for the Employer Survey is heads of public, academic, school and special libraries.

(2) The full-scale survey will be conducted by mail using two survey instruments—one instrument for library schools and one instrument for each of the four types of libraries: public, academic, special and school. The mailout package including a cover letter explaining the study, the appropriate survey instrument and a return postage-paid envelope will be sent to 500 library schools and to 2,000 libraries (500 of each type).

The pretest will be conducted using a combination of site visits and a mail survey. The pretest respondents will be a subset of the samples of the full-scale survey. As with the full-scale survey, two survey instruments will be used—one for library schools and one for the libraries. For the pretest, 35 library schools will be surveyed (4 site visits and 31 mailouts) and 100 libraries (25 of each of the four types of libraries; 16 site visits and 84 mailouts).

The sample design for the full-scale survey is to be provided by NCES, for development of the sample selection program by the contractor. The universes will be stratified, and software designed to make the selections with the probabilities specified within each sector. The software program will be applied to make the selections of the specified number of sample units from each sector, and of an alternate for each sample unit from the same stratum. These alternates will make up a "shadow sample" to be used to replace members of the original sample that no longer exist or that refuse to respond after strong follow-up efforts.

The survey will be performed by a contractor who will design the survey instruments, conduct the surveys, process the returns, perform the analysis of the data, including modeling, and submit a final report which details the conduct and the findings of the study. Confidentiality of the data is not promised to the respondents. Completed report forms, punch cards, and tapes will be delivered to the Federal Government at the end of the project.

(f) Tabulation and publication plans: Tabulation of the responses from the pretest of both the Employer and Library School surveys will be performed. As a result of the pretest findings, the survey instruments will be modified if needed. No separate publication of the pretest is planned.

The results from the full-scale surveys will also be tabulated. Summary statistics, such as totals, means, and proportions will be cross-tabulated by type of library on the Employer Survey and type of degree program, on the Library School Survey. The data will be input to the models of the library labor market developed as part of this project and used to generate projections.

The data and the results of the analysis will be presented in a final report, which will outline the methods and findings of the entire project, including the surveys, the projections based on regression analyses of the supply and demand for librarians as functions of other social and economic variables, and a qualitative discussion of the factors that shape the library labor market. It will also develop the implications of the findings for the Department of Education, other Federal, State, and local government agencies, and for libraries and the library profession. The report will be published in December 1982.

(g) Time schedule for data collection and publication: The planned time schedule for the entire project is as follows:

| Activity | Date |
|---|---|
| Award of Contract | September 1980. |
| Conceptual Framework and Literature Search. | December 1980. |
| Survey Instruments Developed | December 1980. |
| Pretest Begun | April 1981. |
| Pretest Completed | May 1981. |
| Mailout of Survey | Late September 1981. |
| Survey Completed | January 1982. |
| Clean Data Base | March 1982. |
| Final Tables | April 1982. |
| Final Report Published | December 1982. |

(h) Consultations Outside the Agency: A Review Panel has been established for this project, with individuals representing the following organizations. They have reviewed and advised on the conceptual framework, the literature report, and the draft survey instruments, and will review the pretest, tabular output, and the final reports. Organizations represented include: U.S. Bureau of Labor Statistics, American Library Association, National Science Foundation, Special Libraries Association, and chairpersons of various committees of the American Library Association. No major problems were encountered. Consultation was also made with the Council of Chief State School Officers.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number of respondents | | Estimate of average person-hours | |
|---|---|---|---|---|
| | Pretest | Full-scale survey | Pretest | Full-scale survey |
| Colleges and Universities | 60 | 950 | .7 | .7 |
| Public Libraries, Librarians | 25 | 475 | .7 | .7 |
| School Libraries, Librarians | 25 | 475 | .7 | .7 |
| Employers, including State library agencies, Nonprofit organizations, Organizations other than schools or education agencies, and Federal agencies | 25 | 475 | .7 | .7 |

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $260,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The data collected in the pretest will be used to modify the survey instruments, if necessary, before the full-scale survey. The data collected on the proposed surveys will be used in developing models of the library labor market and generating projections of supply and demand. The information collected on the proposed Employer Survey will be used to estimate the number of individuals currently employed in libraries and trend data on changes over time; to develop a demographic profile of the current pool of employed librarians; and to estimate the relative importance of various sources of newly-hired librarians; and to describe the subsequent employment status of librarians changing their jobs. The information collected on the proposed Library School Survey will be used to identify the number and kinds of library degrees awarded; to estimate ratio of applications to admissions to library programs; to develop a demographic profile of recent library school graduates; to describe the subsequent employment status of recent graduates; and to estimate the future number of graduates of library programs. The data collected from the surveys and the supply and demand analysis will be of use in the following areas.

*Program Management*—ED administers programs that affect public, school, college and university, and research libraries, professional and para-professional library training, and library research and development. A comprehensive picture of the expected

supply of and demand for librarians and of the social and economic factors that affect supply and demand is of great importance in the development and administration of such programs.

*Evaluation*—The purpose of this study is not ot perform an valuation, but rather to provide a projection of the supply and demand of library human resources. However, the data and results should be useful to researchers concerned about evaluation of the library field, library professional community or library networks and systems.

—The model of the library labor market developed by this project will be of use in understanding the dynamics of supply and demand for librarians in the future, and predicting the effects of changes in other social and economic variables on the numbers of librarians demanded and available. The model itself will also be of use in other contexts, e.g., developing projections for an individual state.

*General Purpose*—Aside from governmental users, the audience for this study is large, consisting of librarians, library educators, employers of librarians, counsellors, and individuals considering entering the library profesion. The information in the modelling will help them to assess future job prospects in the library profession.

(m) Methods of Analysis: The data collected on the pretest will be used primarily to determine whether modification of the proposed survey instruments is required. The data collected on the full-scale survey will be aggregated and projected to national totals based on appropriate weights for each observation established from probabilities of selection, response rates, and missing values. The employer data will also be analyzed by type of library, and the library school data by type of program. The principal analysis of the data will be based on cross-tabulations and estimates of population totals, means, and proportions. These will be accompanied by estimates of standard errors. In addition, there will be multiple regression analysis for estimating supply of and demand for librarians (e.g., number of graduates entering the job market each year). In each regression analysis, time series analysis will be performed on the dependent variable so that an autoregression variable will also be incorporated as an independent variable (using a Box-Jenkins approach). Preliminary regression analysis will include independent tests of linearity of each independent variable with the dependent variable and transformations will be made if necessary. Also some tests will be done to consider interactive independent variables. The regression analysis will be step-wise and include traditional statistical tests of regression coefficients, contribution of the equation to variance and estimates of standard error.

(n) Legislative Authority Specifically Requiring or Allowing Data Collection: The General Education Provisions Act, P.L. 90–247, as amended, Part A, Section 406(f)(1)(a), states that the National Center for Education Statistics shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request. In addition, Public Law, 93–380 states in Section 406(b) that "The Center shall:

(1) Collect, collate, and from time to time, report full complete statistics on *the condition of education in the United States;*

(2) Conduct and publish reports on specialized analyses of the meaning and significance of such statistics;

(3) Assist State and local education agencies in improving and automating their statistical and data collection activities * * *".

(o) Timetable for Dissemination of Collected Data: The tape will be available to the public approximately March of 1982. The final tables will be prepared April of 1982. The analysis of the data, including the regressions, will be included in the final report which will be delivered at the end of the project, September 1982. The final report will be published by NCES in December of 1982.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The total person-hours to respond to the pretest is estimated to be 100 for a total cost estimated to be $1,000. The total person-hours to respond to the full-scale survey is estimated to be 1,662 for a total cost estimated to be $16,625.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Helen M. Eckard, Project Officer, National Center for Education Statistics, Department of Education, (Room 205, Presidential Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: See section (h).

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The pretest will be conducted in April of 1981. The full-scale survey will be conducted September 1981. Telephone and mail follow-up will be conducted between then and January 1982. Respondents will have adequate time in both the pretest and the full-scale survey to complete this voluntary request.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Grants to affiliated medical schools and grants to assist in the education and training of professional and technical allied health manpower.

(b) Name of Sponsoring Agency/Bureau/Office: Veterans Administration/Office of Academic Affairs.

(c) Agency Form Number: VA Form 10–1494.

(d) Justification: The Veterans Administration Medical School Assistance and Health Manpower Training Act of 1972 (Pub. L. 92–541) authorizes a program of grants to provide assistance in the establishment of cooperative arrangements among institutions and agencies, including Veterans Administration medical facilities, which provide or participate in the education and training in the health professions and occupations, so that they may coordinate, expand, and improve their programs, and enter into special projects to improve the utilization and distribution of health manpower.

(e) Description of Survey Plan: Not applicable.

(f) Tablulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Recipients are requested to submit an annual application form.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Person-hours |
|---|---|---|
| College and Universities | 26 | 17.5 |

The average number of man-hours required per response will vary greatly, depending upon the complexity of the programs being described and the administrative capability of the applicant institution. In some instances the response will include studies, plans and projections already made by the applicant as part of feasibility studies undertaken at its own expense. We

estimate an average of 17½ hours to complete the continuation application, pages 1 through 4–1, by querying several grantees representing various size grants.

(j) Sensitive Questions: There are no sensitive questions in the instrument being submitted.

(k) Estimate of Cost to Federal Government: The cost of the data for the distribution and use components is estimated at $1,000 for the 1981–82 year.

(l) Detailed Justification of How Information Once Collected Will be Used: The data from these applications will be used by VA policy makers to determine program progress, funding levels, compliance with Federal regulations, and the expenditure of funds within Federal guidelines.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

"§ *5081. Declaration of purpose*

"The purpose of * * * is to authorize the Administrator (of Veterans Affairs) to carry out a program of grants to medical schools * * *"

"§ *5091. Declaration of purpose*

"The purpose of * * * is to authorize the Administrator to carry out a program of grants to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, * * * health manpower utilization."

(Pub. L. 92–541, 38 USC 5051.)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The total person-hours to respond is estimated to be 455 for a total estimated cost of $4,550.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Dr. Chester DeLong, Office of Academic Affairs, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficent Lead Time to Comply With Request: Application packets are sent to grantee organizations three months prior to review. Additional time is alloted if necessary.

(u) Specific Justification for a Multi-Year Approval: Fund commitments through Fiscal Year 1984.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Equal Opportunity Compliance Report.

(b) Name of Sponsoring Agency/Bureau/Office: Veterans Administration, Department of Veterans Benefits.

(c) Agency Form Number: VA Form 27–4274.

(d) Justification:

(1) The Veterans Administration, Department of Veterans Benefits, is responsible for assuring compliance with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 in VTCs (nonpublic vocational/technical/career non-college level schools) which are approved for the training of veterans and their beneficiaries, who receive payments from the VA as a result of their participation in the training programs. 38 CFR 18.6(b), 38 CFR 18.6(c), and 38 CFR 18c.61 (proposed) require recipients (VTCs) to submit compliance reports containing information that will enable VA officials to determine whether or not recipients are in compliance with Title VI and Title IX. The VA also assures compliance in VTCs which receive Federal financial assistance from the ED (Department of Education).

(2) The VA Form 27–4274 will be used to collect data prior to approval of a program or activity (pre-award review); for desk audits to assist in making selection of recipients for onsite compliance reviews; and to collect data at an onsite compliance review after approval (post-award review), for a selected sample of recipients. The data will be used by compliance specialists in 57 VA field stations in 50 States and in Puerto Rico, to evaluate the equal opportunity compliance status of the recipients of Federal financial assistance provided through the VA.

(3) Similar data are not otherwise available.

(e) Description of Survey Plan:

(1) The potential respondent universe is the total of the VTCs reported as active with the VA in November 1980 (indicating that veterans and/or eligible dependents were enrolled in programs conducted by the recipients), and VTCs which receive Federal financial assistance from ED.

(2) The VA Form 27–4274 asks each recipient for data on applications for and enrollment in programs receiving Federal financial assistance, and for information on placement referrals following completion of a program. Facilities which refuse to complete VA Form 27–4274 will be subject to enforcement proceedings under 38 CFR Part 18.6—18.11 and Part 18b. The frequency of collection of data is approximately 10% of active VTCs each year. The selection of recipients for collection of data will be determined by:

*a.* New approvals (for which a pre-award review is required);

*b.* Appraisal of the last compliance report (VA Form 27–4274) received from the recipient.

*d.* History or record of compliance status derived from investigations of complaints by the VA, from other agencies, or from court decisions;

*e.* Complaints of discrimination; and

*f.* Requirement to conduct a follow-up review after an earlier finding of non-compliance.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time and Schedule for Data Collection and Publication:

(1) The collection of data is an ongoing process.

(2) No publication of data will be made.

(h) Consultations Outside the Agency:

(1) Persons outside this agency: Mr. Stephen M. Appell, Civil Rights Division, Federal Programs Section, U.S. Department of Justice.

Mr. Clarence Eldridge, Bureau of Apprenticeship and Training, U.S. Department of Labor.

(2) Availability of records and reportability of data were excellent.

(3) Compliance information relating to facilities under the jurisdiction of the Veterans Administration is requested from State and local governments located in the area in which the recipients operate.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Nonpublic vocational/technical/ non-college degree schools | 396 | 196 |

(j) Sensitive Questions: The required data include information on race, color, sex, and national origin of enrollees in the programs which receive Federal financial assistance. This information is necessary in order to evaluate the compliance status of a recipient's program. The information to be provided by beneficiaries is required to be kept separate and is not to be used in selection procedures. The information is reported as statistics without personal identification attached. Beneficiaries are

told that disclosure of information is voluntary.

(k) Estimate of Cost to Federal Government: The project cost to the Federal Government is expected to be $1,169 for fiscal year 1981–82.

(l) Detailed Justification of How Information Once Collected Will be Used: Once collected, data reported on VA Form 27–4274 will be used to appraise the compliance status of applicants and recipients. The form will be reviewed for information which may indicate discriminatory conditions or practices based on race, color, national origin or sex.

(m) Methods of Analysis: Equal opportunity compliance specialists in VA field stations review VA Forms 27–4274 completed by facilities under their jurisdiction to evaluate equal opportunity compliance status of the facilities.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(1) Legislative authority (Public Law 88–352, sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d.): "Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, * * * is authorized and directed to effectuate the provisions of Section 601 by issuing rules, regulations, or orders of general applicability * * *"

(2) Applicable regulation (38 CFR 18.6(b)): "Each recipient shall keep such records and submit to the responsible agency official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part."

(o) Timetable for Dissemination of Collected Data: The data collected by this report are not published. The report is kept in a file for compliance review.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: Approximately 198 person-hours will be required to complete VA Form 27–4274. The estimated cost is $1,980.

(q) Evidence for an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of VA Form 27–4274 may be obtained from Melvin T. Jackson (273), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C., 20420.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: No contact is made with respondents or representatives of their organizations other than to collect data prior to approval or during compliance review after approval.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The gathering of data through use of this form is ongoing. Respondents at the time of their initial request for approval of their application are allowed all the time they wish to take to complete the forms. VA personnel assist respondents to complete the form during subsequent requests for data.

(u) Specific Justification for a Multi-Year Approval: The VA Form 27–4274 is used in appraising equal opportunity compliance at VTCs. Compliance is required by pertinent laws and regulations in these programs which provide Federal financial assistance. The compliance process is ongoing. Multi-year approval is anticipated, in order to continue the compliance requirements in the affected programs.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Equal Opportunity Compliance Review Report.

(b) Name of the Sponsoring Agency/Bureau/Office: Veterans Administration, Department of Veterans Benefits.

(c) Agency Form Number: VA Forms 27–8734 and 27–8734a.

(d) Justification:

(1) The report form is necessary to assist in determining the equal opportunity compliance status of VTCs (nonpublic vocational/technical/career non-college degree schools) which are approved to train veterans and other eligible beneficiaries and/or which are receiving funds through the ED (Department of Education). It is used to appraise the compliance status of VTCs under Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The requirement for assuring compliance is defined in the Department of Justice policies and procedures for coordination of enforcement of nondiscrimination in Federally assisted programs (28 C.F.R. 42, December 1, 1976). The form is used in the VA education benefits program, to assure that ED and VA education benefits are awarded without discrimination on the basis of race, color, national origin or sex.

(2) The form is used as a guide by agency equal opportunity compliance personnel when conducting onsite reviews at VTCs, to appraise their compliance under Title VI and Title IX.

(3) There are no similar data already available in the subject field.

(e) Description of Survey Plan:

(1) This form is used to gather equal opportunity compliance data from VTCs which are approved to train veterans and other eligible beneficiaries. It is also used to gather data from VTCs which are recipients of Federal assistance through the ED under an exchange agreement between the VA and ED. The VA has 2,833 institutions with eligible persons enrolled as of November 30, 1980. The ED has 6,268 private, non profit and proprietary (private, profit) institutions which are reported as being eligible for Federal financial assistance; this figure includes those institutions for which there is dual compliance responsibility by the VA and ED.

(2) The VA conducts onsite equal opportunity compliance reviews annually at 10 percent of the VTCs which receive Federal financial assistance from the VA or ED, plus those in which compliance has been uncertain or questionable on the basis of past reviews or reports. The survey design is in the form of a printed guide which a compliance specialist uses at the time of an onsite compliance appraisal visit to the facility. Since the form has been in use for several years, a pretest is not required. On failure of response by an institution, the VA makes repeated attempts to achieve voluntary compliance, with option to terminate Federal financial assistance upon a continued failure to respond. Recipients are afforded the opportunity for a hearing before termination of Federal assistance.

(3) There is no contractor or grant involved in the use of this form by the VA.

(f) Tabulation and Publication Plans: The VA regional offices in the 50 States and in Puerto Rico transmit a report on the number of reviews made and the number of noncompliances found during the reviews. The VA Central Office tabulates the total of the reviews in a computer-generated report, and reports the number of noncompliances to the Department of Justice.

(g) Time Schedule for Data Collection and Publication: The project is ongoing, having been conducted by this department for 7 years. There is no completion of report or publication date.

(h) Consultations Outside the Agency: VA program officials make regular contacts with State agencies prior to initiating onsite compliance reviews.

(i) Estimate or Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Nonpublic vocational/technical/career noncollege degree schools | 396 | 2.44 |
| Students, nonpublic vocational/technical/career noncollege degree schools | 792 | .25 |

(j) Sensitive Questions: Questions of a sensitive nature are those which request the identification of name, sex and race of beneficiaries. Individual consent is required and privacy is protected to the extent provided by law. Individuals are informed of the voluntary nature of the survey and are given a Privacy Act statement to read and sign before the interview is conducted. Information is requested to assure compliance of approved facilities with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Uses for the information are to help serve as evidence for compliance or, where discrimination is found, to serve as basis for seeking compliance. Completed forms are maintained in each regional office and may become available for review under the Freedom of Information Act.

(k) Estimate of Cost to Federal Government: The cost of the equal opportunity compliance surveys is estimated to be $17,257 for FY 1981–82. This cost includes preparation for a compliance review, travel time, onsite review, and report of review (see section (e)(2)).

(l) Detailed Justification of How Information Once Collected Will Be Used: The data from this study will be used to determine compliance of approved facilities with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and to determine the quality of the surveys performed in the field. The data collected will be used by equal opportunity compliance specialists to evaluate the equal opportunity compliance status of the recipients of Federal financial assistance.

(m) Methods of Analysis: Data are collected at the State and local level. No analytical methods are applied since each form is reviewed for appraisal of the recipients program on an individual basis.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(1) Legislative authority (Public Law 88–352, sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d): "Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, * * * is authorized and directed to effectuate the provisions of Section 601 * * * by issuing rules, regulations, or orders of general applicability * * *"

(2) Applicable regulation (38 CFR 18.6): "Each recipient shall keep such records and submit to the responsible agency official or his designee timely, complete and accurate compliance reports at such times and in such form and containing such information, as the responsible agency official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part."

(o) Timetable for Dissemination of Collected Data: The data are not disseminated.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours for responding VTCs are estimated to be 966 at approximately $10.00 per hour, for a total estimated cost of $9,660.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: There is no indication that there will be any urgent need and/or unusual circumstance.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Melvin T. Jackson (273), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420.

(s) Brief Account of Early Involvement and Communications With Respondent Populations:

(1) The onsite compliance review, using the survey form, VA Form 27–8734, Title VI Compliance Review Report, has been conducted by VA field station personnel since 1975. Contact has been made individually with respondents at the beginning of each review.

(2) Beginning in December 1976, the VA distributed VA Pamphlet 27–76–1, Guidelines for Compliance with Title VI of the Civil Rights Act of 1964, to all respondents. The pamphlet, along with letters of transmittal, explained the VA Title VI compliance requirements, including the requirement for an onsite review.

(3) Beginning in fiscal year 1981, VA compliance specialists contact the respondents prior to each onsite visit, when the onsite visit is conducted solely for equal opportunity compliance appraisal. (If the equal opportunity appraisal is only a part of a larger program survey appraisal visit, the respondent is not notified prior to the onsite visit.)

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection is an ongoing process. Respondents are notified of the requirement for a compliance review at the beginning of the training program; and again through the distribution of the VA Guidelines for Compliance (see section (s)(2)); and, for each independent compliance review, through prior notification of the onsite visit, (see section (s)(3)).

(u) Specific Justification for a Multi-Year Approval: The programs receiving Federal financial assistance which require use of the VA Form 27–8734 are ongoing. Use of the form is expected to continue for a 2-year period of OMB clearance, from July 1, 1981 through June 30, 1983.

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BILLING CODE 4000–01–M

## Data Acquisition Activities Involving Educational Agencies and Institutions

**AGENCY:** Department of Education.

**ACTION:** Notice of Data Acquisition Activities Involving Educational Agencies and Institutions.

**SUMMARY:** The paperwork control requirements in Section 400A of the General Education Provisions Act, added by Pub. L. 95–561, require public announcement of certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981–82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary through the Federal Education Data Acquisition Council (FEDAC).

**DATES:** Comments must be received by March 23, 1981.

**ADDRESS:** Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wallace R. McPherson, Division of Education Data Control, (Room 4522 (Switzer), 400 Maryland Avenue, S.W., Washington, D.C. 20202 Telephone: (202) 472–3554. The contact persons listed in conjunction with the individual summaries are the ones to whom questions concerning a data acquisition activity should be directed.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated this authority to the Assistant Secretary for Management.

Interim FEDAC review procedures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

These data acquisition activities are prepared by program offices throughout the Department and reflect their judgments of the data needs of the individual programs.

The Secretary, however, will institute a study of these proposals with a view toward reducing paperwork burdens. The proposed data collection activities published in this issue and those published in the **Federal Register** on February 13, 1981 will be included in the study.

Public comments on these notices will be considered as part of the study.

Data activity plan summaries of proposed data acquisition activities for School Year 1981–82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite listing of known data acquisition activities planned for School Year 1981–82 will be published by February 15, 1981.

Dated: February 13, 1981.

**T. H. Bell,**

*Secretary of Education.*

**Data Activity Plan Summary**

(a) Title of Proposed Activity: FY–1982 Financial and Performance Report for the Incentive Grant Program (Pub. L. 94–142, Section 619).

(b) Name of Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Special Education, Division of Assistance to States.

(c) Agency Form Number: ED 716.

(d) Justification: The data to be collected will be used to monitor the use of the funds, to prepare the Annual Congressional Report, required by statute, and to provide resource data in the analysis of policy issues. Performance data are not available from any other source.

(e) Description of Survey Plan: Respondents are the 58 State Education Agencies. ED 716 forms are disseminated to States annually. Data needed to complete the forms are obtained from routine reports submitted from local educational agencies to the State. Data are aggregated at the State level and forwarded to the Department of Education. State data are then aggregated to obtain national figures.

(f) Tabulation and Publication Plans: The Office of Special Education will tabulate responses from the survey instrument for distribution and component use. Summary statistics such as, the number of children served (ages 3 through 5), number of children screened, number of children evaluated, etc., will be used as part of the Congressional report. This report is forwarded to members of Congress, to States and to organizations interested in special education.

(g) Time Schedule for Data Collection and Publication: The ED 716 is an annual reporting form. Forms will be distributed to States in July, 1981. Data are due in the Division of Assistance to States no later than January 1, 1983. The data will be tabulated and distributed by January 1984. Twelve months will elapse between the collection of data and the issuance of the first published results.

(h) Consultations Outside the Agency: ED form 716 for FY–1982 was reviewed by the OSE Task Force of CEIS in January, 1981. Modifications were suggested and are being incorporated into the form.

(i) Estimates of Respondent Reporting Burden: The respondent burden is estimated to be 5 hours per State. Respondents will be State Education Agencies participating in the Incentive Grant program.

| Respondent type | Number | Estimated average-person hours |
|---|---|---|
| State education agencies | 58 | 5 |

(j) Sensitive Questions: There are no sensitive questions in the instrument being submitted. No confidentiality problems are anticipated.

(k) Estimate of Cost to Federal Government: Estimated cost to collect, process and analyze the data is $2,500 for the 1981–82 school year.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management: This report provides accountability for funds generated by the SEA's application for participation in the Incentive Grant program under Section 619 of Pub. L. 94–142.

Performance data provide an indication of program effectiveness. The Performance data also become an integral part of the Office of Special Education's Annual Report to Congress on the general condition of special education services to children ages 3, 4, and 5. The reports are required in the Act. (Pub. L. 94–142, 20 U.S.C. 141a.)

(m) Methods of Analysis: Data will be compiled and tabulated by computers and then reviewed and analyzed by education program specialists.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "* * * each State agency shall report outlays and program income on the same accounting basis * * * the report will not be required more frequently than quarterly or less frequently than annually * * *" (45 CFR 100b.43).

(o) Timetable for Dissemination of Collected Data: Dissemination is anticipated for January 1984

(p) Estimate of Total Person-Hours and Cost Required To Complete the Request: The total person-hours to respond is estimated to be 290 hours for a total cost estimated to be $2900.

(q) Evidence of any Urgent Need of Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Dr. Lou Danielson, Office of Special Education, Division of Assistance to States Compliance, Room 4737, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: DAS staff met with members of CEIS on January 28, 1981 to review this form. Revisions have been

made to the instrument as a result of CEIS suggestions.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Requests: Data will be collected in January 1983 and will be used January 1984. Data collected are for the 1981–82 school year and respondents should have adequate time to compile the necessary data.

(u) Specific Justification for a Multi-Year Approval: The ED 716 is a routine administrative form. Statute requires annual Financial/Performance reports of all participants; therefore multi-year approval will be requested.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Deaf-Blind Service Matrix

(b) Name of the Sponsoring Agency/Bureau/Office: Office of Special Education and Rehabilitation Services; Office of Special Education, Division of Innovation and Development, Division of Education.

(c) Agency Form Number: ED Form 813.

(d) Justification: (1) The matrix report form is to be used by the Program Centers and Services for Deaf-Blind Children (CFDA 84.025) administrated by the Office of Special Education. Section 622(d)(1), Title VI-C, of PL 91–230 authorizes specific services to be provided to deaf-blind children. The purpose of the form is to collect data in those service areas authorized by the law on a national basis for planning purposes.

(2) The data will be used to determine if services are being provided to these children by the 8 single State Deaf-Blind Centers and 8 multistate deaf-blind centers as required under the contract agreement.

(3) Data collected under 94–142 and 89–313 do not provide information on the types of services being provided e.g., full time educational services, full time educational services with emphasis in prevocational/vocational education.

(e) Description of Survey Plan: Respondents will be approximately 300 service providers such as local education agencies, State education agencies, and State institutions which are under subcontract with the 16 Deaf-Blind Centers.

(f) Tabulation and Publication Plans: Tabulation of data from the service matrix from each contractor will be processed at the federal program level. Summary data such as the total number of deaf-blind children receiving educational services, medical diagnosis and evaluation services, and residential type services, will be compiled to illustrate if program goals to serve all deaf-blind children are being met. Tabulation of data on age groupings and services being provided will be used for projecting program and service needs of this population on a State, local, and national basis.

A summary report of data will be prepared for program management purposes such as program review and budget justifications. A general summary will be prepared and disseminated to the contractors and State education agencies.

(g) Time Schedule for Data Collection and Publication: (1) The collection of data takes place within the award period which starts July 1 and ends June 30th of each program year. The data are submitted on February 28th of each program year when the continuation proposals are due in the Federal office.

(2) The issuance of tabulated results of data collected will be within 90 days after February 28th.

(h) Consultations Outside the Agency: Persons representing the contractors and subcontractors have been involved in the design of this service matrix.

(i) Estimate of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| State education agencies | 56 | 1 |
| Local education agencies | 220 | 1 |
| State and private institution | 24 | 1 |

(j) Sensitive Questions: There are no sensitive questions in the instrument being submitted. Only statistical data are requested such as the age grouping and service provided a child.

(k) Estimate of Cost to Federal Government: The estimated cost to the Federal government is $5,000 a year.

(l) Detailed Justification of How Information Once Collected Will be Used: *Program managment:* Determination is made on compliance with P.L. 94–142; approval for funding of contract award; assessment of program effectiveness, planning program and service priorities on short and long term basis.

*General-purpose:* The data will be used by the Federal Agency, Contractor, and State and local education agencies. The data will be used by each agency for identifying and tracking the deaf-blind population, identifying the types of services being provided these children, the age groupings of the population identified and served, and planning of programs and services to meet current and future needs of this population at the local, State, and national level.

(m) Methods of Analysis: Tabulation of data will be done at the State, regional, and national levels. The data tabulated are statistical data identifying the number of children receiving educational, diagnostic and evaluative services; residential placements; and the number of teachers, parents, and others receiving consultative/counseling services.

(n) Legislative Authority Specifically requiring or allowing the Data Collection: Section 622(d)(1) of Title VI, Part C, P.L. 91–230 states that "A grant or contract—shall be made only if the Secretary determines that there is satisfactory assurance that the center will provide such services as he has by regulations prescribed. . . ." Section 121c.12(c) of the Rule and Regulations (Part 121C—Centers and Services for Deaf-Blind Children) states that the regional center staff shall ". . . maintain adequately organized records on each such child . . ."

(o) Timetable for Dissemination of Collected Data: Collected data will be available to users about 90 days after submission of continuation proposals which are due in the Federal office on February 28th of each program year.

(p) Estimate of the Total Person-Hours and Cost Required to Complete the Request: The total person-hours to respond is estimated to be 300 for a total cost estimated to be $3,600.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Mr. Robert Dentona, Department of Education, Office of Special Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: See response to item (h).

(t) Assurance that Respondent will have Sufficient Lead Time to Comply with Request: The collection of data by subcontractors and contractors is an ongoing process from the start of the contract on July 1, to the end on June 30th of each program year. The data are collected during February of each program year, allowing eight months lead time to comply with the request.

(u) Specific Justification for a Multi-Year Approval: The contracts are awarded for a 5-year period with the option to renew on an annual basis. The services provided this population are from birth through age 21 and the data collected are useful for planning services throughout the educational lifetime of the child. The matrix is a

routine administrative form and represents a small burden to all participants who are responsible for providing services to this population.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Financial and Performance Report for OSE Discretinary Grant Programs.

(b) Sponsoring Agency/Bureau/Office: Office of Special Education and Rehabilitative Services/Office of Special Education.

(c) Agency Form Number: ED Form 9037–1.

(d) Justification: (1) The Education Department General Administration Regulations (EDGAR) and the Administration of Grants (45 CFR Part 74, Subparts I and J) state that the granting agency may request financial and performance reports from all grantees. The frequency and report content is left to the discretion of the granting agency, given certain specification in EDGAR and Part 74.

(2) The information is used by the Office of Special Education to determine whether and to what extent progress is being made by grantees toward achieving project goals and objectives. Regulations require that a financial status report describing program outlays and expenditures be submitted at least annually. However, the granting agency may determone that performance information sufficient to meet its programmatic needs will be available from subsequent applications, and therefore require specific reports of performance only upon the expiration or termination of the grant. In accordance with these regulations, OSE intends to require annual financial status reports and a single performance report which will be due upon project expiration. In addition to program management and monitoring uses, project reports may be aggregated for reporting to the Congrss on program accomplishments and achievements.

(3) The data and information requested in this financial and performance report is not available from any other source or report.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | 775 | 1.0 |
| Non-profit Organizations | 160 | 1.0 |
| Local educational agencies | 120 | 1.0 |
| State education agencies | 110 | 1.0 |
| Other | 10 | 1.0 |

Performance Report (Final Report):

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | 310 | 15.0 |
| Non-profit organization | 64 | 15.0 |
| Local education agencies | 48 | 15.0 |
| State education agencies | 44 | 15.0 |

(j) Sensitive questions: There are no questions of a sensitive nature in these financial and performance report forms.

(k) Estimate of Cost to Federal Government: $20,275.

(l) Detailed Justification of How Information Once Collected Will be Used: *Program management:* Grantees are required by grant terms and conditions to submit to the Education Department an expenditure (financial status) report on an annual basis. Each report must provide an accurate and complete disclosure of the financial results of each project or program and includes a breakdown of: outlays; unliquidated obligations; Federal funds authorized; unobligated balance of Federal funds. The reports will be reviewed/analyzed by the Education Department as measures of program effectiveness and accountability for the expenditure of federal funds. Performance data and information will be required in the form of a final report, due upon project expiration or termination. OSE considers the performance and achievement data/information provided in annual continuation proposals sufficient to meet the management and administrative needs of the agency. In addition, telephone and on-site monitoring will be relied upon on an annual basis to assure that adequate progress is being made towards achieving the goals and objectives of the grant. The (performance) final report will be required upon project expiration so that the Education Department has an official record and report of all accomplishments and activities carried out during the grant period, including educational products and materials.

(m) Methods of Analysis: Not applicable.

(n) Legislative authority Specifically Requiring or allowing the Data Collection: "Accurate, current and complete disclosure of the financial results of each project or program shall be made * * *" (45 CFR 74.61(a)) "* * * the granting agency will require the grantee to submit a performance report only upon expiration or termination of grant support." (45 CFR 74.82(a)).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs required to Complete the Request: Total person-hours: 8,225. Cost: $9,0475.

(q) Evidence of any Urgent need or very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the exact data instrument may be obtained from:

Slagle Allbritton, Office of Special Education and Rehabilitative Services, Room 4030, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Copies of the financial and performance report (ED Form 9037–1) will be distributed to all grantees as part of their grant award document. No information will be requested that is not consistent with the requirements for new and continuation grant applications. Therefore, reporting requirements will be known at the time of project and proposal planning.

(u) Specific Justification for a Multi-Year Approval: The ED 9037–1 is a routine management and administrative form necessary to assure compliance with applicable grant and program regulations, as well as a record of grantee performance. The basic form has been used for several years with much success. The proposed form is a modified version which will result in a burden reduction on grantees of approximately 50 percent. Since the performance report will, in most cases, be submitted on a triennial basis, multi-year approval is necessary and therefore requested.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Financial Status and Performance Report for Follow Through Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and

Secondary Education, Office of Compensatory Education.

(c) Agency Form Number: ED 376.

(d) Justification: 1. "Grantees shall use Standard Form 269, Financial Status Report, to report the status of funds for all nonconstructive grants." Section 74.73(a) of the Education Department General Administrative Regulations (EDGAR) (45 FR 22584).

"* * * grantees shall submit annual performance reports * * *." Section 74.82(b) of the Education Department General Administrative Regulations (EDGAR) (45 FR 22585).

2. Survey is a financial statement and submission of performance.

3. Data change annually.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimated average person-hours |
|---|---|---|
| Colleges and universities | 19 | 2.5 |
| Local educational agencies | 148 | 2.5 |
| Organizations other than schools or educational agencies | 2 | 2.5 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $1,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Follow through grantee performance report:* Data collected are used as a basis for decisions concerning support of projects.

*Financial status report:* Data is collected to determine the extent to which funds awarded under the grant have been expended.

(m) Methods of Analysis: Project and grant officers review to determine compliance with applicable regulations.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Sec. 551. (a)(1) The Secretary is authorized to provide financial assistance in the form of grants to local educational agencies, combinations of such agencies, and, as provided in paragraph (2) of this subsection, any other public or appropriate nonprofit private agencies, organizations, and institutions for the purpose of carrying out Follow Through programs focused primarily on children from low-income families in kindergarten and primary grades, including such children enrolled in private nonprofit elementary schools, who were previously enrolled in Head Start or similar programs. Other children in kindergarten and primary grades, including such other children enrolled in private nonprofit elementary schools, who were previously enrolled in preschool programs of a compensatory nature which received Federal financial assistance may participate in such Follow Through programs * * *.

"Sec. 553. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public and private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or in otherwise furthering the purposes of this part * * *.

"Sec. 556. The Secretary may provide, directly or through grants or other appropriate arrangements (1) technical assistance to Follow Through programs in developing, conducting, and administering programs under this part, and (2) training for specialized or other personnel which is needed in connection with Follow Through programs.

(Economic Opportunity Act of 1964, as amended by Pub. L. 95-568, 42 U.S.C. 2929) (see also item (d))

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person hours to respond is estimated to be 423 for a total of $4,230.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Rosemary Wilson, Division of Follow Through Office of Compensatory Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Avenue, SW., ROB 3, Room 3624, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: These forms have been used for the population for the last ten years. Organizations made individual input during this time.

(t) Assurance That Respondents Will Have Sufficent Lead Time To Comply With Request: Information collection to be made in September 1981. This is three months after grant closing date, which allows sufficient time for response.

(u) Specific Justification for a Multi-Year Approval: Three-year approval should be granted since:

- it is a routine administrative since;
- it represents small or minimal burden;
- it has been used successfully in the past;
- it is legislatively required.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Performance and Financial Reports for Teacher Centers Program.

(b) Name of the Sponsoring Agency: Education Department—Office of Elementary and Secondary Education—Office of Educational Support—Division of Teacher Centers

(c) Agency Form Number: ED Form 834.

(d) Justification: The revision has three purposes:

(1) to reduce the requirement from a semi-annual to a final annual report (Since the information required by the mid-year report is largely and unavoidably duplicated in the grantee's applications for support of its second and third project years);

(2) to modify the questions so as to make them more directly applicable to the Teacher Centers Program;

(3) to make it possible to aggregate some items of data across all projects, nation-wide.

It should be noted that the presently-used form expires in October of 1981 and must therefore be reconsidered if it is to be used in 1981-82.

(e) Description of Survey Plan: It is not a survey, but performance and financial reports are required of all grantees by regulation. Grantees receive financial assistance to plan and operate "teacher centers" engaged in inservice training and curriculum development. The data acquired will be used to better manage the program and will increase the agency's capacity to report on the effectiveness of the program.

There are no other data that duplicate these reports.

(f) Tabulation and Publication Plans: Responses will be tabulated and analyzed by the staff of the Division of Teacher Centers with assistance from the Office for Information Resource Management.

Technical summaries, as appropriate, will be prepared by the DTC staff.

(g) Time Schedule for Data Collection and Publication: Grantees *must* respond by 90 days following termination of annual project period.

(h) Consultations Outside the Agency: There will be consultation with LEA grantees (specifically, project directors and Policy Board chairmen), and with

the Council of Chief State School Officers (CCSSO).

(i) Estimation of Respondent Reporting Burden:

| Respondent | Number | Estimate of average person-hours |
|---|---|---|
| LEA's | 92 | 2 |
| Coll's | 7 | 2 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: Negligible cost: approximately $900. All work done by program staff.

(l) Detailed Justification of How Information Once Collected Will Be Used: The basic purpose of the performance and financial reports is (1) to enable ED to determine the extent to which the grantee has complied with the terms of the grant award and the plan of operation, and (2) to determine whether a second or third grant should be made to continue the project.

*Program management:* Assessment of program effectiveness.

*Evaluation:* This is not evaluation per se, but will enable ED to aggregate some of the evaluative data which each grantee must perforce gather. Most importantly, it will help to shape each project's evaluation in ways which focus on common features which can then be aggregated.

*General purpose:* The data on effectiveness will be of especial service to policy makers in ED.

(m) Methods of Analysis: Level of data aggregation: program-wide.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: EDGAR, Sec. 100a. 720 ("* * * a grantee shall submit these reports annually * * *") EDGAR, Sec. 100a.590 ("* * * a grantee shall evaluate at least annually * * *")

(o) Timetable for Dissemination of Collected Data: The data are for internal ED use and will be available by February 1, following submission the previous year.

(p) Estimate of the Total Person-hours and Costs Required to Complete the Request: See (i) above. For each grantee, 2 hours at $15 per hour, $30. For 99 grantees, $2970 total.

(q) Evidence of Any Urgent Need or Very Unsual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from—A. Bruce Gaarder, U.S. Department of Education, Teacher Centers Program, Room 2010, FOB No. 6, 400 Maryland Ave., SW, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Population: We are in close, continuous contact with the respondent/grantees.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: They have a full year, since the requirement reaches them with grant award.

(u) Specific Justification for a Multi-year Approval: Requested because the Teacher Centers Program has new 5-year authorization. We do not anticipate changing the form in the future.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Standard Application (Nonconstruction) (for Foreign Language and Area Studies

(1) National Resource Centers and Fellowships Program for Language and Area or International Studies.

(2) Grauduate International Studies Program.

(3) Undergraduate International Studies Program.

(4) Foreign Language and Area Studies Research Program.

(5) Foreign Curriculum Consultant Program.

(6) Group Projects Abroad Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Office of International Education/Office of Postsecondary Education/Department of Education.

(c) Agency Form Number: ED 324–1, –2, –3.

(d) Justification: 1. Because activities 1, 2 and 3 above are institution-based, the form collects data necessary for a comparative assessment of the capabilities and needs of institutions in in developing and sustaining specialists in modern foreign languages and area studies. Activity 4 must comparatively assess the capabilities and materials dissemination potential of institutions and/or individuals to perform and implements the results of needed research, the results of which are basic tools to activities 1, 2 and 3. The nature of the data collected is determined by the authorizing legislation and the General Provisions of the Education Department for grant administration.

2. The data will be used by the Office of International Education for awarding grants on a competitive basis.

3. Similar data already in existence would not suffice because data must be current in order to assure validity to the competition because resources and competitiveness change.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans. Not applicable.

(g) Time Schedule for Data Collection and Publication. Data collected in 1981 and awards will be announced Spring and Summer of 1982.

(h) Consultations Outside the Agency: The material was discussed outside the bureau with the Department of Education's OMB liaison person. Over a period of time, feedback from the respondents let to the present version of the form.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | 400 | 15 |
| Individuals | 15 | 10 |
| Local education agencies | 10 | 20 |
| Nonpublic junior colleges | 15 | 15 |
| Nonprofit organizations | 20 | 15 |
| Public junior colleges | 25 | 15 |
| State education agencies | 6 | 20 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $10,000.

(l) Detailed Information of How Information Once Collected Will Be Used. Program Management.—The data collected will determine grant eligibility and amount of grant award as well as providing an assessment of program capability compared with other applicants. The institutions or individual tendering the application with the accountable for grant funds.

Although funded applications are in the public domain and open to public scrutiny, safeguards are employed to protect proprietary information such as faculty salaries.

Applications not funded are returned to the applicant and/or destroyed.

(m) Method of Analysis. Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection. Title VI of the Higher Education Act of 1965 as amended in 1980 (Pub. L. 96–374) or National Resource Centers and Fellowship Program for Language and Area or International Studies:

*Centers*

"Sec. 602 (a)(1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education, or combination of such institutions, for the purpose of establishing, strengthening, and operating graduate and undergraduate centers and programs which will be national resources for the teaching of any modern foreign language, for

instruction in fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, or for research and training international studies and the international aspects of professional and other fields of study * * *."

*Fellowships*

"(b) The Secretary is also authorized to pay stipends to individuals undergoing such advanced training in any center or program approved by the Secretary under this part, including allowance for dependents and for travel for research and study in the United States and abroad."

*Undergraduate Programs*

"Sec. 604. (a) The Secretary is authorized to make grants to institutions of higher education, or combinations of such institutions, to assist them in planning, developing, and carrying out a comprehensive program to strengthen and improve undergraduate instruction in international studies and foreign languages. Grants made under this section may be for projects and activities which are an integral part of such a comprehensive program."

*Foreign Language and Area Studies Research Program*

"Sec. 605. (a) The Secretary may, directly or through grants or contracts, conduct research and studies which contribute to the purposes of this part and part N of title III of the Elementary and Secondary Education Act of 1965."

The Mutual Educational and Cultural Exchange Act of 1961 (Pub. L. 87–256) for the *Group Projects Abroad Program* and the *Foreign Curriculum Consultant Program:* "Sec. 102(b) In furtherance of the purposes of this Act, the President is further authorized to provide for—* * * (6) promoting foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of these countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities; * * *."

In addition, certain U.S.-owned foreign currency funds are provided for programs operating under the authorities named above by Section 104(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 83–480) "* * * the President may use or enter into agreements with foreign countries or international organizations to use the foreign currencies, including principal and interest from loan repayments, which accrue in connection with sales for foreign currencies under this title for one or more of the following purposes: * * * For carrying out programs of United States Government agencies to— * * * finance with not less than 2 per centum of the total sales proceeds received each year in each country activities to assist international education and cultural exchange and to provide for the strengthening of the resources of American schools, colleges, universities, and other public and nonprofit educational agencies for international studies and research under the programs authorized by title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, the International Education Act of 1966, the Higher Education Act of 1965, * * *."

(o) Timetable for Dissemination of Collected Data: Data are not disseminated but are used by sponsoring agency on an annual cycle.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person-hours—7,370. Total costs to all respondents—$88,440.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument Available From:

Dr. Richard T. Thompson, Office of International Education, Room 3923 ROB–3, U.S. Department of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations. In past years, the interaction of the submission process provided the feedback which led to the present version of the form.

(t) Assurance That Respondents Will Have Sufficient Time To Comply With Request. Responses are requested, generally, in fall or early winter each year. First-time applicants are assured the response time required by Federal Register procedures, in addition continuation applications enjoy liaison with staff and are notified through the special terms and conditions of the previous grant.

(u) Specific Justification for Multi-year Approval: This application form is used annually by the programs listed above. The International Research and Studies Program, the Foreign Curriculum Consultant Program and Group Projects Abroad Program hold annual competitions. The Undergraduate International Studies programs hold annual competitions and also utilize the form each year for non-competing continuation grant applications. The National Resource Centers and Fellowships program holds triennial competitions but also utilizes the form for non-competing continuation grants in the intervening years.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Educational Opportunity Centers Financial Status and Performance Reports.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services

(c) Agency Form Number: ED 366.

(d) Justification: (1) The Higher Education Act of 1965 (Pub. L. 89–329, as amended) authorizes a program of paying up to 75 per centum of the cost of establishing and operating Educational Opportunity Centers which serve areas with major concentrations of low-income populations. The Center's purpose is to help clients through conseling, tutoring, and referral services to pursue postsecondary education. The need for reporting project performance is established in subparts I and J of 34 CFR Part 74. As prescribed by § 74.82(c) of subpart J, a comparison of actual accomplishments to the goals established for the period is requested. Participant information is requested to determine if the program is meeting the needs of the target population as stated in the Code of Federal Regulations, Part 644. In conformance with subpart I of 34 CFR Part 74, Standard Form 269 is included in order to report on a project's financial status.

(2) The information will be used by the Education Department and project directors (a) to assess and monitor project effectiveness, and (b) to determine if the program is meeting the needs of the target populations intended and as a corollary to provide base information for planning future program needs and modification.

(3) There is no similar data already available in the subject field which could be used for these purposes.

(e) Description of Survey Plan: (1) Each Education Opportunity Center receiving a federally funded grant is required to submit a *Financial Status Report* and a *Performance Report* which must be signed and dated by the Project Director. An estimated 32 Educational Opportunity Centers will receive grants in the program year 1981–82 and will be required to respond to this form.

(2) Our current data preparation contractor, is responsible for mailing report forms, logging in and editing reports, keypunching, and compiling data. The contractor is aware of the impact of the Privacy act of 1974 on the handling of ED data, and is in full compliance with it. Strict confidentiality is observed in the processing and filing of sensitive material, and reproduction of such material is performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, are referred to ED.

(f) Tabulation and Publication Plans: A computer generated report will be published January. The report will give data for each individual project and a national summary.

(g) Time Schedule for Data Collection and Publication: (1) Report forms are sent to the project directors in May. Reports are due on a staggered basis depending on the ending date of the grant period. In accordance with the Education Department General Administrative Regulations the Educational Opportunity Centers are required to submit the *Financial Status Report* and the *Performance Report* as follows:

| Report | Form | Period covered | Due date | Projects required to report |
|---|---|---|---|---|
| Annual: | | | | |
| Performance | 366 | Beginning to end of budget year just completed | 90 days after end of budget period | Multi-year projects not in final year. |
| Financial Status | | Beginning to end of budget year just completed | 90 days after end of budget period | Multi-year projects not in final year. |
| Final: | | | | |
| Performance | 366 | Beginning to end of budget period just completed | 90 days after end of budget period | Multi-year projects in final year and single-year projects. |
| Financial Status | | Cumulative for entire single or multi-year grant period. | 90 days after end of budget period | Multi-year projects in final year and single-year projects. |

(2) The summary report is completed in January which is one month after the last reports are due.

(h) Consultations Outside the Agency: (1) Annual workshops are held for project directors at which time the completion of required forms is discussed. The Department of Education welcomes any suggestions that these persons may have. There have not been any problems on which agreement could not be reached.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Adult education administrators | 2 | 4 |
| Colleges and universities | 18 | 4 |
| Nonprofit organizations | 9 | 4 |
| State institutions | 2 | 4 |
| Vocational/technical/career postsecondary institutions | 1 | 4 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: (1) It is estimated that the annual cost of this form is approximately $1,795. This includes $1,430 for editing, coding, tabulating, and publication of results and $365 for printing and mailing.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* The proposed data acquisition activity is intended to serve as a basis for compliance review and for accountability to Congress under Pub. L. 89–329, IV Section 417B. The data collected will be used in assessing program effectiveness and in the observation of trends in the program to determine what program changes are needed.

*General purpose:* Data will be used by the Education Department, project directors, Congress, and by the general public. An example of an issue that the data illuminates is the success or accomplishments of the program. This is indicated by the number of participants who either began or were accepted in postsecondary studies since entering the program.

(m) Methods of Analysis: Data are published by project and then summarized in a national total. Proposed methods of analysis include: correlations, tests of significance, and analysis of variance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states: In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

* * * * *

(C) provide for making such reports as the Secretary may require to carry out his functions.

Administrative authority comes from Part 75.720 of Education Department General Administrative Regulations which states: "(a) This section applies to the reports required under Subpart I (Financial reporting) and J (Performance reporting) or Part 74 of this title. (b) A grantee shall submit these reports annually, unless the appropriate official of the Education Division allows less frequent reporting."

(o) Timetable for Dissemination of Collected Data: Data should be available in January. Currently there is no dissemination other than in-house distribution of summary reports; however, the data are widely disseminated as needed in response to requests.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The estimated average person-hours per respondent is 4 hours. It is estimated that 32 grants will be funded which would require a total of 128 person-hours to complete the reports at a total estimated cost of $1,320.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialist, ISPSB/ Information Systems Section, U.S. Department of Education, Room 3514, ROB–3, 7th & D Streets, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: A "welcome abroad letter" is mailed to project directors at the beginning of the project year along with

copies of the reports that are required to be filed at the end of the project year. The letter indicates the names and telephone numbers of individuals who can answer any questions. Each year workshops are held for project directors in which the report forms are thoroughly discussed.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Data is collected on a staggered basis depending on project expiration dates and will take place from May thru December. Project directors are sent copies of the reports at the beginning of the project year and are notified when they will be due. Report forms are again sent to all project directors six weeks before they are due.

(u) Specific Justification for a Multi-Year Approval: The report forms have been used successfully in the past. Multi-Year approval is justifiable as it would minimize the burden for the project directors to use the same forms throughout the grant.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Financial Status and Program Performance Report for Graduate Programs.

(b) Agency/Bureau/Office: Department of Education/Bureau of Higher and Continuing Education.

(c) Agency Form Number:

ED 404–1 Fellowship Financial Status and Program Performance Report.

ED 404–2 Institutional Grant Financial Status and Performance Report.

(d) Justification: Financial Information on (ED 404–1) and a printout verifying fellowship data provided the institutions are required of institutions receiving fellowships. Financial Information on (ED 404–2) and a 5-page narrative report are required of institutions receiving institutional grants.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: This information will be used in the Secretary's Report to Congress on Title IX Programs which is due approximately January 31 each year.

(g) Time Schedule for Data Collection and Publication: Fall. Annually. Disseminate in early spring.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | [1]350 | 5 |

[1] Universe of institutions with programs.

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Justification of How Information Once Collected Will Be Used: This information will be used in program management to determine whether the institutional objectives have been fulfilled as stated in their original application. It will be used to assess the overall effectiveness of the fellowships and institutional grants in meeting the legislative intent of the Federal programs in graduate training. In addition to assessing program effectiveness, the data collected will also be used to account for funds expended.

(m) Methods of Analysis: Descriptive.

(n) Legislative Authority for This Activity: Regulations which apply to direct grant and State administrative programs require grantees to submit Financial Status and Performance Reports annually unless advised otherwise. The statutory authority for these regulations is the General Education Provisions Act and the statutes that authorize the programs covered.

(20 U.S.C. 1221e–3(a)(1))

(o) Timetable for Dissemination of Collected Data: Spring annually.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 1,750. Total costs: $210,000.

(q) Evidence of Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument Available From: Can be obtained from: Donald N. Bigelow, OPE/Graduate Programs Branch (Room 3060, ROB #3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply: Request for the data will be mailed to institutions at the end of each fiscal year. 30–60 days are allowed for responding.

(u) Specific Justification for a Multi-Year Approval: It is a routine administrative form which has been successfully used in the past.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Law School Clinical Experience Program—Application.

(b) Agency/Bureau/Office: Department of Education/Bureau of Higher and Continuing Education.

(c) Agency Form Number: ED 595.

(d) Justification: The information collected will be used to evaluate and recommend institutions of higher education for participation under Law School Clinical Experience Program. Institutions applying for Federal grant money must include information which addresses the selection criteria published in program regulations.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Average person-hours |
|---|---|---|
| Accredited law schools | 130 | 30 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $3,500.

(l) Justification of How Information Once Collected Will Be Used: This information will be used in the evaluation of applications by a panel of consultants to determine which proposed programs should be funded.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority for This Activity: The Secretary is authorized to enter into grants or contracts with accredited law schools in the States for the purpose of paying not to exceed 90 per centum of the cost of establishing or expanding programs in such schools to provide clinical experience to students in the practice of law, which includes any form of law student work involving performance in the role of a lawyer exercising legal skills and roles such as those of an advocate, counselor, negotiator, investigator, and ethical practitioner, whether by way of the provision of representation of or services to an identifiable client in actual situations or by way of

simulation of such provision through appropriate exercises.

(Pub. L. 92-318, as amended by Pub. L. 96-374, 94 Stat. 1367, 1487; 20 U.S.C. 1134n-p)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 4,800 hours. Costs: $192,000.

(q) Evidence or Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Donald N. Bigelow, Department of Education, Office of Postsecondary Education, Graduate Programs Branch (Room 3060, ROB #3), 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply: Request for the data will be mailed to institutions annually in the fall at least 60 days prior to the announced notice of closing.

(u) Specific Justification for a Multi-Year Approval: It is a routine administrative form which has been used successfully in the past. Legislation authorizes collection of the data.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: The Pell Grant (formerly Basic Grant) Quality Control Project—Stage II.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Postsecondary Education/Office of Student Financial Assistance/Division of Quality Assurance.

(c) Agency Form Number: ED-628-2.

(d) Justification: The Pell Grant Program (formerly Basic Grant) has experienced an initial period of rapid expansion. Over the last five years, the number of recipients has increased tenfold, while the total funds disbursed has increased by a factor of forty. As in other Federal Aid Programs, this growth has been accompanied by numerous problems associated with the accuracy and consistency of program data and the program administration processes. Now that the system for aiding students has been securely established, the Department of Education (ED) officials are focusing increased attention on methods to measure and improve program performance, particularly the quality of data used in student eligibility and award determinations, the various associated data handling processes, and overall programs administration.

It is expected that the results of this study will be used to support the development of an ongoing, comprehensive quality control system.

Although ED and other organizations have made considerable progress in identifying and analyzing error and abuse in the Pell Grant program, the Pell Grant Quality Control Study may be viewed as the culmination of these preliminary efforts, which so far have been less comprehensive in their attempts to address the problem of error and abuse in the Pell Grant program. Taking into consideration the numerous recommendations and actions which resulted from prior studies, the current study will take a fresh look at the problem of error and abuse patterns in the Pell Grant program, thus building upon previous knowledge to develop practical, effective solutions for improving data quality.

(e) Description of Survey Plan: The OSFA has a contract to conduct a three year quality control project for the Pell Grant program. Three surveys will be conducted to obtain three distinct sets of data for analysis.

The first data set will consist of a nationally representative sample of approximately 400 institutions (public, private and proprietary). The financial aid officers at each institution will be interviewed and asked to describe the institution's Pell Grant processing procedures. In addition, an average of approximately 14 student records will be selected at each institution. These records will be examined and the student financial aid awards recomputed.

The second data set will consist of students. The same students who are randomly selected at the institutions, or approximately 4,000 students nationwide, will be interviewed.

The third data set will consist of parents. The parents of the students randomly selected at the institutions, or the parents of approximately 4,000 students, will be interviewed. Parents of both dependent and independent students will be included.

| Source of information | Number sampled | Form | Response burden in minutes |
|---|---|---|---|
| Institutions | 400 | FAA Interview Guide | 60 |
| Contractor | 5,600 | Student Record Abstract. | 30 |
| Students | 4,000 | Student Interview Guide. | 60 |
| Parents | 4,000 | Parent Interview Guide | 60 |

(f) Tabulation and Publication Plans: The data collected will be tabulated to provide program-wide and subpopulation discrepancy rates for the various steps in the Pell Grant delivery process. Additionally, recipient and subpopulation rates of error for each line item of the Pell Grant application used in determining eligibility will be tabulated.

(g) Time Schedule for Data Collection and Publication: Data collection will begin January 1981. The final report is expected to be ready in December 1981.

(h) Consultation Outside the Agency: Office of Management and Budget (OMB)/Deputy Assistant for Planning and Evaluation, Department of Education (ED)/Assistant Secretary for Management, Department of Education/Federal Office of Statistical Policies and Standards, Department of Commerce/Office of Research and Statistics, Social Security Administration (SSA)/Contracts Procurement Management Division, Department of Education.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Institutions | 400 | 1 |
| Students | 4,000 | 1 |
| Parents | 4,000 | 1 |

(j) Sensitive Questions: Respondents will read the following statement:

This study is being conducted according to the regulations and provisions of the Privacy Act. The primary purpose of the study is to obtain information to improve the operation of the grant program. However, this information will become part of the existing BEOG System of Records and the findings may result in a correction of the amount of your (son's/daughter's) grant. Other possible uses are defined by law. I have signed a confidentiality statement and, except for the express purpose of this study, I have sworn not to reveal any information you give me during this interview, except as required by law.

The data collected by the survey questionnaires will be safeguarded by the contractors. After the study is completed all identification will be destroyed by the contractors.

(k) Estimate of Cost of Federal Government: Estimate: $2.7 million.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary objective of this study is to assess the accuracy of the data and procedures used in disbursing Pell Grants for the 1980-81 funding year

by measuring program error rates, determining their causes, and recommending changes to reduce them. Data will be used to meet the following twelve sub-objectives:

1. Within a confidence interval of 95% determine to ±5% such things as:

- Program-wide discrepancy rates by recipients found ineligible, non-recipients incorrectly denied (optional), recipient over-payment and under-payment.
- Program-wide discrepancy rates by control of institution.
- Program-wide discrepancy rates for validated and non-validated Pell Grant recipients.
- Discrepancy rates attributable to parents' and students' errors.
- Discrepancy rates attributable to application processing and servicing errors.
- Discrepancy rates attributable to institutional errors.
- Discrepancy rates attributable to incorrect eligibility index determination.
- Discrepancy rates attributable to incorrect award computations.
- Discrepancy rates atttibutable to payment errors.
- Discrepancy rates attributable to processing errors.
- Discrepancy rates for each SER data element.
- The rate of incorrect filing of supplemental applications (optional).
- Reasons for eligible applicants not receiving grants (optional).

2. Determine probable causes for each of the above discrepancy rates.

3. Identify "error-prone" sub-populations, both student and institutional.

4. Estimate errors in funding of Campus-Based Aid programs due to incorrect application data.

5. Determine the extent of processor data entry errors not corrected by applicants.

6. Estimate the extent of incorrect awards in the ADS system.

7. Determine the extent of improper disbursement of awards to students.

8. Determine the extent to which continued student eligibility is monitored.

9. Develop cost-benefit analyses for feasible corrective management activity to reduce error rates for every area in which discrepancy rates are excessive, including procedures for implementation and long-term impact analysis.

10. Determine the likely program impact and resource requirements of each feasible corrective management activity.

11. Provide a plan for evaluation of the impact of each feasible corrective management activity.

12. Evaluate changes in the error rates between those reported for 1978–79 and those determined in this study for 1980–81.

(m) Methods of Analysis: The results of student and parent interviews will be analyzed to determine the nature, frequency, causes, and affects of the errors on Pell Grant awards, as well as determine procedures that may be used to reduce or eliminate these errors. Data will also be used as a base line for development of an ongoing quality control system for the Pell Grant program.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(a) "The applicant, and where relevant the applicant's parents or spouse will provide (if requested by either the Secretary or the school) information or documents, including a copy of Federal Income Tax Returns, necessary to verify the accuracy of the information provided."

(b) "Failure to provide the requested documentation may make the applicant ineligible to receive a Basic Grant."

Title IV of the Higher Education Act of 1965, (20 U.S.C. 1070 a(b)(2) and 34 CFR Part 690.12) as amended.

(o) Timetable for Dissemination of Collected Data: Final Results will be available December 1982.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Requests: The survey will require no more than one hour of each respondent's time. It is estimated that the total respondent's cost will be $13,000 for the student and parent survey each and approximately $4,536 for the institutional survey. Minimum wage hourly rate of $3.25 was used to calculate the cost required to complete the request for student and parents.

The median salary of $21,775 (for Financial Aid Officers) was used to calculate the cost required to complete the request for institutions. The total costs required to complete the requests is estimated to be $31,836. The estimate total person hours is 8,400.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from David Iwamoto, Division of Quality Assurance, OSFA, 7th & D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Students and parents were sent a letter describing the study and informing them of the necessary documentation needed. In addition, they were sent release forms so that IRS forms and other information could be sent directly to the contractor.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data Collection is expected to take place during January–June 1981. Once responses have been received from the letter of request for participation in the Project, then an agreed upon date will be established between the interviewer and the respondent for filling out the application form.

(u) Specific Justification for Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Quality Control Surveys of Student Financial Aid Programs

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Quality Assurance.

(c) Agency Form Number : ED–765.

(d) Justification: The Office of Student Financial Assistance (OSFA) provides aid to approximately three million students attending over 7,000 different educational institutions. The major programs delivering this aid are the Pell Grant Program (formerly Basic Education Opportunity Grant (BEOG), College Work-Study (CWS), National Direct Student Loan (NDSL), Supplemental Educational Opportunity Grant (SEOG) and Guaranteed Student Loan (GSL) programs. These programs are diverse and complex, and problems relating to the delivery of services to participants occur from time to time. However, OSFA's means of early detection of potential or actual problems are presently limited. For example, a massive processing backlog of the Basic Grant applications was discovered at a very late stage during the 1978–79 award year, and thus required the implementation of extensive emergency procedures. We, therefore, believe that there is an urgent need to establish a quality control mechanism to allow for routine examinations of service delivery in the field. We propose to establish not a long-term study, but a series of abbreviated surveys designed to provide immediate feedback to OSFA management. If problems are surfaced, further in-depth reviews will be conducted and corrective action taken. This in turn will provide more effective management of the OSFA administered programs.

(e) Description of Survey Plan: The survey plan encompasses two universes:

(1) A universe of approximately 7,000 educational institutions which are participating in the five major financial aid programs sponsored by OSFA (listed above); and

(2) A universe of approximately 13,000 lending institutions which participate in the GSL program.

We intend to collect data from a selected sample of both universes by means of telephone surveys which will take no more than thirty minutes per respondent per survey. The surveys will occur every two months during the period September 1981—August 1982. Two sets of survey questions will be designed to elicit feedback from the educational and lending institution respondents regarding activities being undertaken by OSFA at the time of the interview. No more than four questions will be asked during any particular survey.

The samples selected for participation in these surveys will not be statistically valid due to the limited nature of the project. Rather, judgmental samples of twenty educational and twenty lending insitutions which are willing to participate will be chosen. Criteria such as size, type and control (educational institutions) and type and number and value of loans made (lending institutions) will be used. The same selected samples will be used for each set of surveys so that we can alleviate repetitive introductions, develop a working relationship with the respondents, and ensure a high response rate within a short period of time.

(f) Tabulation and Publication Plans: An analysis of each survey and recommendations will be forwarded to appropriate program managers by means of memoranda at the conclusion of each survey. No formal report will be issued.

(g) Time Schedule for Data Collection and Publication: Data will be collected every two months during the period September, 1981 through May, 1982 (i.e., eleven surveys). For each survey, two sets of questions will be chosen (one each for educational and lending institution respondents) and a short training session for interviewers will be held to ensure the questions and probing tactics are reliably consistent. Telephone interviewing will then commence and once completed, data analysis will take place. The results and recommendations will then be forwarded to program managers. Activities relating to each survey should be completed within approximately ten working days. (Data collection will be replicated in FY 1982.)

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Average person-hours/ respondent/ survey | Number of surveys[1] | Total burden/ respondent/ (hours) |
|---|---|---|---|---|
| Financial aid officers | 20 | ½ | 11 | 5½ |
| Lending institutions | 20 | ½ | 11 | 5½ |

[1] September 1981 to May 1982.

(j) Sensitive Questions: None.

(k) Estimate of cost of Federal Government: Each survey will require approximately forty person-hours to conduct (this includes the time required for the development of questions, training of interviewers, interviewing, tabulation of results, and preparation of memo to program managers). The estimated cost is $427 ($280 for salary; $137 for overhead and $10 for other expenses per survey).

The total cost of Federal Government to conduct the eleven proposed surveys is $4,700.

(l) Detailed Justification of How Information Once Collected Will Be Used: The collected data will be used for program management purposes. It will provide program managers with routine estimation of their service delivery. Also, by highlighting potential or actual problems, it will give program managers an awareness of areas requiring additional, in-depth review to determine the extent of the problems and what corrective action is necessary.

(m) Methods of Analysis: The analysis will be a tabulation of the descriptive data provided by the respondents.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 401(a) "It is the purpose of this part to assist in making available the benefits of postsecondary education to qualified student in institutions of higher education by * * *"

Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070, Pub. L. 92-318), as amended.

(o) Timetable for Dissemination of Collected Data: Analysis of the data and resulting recommendations will be forwarded to appropriate program managers by means of memoranda approximately ten working days after the initiation of each survey.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Each survey will require not more than thirty minutes of each respondent's time totalling 220 person hours for 11 surveys. It is estimated that the total respondent's cost will be $140 per survey and $1,540 total for the eleven surveys.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Information may be obtained from Mr. Ernst Becker, Department of Education, OSFA, Division of Quality Assurance, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Once the survey plan has been proposed, educational and lending institutions will be informed of the scope and purpose of the surveys by means of an article in the *OSFA Bulletin*. In addition, the selected institutions will be contacted and requested to participate.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection will take place every two months during the period September 1981 and May 1982. The respondents will not be asked to submit data requiring prior tabulation, and therefore, will not require lead-time to prepare for the interviews.

(u) Specific Justification for Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Fellowship Nomination for programs administered under Graduate and Professional Study Programs.

(b) Agency/Bureau/Office: Department of Education/Bureau of Higher and Continuing Education.

(c) Agency Form Number: ED 1048.

(d) Justification: Information to be collected includes data for the HEA, Title IX-B, Fellowships for Graduate and Professional Study. Data will be collected on program area and degree for which nominated: Sex; racial or ethnic group; previous degrees; and background and experiences of the nominee.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Spring/summer annually.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Average person-hours |
|---|---|---|
| Colleges and universities | 250 | 3 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $8,000.

(l) Justification of How Information Once Collected Will Be Used: This information will be used to meet the objectives of the HEA, Title IX–B Graduate and Professional Study Fellowships Program; to monitor eligibility of nominees; for program analysis of background characteristics of fellows; for analysis of manpower supply and demand; and for fiscal control and audit purposes.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority for This Activity: "The Secretary is authorized to provide, through institutions of higher education, a program of grants in making available the benefits of post-baccalaureate education to graduate and professional students who demonstrate financial need." (Pub. L. 92–318, as amended by Pub. L. 96–374, 94 Stat. 1367, 1487; U.S.C. 1134d)

(o) Timetable for Dissemination of Collected Data: Institutions of higher education are advised prior to start of academic year that individuals nominated are acceptable.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Total person-hours: 750. Costs: $150,000.

(q) Evidence of Urgent Need: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Donald N. Bigelow, Department of Education, Office of Postsecondary Education, Graduate Programs Branch, (Room 3060, ROB #3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Fellowship Nomination forms will be mailed to institutions of higher education receiving an allocation of fellowships in the spring of each year for nomination of the fellows by September 1.

(u) Specific Justification for a Multi-Year Approval: It is a routine administrative form which has been used successfully in the past.

(a) Title of Proposed Activity: Lender's Report of Guaranteed Student Loan.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1070.

(d) Justification: This report is used by State guarantee agencies to report disbursements of Guaranteed Student Loans.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation, Outside the Agency: All participating lending institutions such as banks, credit unions, etc * * *

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Financial institutions | 6,000 | .25 |

(j) Sensitive Questions. Not applicable.

(k) Estimate of Cost to Federal Government: The estimate of cost is $6,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Once information is received, data is processed into our system. Then information is submitted to lenders for verification.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 428 of the Higher Education Act of 1965 states in part: "The Secretary may enter into a guaranty agreement with any State of any nonprofit institution* * * The guaranty agreement shall provide for making such reports, in such form and containing such information as the secretary may reasonably require."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person Hours and Costs Required to Complete the Request: The total person hours to respond is estimated to be 1500 hours for a total cost (at $8.00 hr) of $12,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: This may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 7th and D Streets SW., Room 4642, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: Not applicable.

(t) Assurance That Respondents will have sufficient Lead Time To Comply With Request: Not applicable.

(u) Specific Justification of a Multi-Year Approval: This program is authorized through 1985.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Student Confirmation Report, Guaranteed Student Loan Program.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1072.

(d) Justification: This form, when completed by educational institutions, supplies the Guaranteed Student Loan Program with current student attendance status. Completion of this form is required per program regulations (45 CFR 177.612(a)(2)).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside Agency: All eligible educational institutions such as universities, colleges, junior and community colleges, technical schools, etc.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Universities and colleges | 4,000 | 0.5 |
| Junior and community colleges | 1,200 | .5 |
| Vocational and technical institutions | 800 | .5 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $60,000.

(l) Detailed Justification of how Information Once Collected Will Be Used: The information, once collected, is processed and entered into the computer

system to update the Student Status Field of all pertinent students to show current attendance status. This then is forwarded to lending institutions, from which each student received their loans, via the Loan Transaction Statement to indicate if and when any student ceases attendance at his/her educational institution so that the lender may get in contact with the student to begin the grace period and prepare a repayment schedule.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 432 of the Higher Education Act of 1965 states in part: "The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this part; * * *." Section 177.612 Title 45 states: "Each school shall submit such reports, as are necessary to comply * * * This requirement includes the timely completion and submission of the Student Confirmation Report."

(o) Timetable for Dissemination of Collected Data: Data will be made available to lending institutions the month after which the Student Confirmation Report (SCR) has been processed.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: The total person-hours to respond is estimated at 30 minutes. With 6,000 respondents it would require an estimate of 3,000 hours at $8.00 per hour or $24,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copy may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue SW., Rm. 4642, ROB 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Per general instructions, the report should be returned to the Department of Education within 45 days from the date of mailing.

(u) Specific Justification of a Multi-Year Approval: This program has been authorized through 1985.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Loan Transfer Statement, Guaranteed Student Loan Program.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education; Office of Student Financial Assistance; Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1074.

(d) Justification: This form, when completed by lending institution, notifies the Guaranteed Student Loan Program of any kind of transfer of a Federal Insured Loan between participating lenders. This notification must be made in compliance with program regulations (45 CFR 177.153).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: This form must be submitted as loans are transferred, therefore, there is no set schedule for collection.

(h) Consultations Outside the Agency: All participating lending institutions such as banks, credit unions, etc.

(i) Estimation of Responsdent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Financial institutions | 15,000 | .25 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $85,000.

(l) Detailed Justification of How Information Once Collected Will be Used: The information once received, is proceeded and entered into the computer system to update the Lender Identification file to show the new lender. This information is then printed on the Loan Transaction Statement and mailed to lenders to notify them that the transfer has taken place and to verify the data which has been transferred.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 432 of the Higher Education Act of 1965 states in part: "The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this part." Section 177.513, Title 45 states these regulations: "A Federal Insured Student Loan * * * assigned (sold) from one lender to another * * * the buyer must (1) notify the Secretary of the assignment (sale)."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person Hours and Costs Required To Complete the Request: It is estimated that 15,000 forms will be completed and submitted annually. Estimated time of preparation of each form is 15 minutes. At a cost of $8.00 per hour, 3,750 hours, it is estimated that the cost will be approximately $30,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue SW., Rm 4642, ROB 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will have Sufficient Lead Time To Comply With Request: This form must be submitted by the buying lender within 30 days of loan purchase so that changes can be made in a lender's right to receive interest benefits and/or special allowance.

(u) Specific Justification for Multi-Year Approval: This program is authorized through 1985.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Lender's Manifest for Federally Insured Student Loans.

(b) Name of Sponsoring Agency/Bureau/Office: Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education.

(c) Agency Form Number: ED Form 1151.

(d) Justification: This form is submitted by lenders providing ED with the necessary disbursement data on loans to enable the insurance premium to be calculated and billed to the lenders. Loan data is entered into the Loan Control Master File. Other data retrieved from this form are loan status, i.e., converted to repayment status or paid in full.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Every 30 days if activity takes place.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Lenders | 5,000 | .5 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $5,000.

(l) Detailed Justification of how Information Once Collected Will Be Used: Data is used by ED in monitoring student status, loan status and for calculating the insurance premiums due from lenders.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 432 of the Higher Education Act, as amended (Pub. L. 89-329) states in part: "* * * The Secretary and all other insurers under this part shall collect and accumulate all data relating to (1) loan volume insured * * *"

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person Hours and Costs Required To Complete the Request: It is estimated that 2,500 hours at $8.00 hourly will cost the respondent $20,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief GSLB, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue SW., Rm. 4642, ROB 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Commercial lenders and lending associations participated in the development and modification of this form since 1968.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Lender submits form when there is a disbursement on a loan. This is submitted on an as needed basis.

(u) Specific Justification of a Multi-Year Approval: This program is authorized through 1985.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Federal Insured Student Loan Application

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department/Office of Postsecondary Education/Office of Student Financial Assistance

(c) Agency Form Number: ED 1154.

(d) Justification: The Guaranteed Student Loan Program (GSLP) provides loan guarantees to private lenders willing to make educational loans to students. The GSLP has two components, the guarantee agency programs and the Federal Insured Student Loan (FISL) Program. In the guarantee agency programs, the loans are insured by a State or private, non-profit agency and are then reinsured by the Federal Government. Under the FISL Program, loans made in States without an agency and in other limited cases, are directly insured by the Federal Government.

The application process for both the guarantee agency programs and the FISL Program is essentially the same. The student completes the student portion of the application and then brings it to the school that he/she is attending. The school is responsible for supplying information such as student enrollment status, cost of education and financial aid awarded. The student takes the application to the lender who, if it agrees to make the loan, obtains the approval of the appropriate guarantor (i.e., the Federal Government or a guarantee agency). The loan is then disbursed to the student in one or more installments under terms spelled out in the promissory note which the student must sign. The FISL segment of the GSLP has accounted for approximately 5 million loans for a total of over $6.3 billion since the inception of the program in 1965. In order to accomodate the large volume of applications generated by the GSLP, it is imperative that the application process be straightforward and easily understood by not only the student applicant but also by the many thousands of schools and lenders which play a major role in the application process.

In addition to the rather complex program application form, there are 49 Guarantee Agency student application forms, each in a different format and each requiring slightly different information as guarantee agencies have control over the development of their own forms. The complexity of the various forms causes problems for students and families. Their diversity causes confusion and a great deal of administrative burden on Financial Aid Administrators, especially those whose schools draw students from many states. These problems have recently been compounded as the number of guarantee agencies grew from 35 to the present level. It is anticipated that the remaining states will form their own agencies within the coming year.

On October 3, 1980 the President signed into law the Education Amendments of 1980, which amends and extends the Federal student aid programs through 1985. These amendments represent a landmark commitment to providing student financial assistance for students in postsecondary education. In addition, it is these legislative amendments which necessitated changes to the current Federal Insured Student Loan Application Form.

In an effort to keep up with changing laws and regulations, a cooperative project was initiated to develop a common simplified guaranteed Student Loan Application form to be used by the Federal Government and guarantee agencies. The revised Student Application for a Federal Insured Student Loan (ED 1154) represents the final consensus of the Application Committee composed of representatives from the State Agency ADP/Paperwork Committee and the Office of Student Financial Assistance. Many months of effort have been put into modifying the existing form to reflect legislative changes and to simplify and improve the format and data elements. The Application Committee believes that this "model" application form can be used by all of the guarantee agencies together with minimal additional items reflecting individual state needs.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: The content and format of the Common Form are the product of extensive consultation and colaboration among state guarantee agency and Department of Education representatives. All constitutents were encouraged to provide input and comments on the various draft revisions of the form as it progressed from rough draft to the final version. Members of the Application Committee include:

Mr. Jensen Audioun, Florida Student Financial Assistance Commission
Ms. Gwen Davis, North Carolina State Education Assistance Authority
Mr. Woody Farber, State Student Assistance Commission of Indiana

Mr. Robert Fomer, Colorado Guaranteed Student Loan Program
Mr. Ted Freeman, Pennsylvania Higher Education Assistance Agency
Mr. Richard Innocenzi, New Jersey Higher Education Assistance Corporation
Mr. Ron Lauver, Georgia Higher Education Assistance Authority
Mr. Paul Lombardo, Higher Education Assistance Foundation
Ms. Pat Mullins, New York State Higher Education Services Corporation
Mr. William Nester, New Jersey Higher Education Assistance Authority
Mr. Michael Riordan, Massachusetts Higher Education Assistance Corporation
Mr. David Solar, Vermont Student Assistance Corporation

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hour |
|---|---|---|
| Borrowers | 250,000 | .50 |
| Schools | 250,000 | .50 |
| Lenders | 250,000 | .25 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost To Federal Government:

| | |
|---|---|
| Processing cost | $850,000 |
| Printing cost | 80,000 |
| Mailing cost | 90,000 |
| Total cost to the Government | 1,020,000 |

(l) Detailed Justification of How Information Once Collected, Will Be Used: *Program management:* The FISL application form is the means by which a student submits information to ED, the educational institution, and the lender in order to qualify and ultimately receive a student loan. This information is required for purposes of correspondence as well as to qualify the student borrower for the requested loan amount. In addition, this information proves invaluable once the student borrower leaves school and enters into the repayment phase.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: General authority for collection of this information is based on 20 U.S.C. 1079(a)(1) which states, "If, upon application by an eligible lender, made upon such form, containing such information, and supported by such evidence as the Secretary may require, and otherwise in conformity with this section, the Secretary finds that the applicant has made a loan to an eligible student which is insurable under the provisions of this part, he may issue to the applicant a certificate of insurance covering the loan and setting forth the amount and terms of the insurance."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 1,037,500. Total costs: $5,187,500.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: May be obtained from: Richard C. Rude, Chief, State Agency Branch, Division of Systems Design and Development, Office of Student Financial Assistance, 400 Maryland Avenue SW., Rm 4624, ROB 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Not applicable.

(u) Special Justification for Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Guarantee Agency Request for Claims Paid (Title IV, Part B, Pub. L. 89-329) as amended; Guarantee Agency Request for Reimbursement for Claims Paid (Title Part B, Sec. 428(c) Pub. L. 89-32), as amended; Guarantee Agency Request for Reimbursement for Death & Disability (Title IV, Part B. Sec. 427 Pub. L. 89-329) as amended; Guarantee Agency Report of Recoveries on Claims Paid Under Federal Reinsurance (Title IV-B, Sec. 430, Pub. L. 89-329) as amended.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Guaranteed Student Loan Branch, Office of Student Financial Assistance.

(c) Agency Form Number: ED Forms 1189, 1189-1, 1189-2, 1189-3.

(d) Justification: Collection and Payment Activity Forms: Necessary for reporting of all claims on defaulted loans by schedule. The official document is signed by a responsible official of state agency attesting that the request is accurate and that the required proof is on file in the state agency office. This is the official signed document by which claims payments are authorized.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Participating state agencies—all in agreement.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| State and nonprofit Guarantee agencies | 8,000 | .30 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The estimated cost is as follows:

| | |
|---|---|
| 1189 | $18,000 |
| 1189-1 | 20,200 |
| 1189-2 | 72,500 |
| 1189-3 | 20,000 |
| Total | 130,700 |

(l) Detailed Justification of How Information Once Collected Will Be Used: Reinsurance claims payable to agencies is based on information provided ED on these forms. Repayments received by agencies on reinsured defaulted loans are recorded and credited to the Student Loan Insurance Fund as reported on these forms.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 428 of the Higher Education Act as amended * * * The Secretary may enter into an agreement with any State or non-profit agency whereby the Secretary shall undertake to reimburse it * * * on unpaid balances of principal and interest * * * with respect to losses.

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person Hours and Costs Required to Complete the Request: The total person hours to complete this form is estimated to be 4,000 hours for a total cost estimated to be $32,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 7th & D

Street, SW., Room 4642, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Officials of the Office of Education worked closely with the National Council of Higher Education Loans Plans (Guarantee Agency Association) in developing this form in 1967. There have been no changes to this form since.

(t) Assurance That Respondent Will Have Sufficient Lead Time To Comply With Request: The forms are used as the need arises and on a regular monthly/weekly basis. Supply of forms furnished on regular yearly basis and upon request by Agency as needed.

(u) Specific Justification of a Multi-Year Approval: This program has been authorized through 1985.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Federal Loan Transaction Statement.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1199.

(d) Justification: The Guaranteed Student Loan Program enables students to borrow directly from qualified lending institutions to pay for their cost of attending eligible postsecondary educational institutions. The loans are made at the discretion of lenders and such loans are insured by the Federal Government. Therefore the form in effect is used to bill lenders for insurance premiums on the loans. It is also used to report changes in the status of existing loan until the loan is repaid in full. The form also reports loans bought and sold by lenders.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Government generates a monthly statement to the lender. There are 30–60 days to review, make corrections and remit payment.

(h) Consultation Outside the Agency: Financial institutions.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Financial institutions | 5,000 | 1.5 |

(j) Sensitive Questions: Not applicable.

(k) Estimate To Cost to Federal Government: The estimated cost is $11,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Changes indicated by the lender are entered into ED's automated system. Insurance premium payments are recorded and deposited to the Student Loan Insurance Fund.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Higher Education Act of 1965, Pub. L. 89–329, Title IV–B.

(o) Timetable for Dissemination of Collected Data: Data is provided to lenders on monthly basis.

(p) Estimate of Total Hours and Costs Required To Complete the Request: It is estimated that 7,500 hours at $8.00 hourly, respondent's cost will be $60,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief, GSLB, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 7th & D Street, SW., Room 4642, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Commercial lenders and lending associations participated in the development and modification of this form.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Lenders are required to make payment of insurance premiums when billed or within 90 days of submission of reporting disbursement.

(u) Specific Justification of a Multi-Year Approval: This program is authorized through 1985.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Request for Collection Assistance under Federal Insured Student Loan Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1249–1.

(d) Justification: Respondents who loan money to students under the Federal Insured Student Loan Program are provided with skip-trace assistance by the Department Education to locate students who are delinquent on monthly payments, or who have failed to establish repayment agreements. Unless the lender can located the borrower and establish a payment procedure, the loan would go into default and be turned over to the Government for further action. It is in the interest of the Government to provide assistance to the lenders prior to this action being taken.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans:

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Lenders | 13,890 | .333 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost to the Government of processing the ED 1249–1 Forms; mailing and handling the postcards; and providing the results to the respondents is estimated at $15,765.

(l) Detailed Justification of How Information once Collected will be used: It will be used to locate the borrower and collect the monies due, in order to prevent a defaulted loan.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 430 of the Higher Education Act of 1965 states in part: "Upon default by the student borrower * * * the Secretary shall if requested by the beneficiary (lender * * * pay to the beneficiary the amount of the loss sustained * * * Such beneficiary shall be required to meet the standards of due diligence in the collection of the loan."

(o) Timetable for Dissemination of Collection Data: Approximately six weeks are required between receipt of the form and the completion of the cycle with the results to the respondent.

(p) Estimate of Total Person-Hours Required to Complete the Request: The total number of estimated hours for the respondents to prepare and submit a total average of 13,890 forms per years is 4,625 hours. Using a factored hourly rate of $8.00 per hour (includes fringe and overhead requirements), the total cost is estimated at $37,000.

(q) Evidence of any Urgent need or very Unusual Circumstance Requiring the Data: Not applicable:

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, Room 4642, ROB-3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: Not applicable.

(t) Assurance that Respondents will have Sufficient Lead time to Comply with Request: Not applicable.

(u) Specific Justification for a Multi-Year Approval: This program has been authorized through 1985.

**Data Activity Plan Summary**

(a) Name of Proposed Activity: Continuing Education Outreach—Special Projects Program Application.

(b) Name of Sponsoring Agency: Department of Education, Office of Postsecondary Education.

(c) Agency Form Number: ED Form 1280.

(d) Justification: These are application packages that are distributed for one of the discretionary programs of the Secretary of Education.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plan: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable

(h) Consultations Outside the Agency: Periodic consultations with the National Advisory Council on Continuing Education and the State Administrator for Title I.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Higher Education Institutions | 230 | 40 |
| Private Institutions | 20 | 40 |
| Private Organizations | 20 | 40 |
| Business | 20 | 40 |
| Industry | 20 | 40 |
| Labor | 20 | 40 |
| States | 20 | 40 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to the Federal Government: Printing—$8,000. Readers—$15,000.

(l) Detailed Justification of How Information Once Collected Will be Used: Applications will be evaluated by panelists, and ranked in order of merit.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority: "From 10 percent centum of the sums appropriated to carry out the provisions of this part, the Secretary is authorized to make grants to and enter into contracts with public and private institutions and organizations, institutions of higher education, business, industry, labor, and States, or any combination thereof."

(20 U.S.C. 1016)

Education Amendments of 1980, Pub. L. 96-374, HEA Title I-B, Section 116.

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Total person hours: 40 × 350 + 14,00. Total cost: $10 × 14,000 burden hours − $140,000.

(q) Evidence of Any Urgent or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Mr. Charles I. Griffith, Office of Postsecondary Education, U.S. Department of Education (Room 3717, ROB-3), 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: State Administrators were involved in the development of the activity and information appeared in copies of the Newsletter "Continuing Education Technical Assistance Center".

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Formal notice will be published in **Federal Register** in April which will allow at least 90 days for preparation.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information requested in the individual application form is used by the Department of Education, a panel of consultants from the academic community, the Department of State, the International Communications Agency, American Embassies, binational commissions, host country officials and the Board of Foreign Scholarships to determine the academic qualifications and suitability of the candidates for grants to conduct research and/or study overseas in assisting successful applicants to secure the appropriate research visas.

The data requirements of the institutional application form simplify the administration of the programs as authorized in Section 434(a)(3) of the General Provisions Act. U.S. institutions of higher education utilize this form to transmit all the individual applications of their scholars and, in the event their scholars are selected for funding, the data provided in the form enables the Department of Education to make grants to the institutions.

(20 U.S.C. 1232c)

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Selection 434(a)(3) of the General Education Provisions Act states: "In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval * * *"

(20 U.S.C. 1232c)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete Request: 1. Individual application total person-hours: 9,600; Total Costs: $60,000.

2. Institutional application total person-hours: 4,080; Total Costs: $40,800.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument; Applications may be obtained from John Paul, Research Branch, Division of Advanced Training and Research, Office of International Education, Office of Postsecondary Education, Department of Educatian, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The description of collection of information and data acquisition activity were made available for public comment through publication in the **Federal Register**, Vol. 42, No. 59, March 28, 1977.

(t) Assurance that Respondents Will Have Sufficient Lead Time to Comply With Request: (1) Announcement of deadline for competition: 45 days prior to deadline.

(2) Time of collection: First week in

November in the year preceding the planned overseas activity.

(3) Frequency: Annually.

(4) Method of collection: Mail.

(u) Specific Justification for a Multi-Year Approval: The individual and the institutional application have not only simplified the application process but also have given institutions and individual applicants a comprehensive idea about the mechanics of the application process and the need for each data item.

The data requested is the minimum necessary to evaluate the applicant and his project, determine his chances for success in an overseas context, and facilitate the issuance of research permissions by host country governments.

Since the forms are the result of a refinement process which started in 1964 and they contain the minimum data needed, it is anticipated that these forms, which have both reduced respondent burden and the workload of the Federal administrative office, will not be modified.

Keeping the forms without change enables institutional representatives to counsel prospective applicants during the school year. Furthermore, applicants not used in one year may be utilized in another year resulting in a saving to the taxpayer.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Institutional application for Faculty Research Abroad and Doctoral Dissertation Research Abroad. Individual application for Faculty Research Abroad and Doctoral Dissertation Research Abroad.

(b) Name of the Sponsoring Agency/Bureau/office: U.S. Department of Education, Office of Postsecondary Education, Office of International Education, Division of Advanced Training and Research, Research Branch.

(c) Agency Form Number: ED 7628, ED 7628-1, ED 7628-2 (Individual application); ED 7628-3 (Institutional application).

(d) Justification: Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 has as its objective the improvement and development of modern foreign language and area studies in the educational structure of the United States through visits and study of American scholars abroad.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

To help accomplish this objective, the Faculty Research Abroad and Doctoral Dissertation Research Abroad programs provide opportunities for scholdars to conduct research in the non-Western world.

The data requirements of the individual application forms, which were published in the **Federal Register**, Vol. 42, No. 59, March 28, 1977, are used by the Department of Education, a panel of consultants from the academic community, the Department of State, the International Communication Agency, American Embassies, binational commissions, host country officials and the Board of Foreign Scholarships to determine the academic qualifications and suitability of the candidates for grants to conduct research and/or study overseas and in assisting successful applicants to secure the appropriate research visas.

The data requirements of the institiutional application form simplify the administration of the programs as authorized in Section 434(a)(3) of the General Provisions Act. U.S. institutions of higher education utilize this form to transmit all the individual applications of their scholars and, in the event their scholars are selected for funding, the data provided in the forms enables the Department of Education to make grants to the institutions.

(20 U.S.C. 1232c)

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: November, 1981; see also item (t).

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Students and faculty in postsecondary education | 600 | 16 |
| Colleges and universities | 170 | 24 |

(j) Senstive Questions: Item 22 of the individual application is a health statement (to be completed by a private or university physician) in which the physician simply certifies that the applicant "is physically and psychologically able to carry out all phases of the study as outlined in this application". This statement, which replaced a form requiring a detailed medical history, is needed because health conditions and medical care in many parts of the non-Western world are often inadequate. This can present problems for healthy individuals. It can have serious consequences for individuals with medical problems.

Respondents have not objected to this item in the application form because they are sophisticated enough to realize its necessity.

The information is protected under the terms of the Privacy Act of 1974.

(k) Estimate of Cost to Federal Government: $6,000.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Foreign Languages and Area Studies Fellowships Institutional List of Principal/Alternate Candidates.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Office of International Education.

(c) Agency Form Number: ED 7632.

(d) Justification: This form is necessary to comply with the selection process as put forth in the rules and regulations. This form lists fellowship nominees in ranked order together with the nominees' language of award and major discipline. It is filled out by the fellowships office of the institution and is used by the staff of OIE to award fellowships as well as monitor the results of the awards at the end of the academic year.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Financial aid officers at colleges and universities | 100 | 1 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $1,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management*—Data will be used to determine grant eligibility and at the end of the academic year will be compiled for assessment of program effectiveness.

*Evaluation*—The primary objective of the final evaluation of the data is to determine which languages and academic disciplines are receiving what portion of Federal funds.

*Research*—Upon completion of the final evaluation, the knowledge gained is used to determine the extent to which fellowships have been awarded in priority fields and languages, in accordance with the rules and regulations (34 CFR 656.33).

*General purpose*—This data is for use by the staff of OIE to monitor program effectiveness. Institutions will be informed of how well they have adhered to program priorities, and an assessment will be made as to the success of the Fellowships program in meeting the needs of the less commonly taught languages as set forth in the regulations.

(m) Methods of Analysis: Tabulation of descriptive data.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection Title VI of the Higher Education of 1965 as amended in 1980 (Pub. L. 96–374) for National Resource Centers and Fellowship Program for Language and Area or International Studies:

*Fellowships*

"Sec. 602(b) The Secretary is also authorized to pay stipends to individuals undergoing such advanced training in any center or program approved by the Secretary under this part, including allowance for dependents and for travel for research and study in the United States and abroad * * *."

(o) Timetable for Dissemination of Collected Data: In the summer of the year following the fellowship awards. In this case, autumn 1981.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 100 man hours, $800.00.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: U.S. Department of Education, Office of Postsecondary Education/Office of International Education, 400 Maryland Avenue, S.W. Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Contract is made through the award process.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: September—January.

(u) Specific Jutification for a Multi-Year Approval: This is considered a routine administrative form necessary to the Office of International Education in successfully completing the awards process of the Foreign Language and Area Studies Fellowships according to the rules and regulations of the aforementioned program. Since the data collected from this form is required by the rules and regulations, we request that a multi-year approval be granted.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: LEEP Student Certification and Note.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Student Financial Assistance, Division of Program Operations.

(c) Agency Form Number: ED (LEEP) 3.

(d) Justification: This is an application form which students use to apply for a loan under the Law Enforcement Education Program. The application is required for the student to obtain the benefits of the program.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Individuals (students) | 30,000 | .45 |
| Colleges and universities | 826 | 435.8 |

(j) Sensitive Questions: Only those questions are asked which are needed to administer the program.

(k) Estimate of Cost to Federal Government: $160,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: This form is used to gather data to identify the recipients of LEEP assistance. It also provides a list of obligations of the recipient and, as a legal note, it establishes the amount to be repaid, plus interest, should a recipient not complete the employment obligation established by the note. This form must be completed each academic semester, quarter or term. All students shall contact the institution before each term begins in order to obtain LEEP funds for the subsequent term.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Required or Allowing the Data Collection: Section 406, Part D, Title I, of the Crime Control Act of 1976 (Pub. L. 94–503) states "Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency * * *"

(o) Timetable for Dissemination of Collected Data: No later than 20 calendar days after the end of the rebate period for each academic term, the institutions shall forward all executed LEEP–3 forms to the Department of Education in Washington with a completed LEEP 5 and LEEP 12.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 20,250 with a total cost estimate to be $67,500.

(q) Evidence of an Urgent Need or a Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of Exact Data Instrument: Copies may be obtained from Mr. Ed Mack, Division of Program Operations, Office of Student Financial Assistance/OPE, Department of Education, Rm. 4661, ROB–3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Population: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: All institutions participating in the program know well in advance that they must provide copies of these forms for use by the students.

(u) Specific Justification for a Multi-Year Approval: While the 1981–82 academic year may be the last year that awards will be made, the accounting function will extend into 1983.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Application for Minority Institutions Science Improvement Program (MISIP).

(b) Name of Sponsoring Agency/Bureau/Office: Education Department, Office of Educational Research and Improvement, Fund for the Improvement of Postsecondary Education.

(c) Agency Form Number: ED 0007.

(d) Justification: This competition solicits proposals from predominantly minority institutions and are designed to enhance an institution's capacity for developing and maintaining a quality science education program for all of its students and to augment the institution's capability for increasing the flow of

underrepresented ethnic minorities into scientific careers. The data collected are used only internally to determine how grants will be made.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Applications will be due in December and March.

(h) Consultations Outside the Agency: MISIP consults with grantees, and a National Science Foundation Board of Advisors.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | 150 | 199 |
| Nonpublic junior colleges | 15 | 100 |
| Public junior colleges | 15 | 100 |

(j) Sensitive Questions: There are no sensitive questions on this form, and no problems are anticipated.

(k) Estimate of Cost to Federal Government: The total cost is estimated at $18,109.

(l) Detailed Justification of How Information Will Be Used: The data collected will be used only internally to determine how grants will be made.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Authority for this program is contained in the Higher Education Act, Sec. 406A. "There is authorized . . . to the Secretary of Education . . . $5,000,000 for the purpose of carrying out the Minority Institutions Science Improvement Program . . . Public Law 96-374: USC 1226a.

(o) Timetable for Dissemination of Collected Data: There is no dissemination of collected data.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 18,000. The total costs is estimated to be $180,000.

(q) Evidence or Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Diana Hayman, Fund for the Improvement of Postsecondary Education, Department of Education, 400 Maryland Avenue SW., Room 3123, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: MISIP consults each year with its grantees at its annual project directors meeting. MISIP has used the same form for the past 4 years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: MISIP will announce December 1981 and March 1982 deadlines. Application packages will be mailed to its permanent mailing list (as well as to requestors) no less than 60 days before each deadline.

(u) Specific Justification for a Multi-Year Approval: Not requested.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Survey of State Educational Assessment Programs.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, National Institute of Education, Teaching and Learning Program.

(c) Agency Form Number: ED (NIE) '245.

(d) Justification: State assessment is an important area of research support for the Assessment Team of the Testing, Assessment, and Evaluation Program in the coming years. Information is needed, for planning purposes, on the nature of individual assessment programs as well as the kinds of assessment research efforts being undertaken by States and the kinds of research problems that need to be addressed. While some fragmentary information exists, there is no comprehensive information available on these items.

(e) Description of survey plan: The respondent universe is composed of the Directors of State Assessment and/or Testing in 50 States. A survey instrument will be developed which solicits information concerning various aspects and activities of individual State assessment programs and the nature of research efforts being undertaken. No pretests are planned; however, the questionnaire will be sent to half a dozen Directors for comments and reactions concerning the items included. For non-response, a follow-up letter will be sent, and, as necessary, telephone contacts will be made as a second follow-up.

(f) Tabulation and publication plans: A report containing descriptions of individual assessment programs with respect to various assessment aspects/activities is planned to be published in the summer of 1982. A few simple frequency tabulations will be made and included in the report.

(g) Time schedule for collection and publication: Data will be collected in the five-month period between October 1981 and February 1982. The reports will be issued in the summer of 1982.

(h) Consultations outside the agency: Half a dozen State Assessment Directors will be asked to review the survey questionnaire. CEIS will be informed of the plan to survey State assessment programs and will also be asked to review the questionnaire.

(i) Estimation of respondent reporting burden: Respondents are 50 Directors of State Assessment and/or Testing, and the average response time is estimated to be 1.5 hours, though the range of estimated response time is 0-2 hours. For States which do not have an assessment program, it is only necessary to indicate to that effect.

(j) Sensitive questions: Not applicable.

(k) Estimate to Federal Government: The estimated total cost of the survey to Federal Government is $15,000.

(l) Detailed justification of how information once collected will be used: The data from this survey will be used by the Assessment Team as a basis for planning a program to support research related to State assessment. The report is also expected to be used by State Assessment Directors in comparing their programs with other programs and in improving their current assessment practices.

(m) Methods of analysis: Various assessment practices and assessment research problems will be identified. A few simple frequency tabulations will be made, and, where appropriate, data will be aggregated at the national level.

(n) Legislative authority specifically requiring or allowing the data collection: 20 U.S.C. 1221(e) states: "* * * To achieve quality will require far more dependable knowledge about the process of learning and education than now exists or can be expected from present research and experimentation in this field. While the direction of the education system remains primary responsibilities of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

"(2) The Congress further declares it to be the policy of the United States to

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* * *

"(iv) build an effective educational research development system."

(o) Timetable for dissemination of collected data: A report will be prepared in the summer of 1982 and will be distributed to State Assessment Directors.

(p) Estimate of the total person-hours and costs required to complete the request: The estimated total person-hour to complete the request is 75 hours for a total estimated cost of $2,000 to the

respondents.

(q) Evidence of an urgent need for very unusual circumstance requiring the data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Tongsoo Song, Assessment Team, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208.

(s) Brief account of early involvement and communications with respondent populations: A few State Assessment Directors will be informed about this study in the summer of 1981 and will be asked to review the draft questionnaire.

(t) Assurance that respondents will have sufficient lead time to comply with requests: Since data collection will take place during a five-month period, respondents will have sufficient time to complete this request.

(u) Specific justification for a multi-year approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the proposed activity: Application for Grants Under Teacher Corps.

(b) Name of Sponsoring Agency/ Bureau/Office: Department of Education, Office of Dissemination and Professional Development Teacher Corps.

(c) Agency for number: ED 298.

(d) Justification: Grantees must submit annual continuation requests for each grant period of five year projects, according to Section 172.30 of the Teacher Corps Rules and Regulations.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication:

(1) Notice of Closing published in October.

(2) Applications received in March.

(3) Grants awarded June 1, and July 15.

(h) Consultations Outside the AGency: Schedule was developed in conjunction with GPMD.

(i) Estimate of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Institutions of higher education | 132 | 16 |
| Local education agencies | 132 | 16 |
| State education agencies | 54 | 2 |
| Correctional institutions | 2 | 20 |

(j) Sensitive questions: Not applicable.

(k) Estimate of cost to Federal Government: $50,120.

(l) Detailed justification of how information once collected will be used:

*Program Management*

Continuation Applications will be reviewed to determine funding levels for the next grant period.

(m) Methods of analysis: Not applicable.

(n) Legislative authority specifically requiring or allowing the data collection: "The Secretary awards separate grants for each of the five years, subject to the availability of funds and continued effectiveness of the project." (Section 172.30) 45 CFR 172. (New designation for Teachers Corps will be 34 CFR 791, 792, 793, and 794.)

(o) Timetable for dissemination of collected data: Grants will be awarded by June 1, or July 15, to the two project groups.

(p) Estimate of the total person-hours and costs required to complete the request: 5,380 hours; $554,400.

(q) Evidence of any urgent need or very unusual circumstances requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be otained from Dr. Preston M. Royster, Teacher Corps, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent populations: Ongoing contact with grantees is maintained by education program specialist.

(t) Assurance that respondent will have sufficient lead time to comply with request: The notice of closing indicating deadline is published at least 60 days prior to closing date for receipt of applications. The forms are the Standard Request for Federal Assistance forms which have been used by these grantees for the past several years. Therefore, there should be adequate time for grantees to respond.

(u) Specific justification for a multi-year approval: This is a routine administrative form which has been used for Teacher Corps applications and continuation applications for several years. The requested expiration date would allow use of the form through the last year of the current group of five-year projects.

**Data Activity Plan Summary**

(a) Title of the proposed activity: Study of NIE's Program to Increase the Participation of Minorities and Women in Educational R&D.

(b) Name of the sponsoring agency/ bureau/office: Education Department/ National Institute of Education/ Dissemination & Improvement of Practice.

(c) Agency form number: ED (NIE) 192.

(d) Justification: NIE's Program to Increase the Participation of Minorities & Women has two overarching goals. The first is to increase the numbers and influence of minorities and women in educational research. The second is to identify successful approaches for doing so in order that further Program efforts can build on the most appropriate methods and that non-federally funded programs can use them. The study is designed to accomplish the second Program objective. By studying the first two cohorts of Program grantees, successful approaches will be identified. No data now exist that can provide this information since its inception in 1977. The data will be used by NIE to refine the Program, and the results will be widely disseminated for non-federal use.

(e) Description of survey plan: The respondent universe consists of participants in Program grants, staff of those projects, and officials of the institutions that have received grants. All participants and a sample of project staff and institutional officials will be surveyed. The sample will be purposive, representing the variety of types of projects funded and of institutions that house them. Non-respondents will be contacted by mail and telephone to encourage response. The contractor, Inter-America, Inc., will have full responsibility for data collection and analysis. All data will be confidential with no individual or institution identifiable in the final report. Raw data will remain in the possession of the contractor.

(f) Tabulation and publication plans: The data analysis will comprise the contractor's Final Report and is due January, 1983. Interim reports will be shared with Program staff.

(g) Time schedule for data collection and publication: The project will last two years, beginning January 1981. Data collection will begin in April 1981. A second round of data will be collected in Spring 1982. The Final Report will be available in January 1983.

(h) Consultations outside the agency: The study design has been discussed with directors of funded projects and the Program staff. A consultant group that includes representatives of participant groups and institutions was formed following contract award. Projects differ as to the amount of data available in written form and the study design uses those data in place of questionnaires where possible.

(i) Estimation of respondent reporting burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Students in post-secondary education | 400 | 400 |
| Employees in post-secondary education | 100 | 100 |

(j) Sensitive Questions: Not applicable.

(k) Estimate of cost of Federal Government: $75,000.

(l) Detailed justification of how information once collected will be used: The data will be used in two ways: to increase the effectiveness of program management and to increase research knowledge concerning how to increase the participation of minorities and women in education R&D. Program management will use study results to refine and target their future grant awards. The results will be widely disseminated so they can be used by the R&D community in general.

(m) Methods of analysis: Data will be aggregated by type of project activity and educational level of participant (pre-doctoral or post-doctoral). The primary analytic technique will be correlation with some cross-tabulation.

(n) Legislative authority specifically requiring or allowing the data collection: "The Institute shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs. "(E) improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and insitutions in the application of such results and knowledge. "In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals". (Section 405 of the General Education Provisions Act, as amended, 20 U.S.C. 1221e).

(o) Timetable for dissemination of collected data: Data will be available in January 1983. Convention reports and ERIC will be the primary dissemination mechanisms.

(p) Estimate of the total person-hours and costs required to complete the request: 100 staff person-hours; $500.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies will be available in May, 1981, and may be obtained from: Naida Bagenstos, U.S. Department of Education, National Institute of Education, Program on Dissemination and Improvement of Practice, 1200 19th Street, N.W., (Mail Stop 24), Washington, D.C. 20208.

(s) Brief account of early involvement and communications with respondent populations: Respondent populations have been involved in the design of the study from the beginning. Project directors and participants have reviewed preliminary study design drafts. These reviews have occurred in meetings and on-site visits to projects.

(t) Assurance that respondents will have sufficient lead time to comply with request: The design allows two months for completion of the forms.

(u) Specific justification for a multi-year approval: Because the population to be surveyed is small (n=500) and it is important to determine the effects of various project activities on participants' career development, multi-year approval is requested. The data collection will be limited to two years only. By gathering data for two years it will be possible to distinguish those activities that are helpful immediately after participation in a project and those that have longer range effects.

**Data Activity Plan Summary**

(a) Title of proposed activity: Application for Grants Under Women's Educational Equity Act Program.

(b) Name of sponsoring agency/bureau/office: U.S. Department of Education, Office of School Improvement, Women's Educational Equity Act Program.

(c) Agency form number: ED Form 436-1.

(d) Justification: The Women's Educational Equity Act Program was enacted as Section 408 of the Education Amendments of 1974 (Pub. L. 93-380). It was reauthorized by the Education Amendments of 1978 (Pub. L. 95-561) as Title IX, Part C of the Elementary and Secondary Education Act. The program requires an instruction form and standard applicable form. The instructions are specific to the program.

(e) Description of survey plan: Not applicable.

(f) Tabulation and publication plans: Not applicable.

(g) Time schedule for data collection and publication: Not applicable.

(h) Consultations outside the agency: The Women's Educational Equity Act Program has had extensive consultations with organizations and individuals that represent the variety of its constituents. Throughout the consultations the members and staff of the National Advisory Council on Women's Educational Programs have been closely involved. The WEEA Program held a public meeting in Washington, D.C. to discuss issues in the Act. Three meetings were held with the National Coalition of Girls and Women in Education and one with the Washington Area Higher Education Representatives. Three topical meetings were also held: one on Title IX of the Education Amendments of 1972 with experts from the State, local, and Federal levels, as well as researchers and leaders of advocacy groups; a second, on the status of women's educational equity programming for representatives of foundations and major women's organizations, and evaluators; and a third on program priorities for representatives of minority women's organizations. Public meetings have been held in all 10 ED Regions. There have been intensive discussions with WEEA project directors. The extent and quality of the public participation have contributed substantially to both the overall approach and specific details on costs and activities for grants under the program.

(i) Estimate of respondent reporting burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and Universities | 600 | 25 |
| Educ. Broadcasting Systems | 15 | 25 |
| Individuals | 150 | 25 |
| Local Education Agencies | 300 | 25 |
| Nonprofit Organizations | 330 | 25 |
| Public Junior Colleges | 30 | 25 |
| State Boards/Commissions | 15 | 25 |
| State Education Agencies | 30 | 25 |
| Voc/Tech/Career Institutes | 30 | 25 |

(j) Sensitive questions: Not applicable.

(k) Estimate of cost to Federal Government: The estimated cost for printing and distribution of the application package is $20,000.

(l) Detailed justification of how information once collected will be used: The applications will be submitted to the Application Control Center where they will be assigned a control number, placed in the computer system and then forwarded to the WEEA program. Once at the program they will be reviewed by three non-Federal experts. Raw scores will be sent to the Grants & Procurement Management Division to be normalized and placed in rank order. WEEA

program staff will review the highest ranking applications and make recommendations for funding. Those applications which are funded become part of the Department's official files on the grantee. The original copy of those that are not funded are returned to the applicant. A copy is kept on file at the WEEA program for one year.

(m) Methods of analysis: Not applicable.

(n) Legislative authority specifically requiring or allowing the data collection: The Women's Educational Equity Act 45 CFR 160 f.1: "the purpose of the Women's Educational Equity Act is to award grant * * *"

EDGAR 45 CFR 100a.104: "The appropriate official of the Education Department may make a grant only to an eligible party that submits an application."

(o) Time table for dissemination of collected data: Approximately 10 months passes from the time the application packages are mailed to respondents to be completed and the time that reviewed applications are returned.

(p) Estimate of the total person-hours and costs required to complete the request: Approximately 37,500 person-hours will be necessary. Total costs will be approximately $375,000. Costs to each applicant will vary anywhere from $1.00 to $1,000.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be obtained from Dr. Leslie R. Wolfe, WEEAP, Room 1100, Donohoe, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communication with respondent populations: See (h).

(t) Assurance that respondents will have sufficient lead time to comply with request: In accordance with Federal regulations, the deadline for receipt of applications will be 60 days after the notice is published in the Federal Register.

(u) Specific justification for a multi-year approval: The same application package will be used on an annual basis unless the program regulations are substantially changed, which is not probable. The WEEA program current authorization runs through 1983.

**Data Activity Plan Summary**

(a) Title of proposed activity: Residence and Migration of College Students, Fall 1981.

(b) Agency/bureau/office: Department of Education/Office of Educational Research and Improvement/National Center for Education Statistics/Division of Postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

(c) Agency form number: ED (NCES) 2300–2.8.

(d) Justification: Residence and Migration of College Students (R & M) has been an irregularly scheduled survey included in the Higher Education General Information Survey (HEGIS). It was last conducted for the Fall of 1979. In addition to availability of the on-line EDSTAT system, special tabulations have been prepared and distributed to all State Commissions of Higher Education, the CEIS Network and a large number of national and regional associations of higher education, institutional representatives and individual researchers. Their topic of interest ranged from comparison of student movement among States to detailed examination of economic impact on States receiving a large net migration versus those States losing a significant portion of their college age student population. When State representatives were surveyed concerning those surveys of greatest value to them, the R & M was listed as a high priority item. Because of the complexity of the survey and, the felt need for revision of the questionnaire, the National Center for Education Statistics (NCES), in cooperation with the American Association of Collegiate Registrars and Admissions Officers (AACRAO), established a task force to examine the need for a new survey and practical means of collecting the data if the question of need was answered in the affirmative.

(e) Description of survey plan: The source for the list of institutions to be included in the survey will be the Education Directory, 1980–81: Colleges and Universities which contain approximately 3,200 institutions. The questionnaire for the proposed survey will be included in the HEGIS XVI package that will be mailed to all institutions of higher education in May 1981; HEGIS is coordinated by a State Commission, at the option of the State.

(f) Tabulation and publication plans: Data are arrayed in table format by U.S. total, State aggregates and in institutional listing, cross tabulated by origin of residency and by level of enrollment. A limited number of charts and graphs will show residence and migration data for previous years. Additional information will be published if warranted by the findings, including possibly a specialized classification of institutions of higher education based on immigration data. Several of the particular needs outlined by the Task Force deserve serious consideration. The potential for describing full-time versus part-time migration rates may yield some unanticipated findings. The final report containing residence and migration data will be prepared by NCES and printed by GPO approximately seven months after due date of the survey. Edited data will be available on computer tape and disseminated by NCES.

(g) Time schedule for data collection and publication: The data are collected between May 1981 and November 1981. Approximately five months from due date of survey form, a final residence and migration edited survey tape will be available to the public. Approximately seven months from the due date of the survey, a final hard copy publication will be available from GPO for public purchase.

(h) Consultations outside the agency: Agencies of the Federal Government and of the higher education community have been consulted extensively regarding the 1981 survey of residence and migration of college students. As mentioned in section (d) above, the joint task force of NCES and the American Association of College Registrars and Admissions Officers (AACRAO) devoted considerable time and energy to the review of the R & M survey and made recommendations that are accommodated in the proposed survey instrument.

Similar attention was given to comments afforded in late 1980 by regional meetings of AACRAO in New England, Middle States and Area IX.

Informal discussions were held with a number of potential users in the Federal establishment, including the Assistant Secretary's Office of Post-secondary Education and the Office of Policy Development, Assistant Secretary for Planning, Budget and Evaluation, Department of Education. The National Science Foundation, the National Institutes of Health and the Bureau of the Census were contacted and expressed interest in using the data in conjunction with their own studies relating to their specific program missions.

(i) Estimation of respondent reporting burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and Universities | 3,190 | 1.5 |

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: The total cost to the

Federal Government for this survey is estimated at about $168,000.

(l) Detailed justification and how information once collected will be used: Residence and Migration of College Students (R & M) has been an irregularly scheduled survey included in the Higher Education General Information Survey (HEGIS). It was last conducted for the Fall of 1979. In addition to availability of the on-line EDSTAT system, special tabulations have been prepared and distributed to all State Commissions of Higher Education, the CEIS Network and a large number of national and regional associations of higher education, institutional representatives and individual researchers. Their topics of interest ranged from comparison of student movement among the States to detailed examination of economic impact on States receiving a large net migration versus those States losing a significant portion of their college age student population. When State representatives were surveyed concerning those surveys of greatest value to them, R & M was listed as a high priority item. Because of the complexity of the survey and, they felt, need for revision of the questionnaire, the National Center for Education Statistics (NCES), in cooperation with the American Association of Collegiate Registrars and Admissions Officers (AACRAO), established a task force to examine the need for a new survey and practical means of collecting the data if the question of need was answered in the affirmative.

Data will be of continued use to the Census Bureau in conjunction with 1980 decennial census, the National Science Foundation intends to examine the migration of graduate student enrollment at the institutional level. The Department of Education's Office of Postsecondary Education is concerned with analyzing data on both graduate versus undergraduate mobility by control and type of institution for policy and program planning in conjunction with program assessment and development of institutions support programs.

R & M survey will assist in providing useable answers to needs at the State and institutional level as well as the serious questions of policy planning and analysis which must be performed in the face of the impending decline of college age population.

(m) Methods of analysis: Data are arrayed in table format by U.S. total, State total, and institutional listing cross tabulated by State of residency and level of enrollment and sex of student. A limited number of charts and graphs are prepared showing residence and migration data by selected categories.

(n) Legislative authority specifically requiring or allowing the data collection: These data are necessary for NCES to meet its requirement to provide "full and complete statistics on the condition of education in the United States." (Section 406, Public Law 93–380).

(o) Timetable for dissemination of collected data:

| | |
|---|---|
| Survey closeout | November 1981. |
| Tape available | May 1982. |
| Publication from GPO | July 1982. |

(p) Estimate of the total person-hours and costs required to complete the request:

—$100.00 per institution X 3,190 institutions = $319,000.00.

—Person-hours: 1.5 hours per institution X 3,190 institutions = 4,785 hours.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies of the survey instrument may be obtained from the Project Officer, Dr. Andrew Pepin, National Center for Education Statistics, (Presidential Building, Room 205), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communication with respondent populations: HEGIS has been the major survey program specifically designed to collect major national data on postsecondary colleges and universities. The residence and migration survey was conducted 1963, 1968, 1975 and 1979 as part of the HEGIS survey progrm. In developing the HEGIS survey program, NCES holds an annual conference of all respondent populations to consult with and brief representatives of the institutions concerning the completion of the survey form. The conferences have provided each respondent an annual opportunity to comment on and give feedback to the utility and feasibility of the HEGIS program.

(t) Assurance that respondents will have sufficient lead time to comply with request: All institutions are notified one year in advance as to change in HEGIS surveys and definitions. In addition, NCES/SHEEO network provides for a direct communication line with institutions as to probable changes to survey forms.

(u) Specific justification for a multi-year approval: A one-year approval is requested.

**Data Activity Plan Summary**

a. Title of the proposed activity: Survey of Salaries, Tenure, and Fringe Benefits of Full-Time Instructional Faculty in Institutions of Higher Education, 1981–82.

b. Agency/bureau/office: Department of Education/Office of Educational Research and Improvement/National Center for Educational Statistics/ Division of Postsecondary and Vocational Education Statistics/ University and College Surveys and Studies Branch.

c. Agency form number: ED (NCES) 2300–3.

d. Justification: The proposed survey is one of a group of surveys of postsecondary education included in the annual Higher Education General Information Survey (HEGIS) conducted by the National Center for Education Statistics. HEGIS fulfills in part the mandate contained in the Education Amendments of 1974—Public Law 93–380, 93rd Congress, H.R. 69, August 21, 1974, Title V, Sec. 406(b). It provides data on a broad range of subjects that are not only of interest within themselves, but through interrelationships with each other give a comprehensive view of the condition of postsecondary education institutions.

Salary, tenure, and fringe benefit data are used by institutions, State agencies, professional and education associations, and Federal agencies for purposes such as comparing salaries, evaluating the mobility of faculty, and planning budgets.

The American Association of University Professors (AAUP) dispensed with its faculty compensation survey after the 1975–76 academic year and relies on the NCES to collect the data it needs to publish its annual report.

The Equal Employment Opportunity Commission (EEOC) collects salary data in very broad increments which do not render a meaningful average or median or a meaningful distribution. Mean salaries generated from the EEOC data are of little use for purposes of budgeting and contract negotiations at individual institutions. In addition, the EEOC does not collect fringe benefit data which permit the determination of faculty compensation and will not release institutional data to the public "prior to the institution of any proceeding under Title VII" (of Public Law 88–352).

e. Description of survey plan: The respondent universe will include the postsecondary institutions listed in the 1980–81 edition of the *Education Directory, Colleges and Universities* published by NCES.

The proposed 3-part survey instrument is designed to collect faculty data by academic rank, sex, and length of salary contract. It is essentially identical to that used over the last four years, so no pretest is indicated.

Information to be collected include number of faculty, number of tenured faculty, total salary outlays, distribution of faculty by salary intervals, salaries of continuing faculty and fringe benefit expenditures by type of fringe benefit plan and number of faculty covered. Data for nonresponding institutions will be estimated.

The confidentiality of individuals' salaries will be preserved in accordance with Title V, Section 501(a) of the Education Amendments of 1974 (Public Law 93–380, 93rd Congress, August 21, 1974).

f. Tabulation and publication plans: A few selected summary tabulations based on partial returns will be produced in February 1982, for a preliminary release of data on faculty salaries. A tape containing complete and final data will be produced in June 1982.

The final printed publication, to be published in September 1982, will include summary tables for each part of the survey, and comparisons with the salary data from previous surveys, by sex, academic rank, and length of contract, as well as detailed tabulations.

g. Time schedule for data collection and publication: Survey forms will be mailed to institutions in May 1981. Responses will be due by November 1981. In February 1982, a preliminary release based on partially edited responses from approximately 75 percent of the universe will be published. The data collection will be closed out in March 1982. Final edited data will be produced and available on computer tape by June 1982.

The final printed publication is expected to be available by September 1982, 6 months from the end of data collection.

h. Consultations Outside the Agency: In preparation for each Higher Education General Information Survey (HEGIS), NCES attempts to ascertain the needs of the postsecondary education institutions and associations and State and Federal agencies that utilize the information produced by the surveys. In keeping with this practice, on August 22–23, 1980, NCES staff met with representatives of approximately 40 States and several institutions at a NCES sponsored conference for postsecondary education planners, mainly HEGIS coordinators, and were briefed on the data needs and HEGIS data collection problems as perceived by the participants.

i. Estimation and Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hour |
|---|---|---|
| Colleges and universities | 3,190 | 8.0 |

The data requested in this survey are contained in payroll records. The time required to extract the data from the payroll records and transcribe them onto the survey form may vary considerably among institutions. It is estimated that the time required to complete the form will average 8.0 manhours. In institutions with less than 100 employees, it is estimated that the form could be completed in 2 hours or less.

j. Sensitive Questions: The Freedom of Information Act requires that any information gathered by the Federal Government must be made available to the public when requested. However, the Privacy Act and the Education Amendments of 1974 prohibit the release of information that pertains to individuals. The data gathered by the survey will be reported by institutions in the form of aggregates of groups of individuals who hold various faculty ranks and will not contain personal identifiers of the individuals involved. When the number of individuals holding a particular faculty rank at an institution is so small as to allow the possible inference as to the persons involved, these data items will be withheld from publications and from computer tapes which are released to the public. When two or fewer individuals appear in any data cell in the computer tape or in a tabulation, the average salary for those individuals will not be presented.

k. Estimate of Cost to Federal Government: The estimated cost of the proposed survey to the Federal Government is estimated at $200,000.

l. Detailed Justification of How Information Once Collected Will Be Used: Institutions use the salary by rank and the distribution data to establish their own salary scales. State agencies rely on salary, tenure, and fringe benefit data to determine budgets for their State-supported institutions. Data are reviewed by professional and education associations and by Federal agencies to evaluate the extent to which a salary differential between men and women faculty exists and to monitor the progress of individual institutions, and the profession as a whole, to eliminate this differential. Tenure data are used by the above organizations to evaluate mobility of faculty. Salary and fringe benefit data are used by the Bureau of Labor Statistics to project salary levels for faculty and the National Institute of Education to calculate the Higher Education Price Index.

m. Methods of Analysis: All tabulations will show United States aggregation. Analysis will be performed to obtain descriptions of the variables important to the survey process. For identified variables, standard techniques means, differences, frequency distributions.

n. Legislative Authority Specifically Requiring or Allowing the Data Collection: See item (d) above.

o. Timetable for Dissemination of Collected Data: See item (g) above.

p. Estimated Total Person-hours and Costs Required To Complete the Request:

| | |
|---|---|
| Total person-hours | 25,520 |
| For 3,190 institutions: 8.0 hours required to complete the request. | |
| Total cost | $300,415 |
| For 3,190 institutions: | |
| 5.5 hours of professional time @ $12.00 per hour | $210,540 |
| 2.5 hours of clerical time @ $5.00 per hour | $39,875 |
| For 2,000 institutions: | |
| $25.00 computer time | $50,000 |

q. Evidence of Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

r. Copy of the Exact Survey Instrument: Copies of the survey instrument may be obtained from Carolyn R. Smith, Survey Director, National Center for Education Statistics (905 Presidential Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

s. Brief Account of Early Involvement and Communications With Respondent Populations: In planning the 16th HEGIS survey, UCSSB personnel met with HEGIS coordinators and representatives from institutions in the survey universe at an NCES sponsored conference in an attempt to obtain information that would be helpful in determining what changes could be made that would improve the survey or reduce the problems and/or burdens of the respondents.

Prior to the mailout of the HEGIS package, the HEGIS State coordinators and the chief executive officers of the institutions in the survey universe will be notified by letter of the schedules for the component surveys and of the differences between the previous and current surveys.

t. Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The items package will

be mailed out in May 1981. The due date is November 15, 1981. Because incomplete contract negotiations may make it impossible for some institutions to respond by the survey due date, an additional 4 months will be allowed for such delayed responses.

u. Specific Justification for a Multi-year Approval: The survey instrument has been used successfully in the past. Respondents to the survey have indicated their choice of the format and Federal agencies that use the data have expressed agreement with the content of the survey; therefore, there are no plans to change the survey instrument.

**Data Activity Plan Summary**

(a) Title of proposed activity: National Assessment of Educational Progress Writing Field-Tests October 1981–September 1982.

(b) Name of the sponsoring agency/bureau/office: Department of Education, National Institute of Education, Teaching and Learning Program, Testing, Assessment and Evaluation Program.

(c) Agency form number: ED (NIE) 2371–TA 9, 10, 11, 12, 13, 14; ED (NIE) 2371–TB 9, 10, 11, 12, 13, 14; ED (NIE) 2371–TI 4, 5, 6, 7, 8, 9.

(d) Justification: Legislative authority is given to the National Institute of Education in Pub. L. 92–318, as amended; 20 U.S.C. 1221e to conduct research in education-related areas.

This study responds to the need to describe the national educational attainment of individuals at the ages of 9, 13, 17 and 26–35. In October 1978 Congress mandated the collection of national educational survey data through a national assessment program in the Education Amendments of 1978, 20 U.S.C. 2701, Section 1242. National Assessment will be conducting field-tests in order to develop the most effective materials for a future national writing assessment. The field-test information will be used only for the internal development of the future writing assessment instrument. No reports will be generated for external dissemination.

(e) Description of survey plan: The field-tests will be conducted in various locations throughout the United States using students in grades 4, 8 and 11. An estimated 100 respondents will be selected for each item field-tested. State school superintendents, school principals and building coordinators will be contacted to request their participation in these voluntary field-tests.

The schools will be selected to represent four regions of the country and three sizes and types of communities. The respondents will come from intact classrooms of grades 4, 8 and 11.

(f) Tabulation and publication plans: There will be no pubication generated by the field-tests for public dissemination. The information collected will only be used for internal development of a future writing assessment.

(g) time schedule for data collection and publication: The field-test data collection will occur in two phases, the first being October 1–November 30, 1981 and the second phase from March 1–May 20, 1982.

(h) Consultations outside the agency: The development and/or review of items will involve approximately 200 educators, measurement specialists and the lay public. All attitudinal and background questions and instructional program questions will be reviewed by FEDAC and CEIS.

(i) Estimate of respondent reporting burden: The individual student respondent burden will be approximately 45 minutes. This represents the upper limits of the respondent burden time. There may be an instructional program questionnaire which a school official will be asked to answer. Respondent burden for a school official is estimated to be 45 minutes which is the upper limit on the respondent burden.

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Students, public elementary and secondary schools | 6,000 | .75 |
| Principals (schools) or their designate | 80 | .75 |

(j) Sensitive questions: Not applicable. No items of a sensitive nature will be field-tested.

(k) Estimate of cost to Federal Government: The estimated cost to the Federal Government for both the Fall 1981 field-tests and the Spring 1982 field-tests is $125,000 to $150,000. This includes the costs for printing field-test booklets, mailings, data collection, computer and analyses. The costs do not reflect the costs for development or review of the items. The overhead expense included in the figures above is at a 24.8% rate.

(l) Detailed justification of how information once collected will be used: Research—The data from these field-tests will be used to make decisions on the inclusion of the same or revised items and/or questions in the writing assessment currently scheduled for 1983–84. Decisions for inclusion will include looking at item clarity, vocabulary difficulty and the timing of the item. In addition, items will be reviewed for regional, sex and ethnic bias and for achievement on the item.

(m) Methods of analyses: All multiple choice items will have percentages (p-values) computed and correlation statistics generated by a "LERTAP" computer program. This information will be used in the reviews described in "l". All open-ended responses will be reviewed by educators familiar with scoring writing responses.

(n) Legislative authority specifically requiring or allowing the data collection: Public Law 95–561, Education Amendments of 1978, 20 U.S.C. 2701, Sec. 1242 describes the Congressional mandate for the National Assessment of Educational Progress. Specifically, the legislation states the following:

* * * "(k)(l) In addition to other responsibilities of the Institute under this section, the Institute shall carry out * * * a National Assessment of Educational Progress which shall have as a primary purpose the assessment of the performance of children and young adults in the basic skills of reading, mathematics, and communication. Such a National Assessment shall—

"(A) collect and report at least once every five years data assessing the performance of students at various age or grade levels in each of the areas of reading, writing, and mathematics;

"(B) report periodically data on changes in knowledge and skills of such students over a period of time;

"(2)(C) * * * (5) Participation in the National Assessment by State and local educational agencies selected as part of a sample of such agencies shall be voluntary * * *

(o) Timetable for dissemination of collected data: Not applicable—No data will be disseminated to the public.

(p) Estimate of the total person-hours and costs required to complete the request: The response burden for students will be 4,500 hours; the response burden for school officials will be 60 hours; the total response burden will therefore be 4,560 hours.

Respondent burden costs will be $12.00/45 minutes x 80 respondents, which is a total cost of $960.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be obtained from Tongsoo Song, National Institute of Education, Room 822A, 1200 19th Street, N.W., Washington, D.C. 20208.

Dates of availability are September 30, 1981 and February 28, 1982. All items

are secure since they may be used in an upcoming assessment. All school officials participating in the field-test will be able to view the assessment instrument upon request before data collection commences.

(s) Brief account of early involvement and communications with respondent populations: School principals were sent a letter in the Fall of 1980 requesting their voluntary participation in the field-test activities. Superintendents will be notified of those schools wishing to participate.

(t) Assurance that respondents will have sufficient lead time to comply with request: Each data collection phase will occur during a two-month period as indicated in section (g). The actual dates of data collection will be determined in discussion with the school representative for each site. The letter of voluntary recruitment occurred during the fall of 1980, a follow-up phone call will occur in August 1981 for phase 1 of data collection and in February 1982 for phase 2. A final letter of specific data collection dates will occur approximately one month preceding data collection.

(u) Specific justification for a multi-year approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the proposed activity: National Assessment of Educational Progress Citizenship/Social Studies, Mathematics and Science Assessments—September, 1981–August, 1982.

(b) Name of the sponsoring agency/bureau/office: Education Department, National Institute of Education, Teaching and Learning Division, Testing, Assessment and Evaluation Program (Citizenship/Social Studies) and National Science Foundation, Science Education Directorate, Research in Science Education (Science).

(c) Agency form number: ED (NIE) 2371–13SSR; 2371–13SLF; 2371–13PQ; 2371–13SOQ; ED (NIE) 2371–13QC; 2371–13TEQ; 2371–13BQ; 2371–13A; 2371–13I; ED (NIE) 2371–ISQO; 2371–BQO; 2371–13DLO; 2371–13ELO; ED (NIE) 2371–13VO; 2371–AO.

(d) Justification: Legislative authority is given to National Institute of Education to do research in education in P.L. 92–318, as amended; 20 U.S.C. 1221e. Congress also mandated in the Educational Amendments of 1978, 20 U.S.C., 2701, Section 1242, the collection of national educational survey data through a national assessment program.

This study responds to the need to describe the national educational attainment of individuals ages 9, 13 and 17 in the learning areas of citizenship/social studies, mathematics and science. The assessment will be conducted during the 1981–82 school year and gather information on student knowledge, skills and attitudes of these four learning areas as well as some student background information. In addition, instructional program information will be collected from school officials. The school and student information collected during the national survey will be analyzed and reported to the public and Congress.

(e) Description of the survey plan: The respondents will represent public and private school students ages 9, 13 and 17 as well as out-of-school 17-year-olds. In addition, a school official in each school where the assessment occurs will be asked to respond to questions about the instructional program.

National Assessment will use a multi-stage national probability sample design, stratifying by population, size and geographic region. Within regions, sample schools are drawn with probability proportional to estimated population sizes and random samples of students are drawn from these schools for administration of assessment booklets and background questionnaires.

The out-of-school sample will be half of the participating in-school sample. The in-school sample schools will provide National Assessment with a list of discontinuers and early graduates from which the out-of-school respondent sample will be drawn.

Assessment booklets will be group administered. Twenty-eight mathematics assessment booklets will be administered. Fourteen of these will be given to a sample of 2,000 and the other fourteen will be given to a sample of 1,200. Fourteen citizenship/social studies assessment booklets will be administered to a sample of 1,200. Nine science assessment booklets will be administered to a sample of 2,000.

Every effort will be made to limit the number of non-responses of participation by schools. Should non-responses occur they will be replaced by schools with similar size and type of communities in the same primary sampling unit whenever possible. Non-response of eligible students will be compensated by drawing a slightly larger sample size. Sampling weights will be adjusted to compensate for student or school non-response.

(f) Tabulation and publication plans: Reports will be generated for citizenship/social studies, mathematics and science which describe changes in student achievement since the last assessment of these areas. There will be additional reports which describe educational achievement of specific objectives, content areas, topics, attitudes and background information. These reports will begin being released one to one and one-half years after the completion of data collection. The reports will not identify performance of individual respondents, schools or school districts.

(g) Time schedule for data collection and publication: Data collection will begin September 21, 1981 and continue until August 1, 1982. The reporting phase will begin June, 1983 and continue through 1984 for citizenship/social studies and mathematics data. The reporting for science data will begin in Fall, 1982 and continue in 1983. The reports will be written for public dissemination and articles will be written for professional journals.

(h) Consultations outside the agency: All items and questions contained in the assessment were reviewed by about 500 subject matter specialists, educators, lay public, measurement specialists and learning area advisory committees comprised of the previously described role groups. The advisory groups consist of 16 members for citizenship/social studies; nine members for mathematics; and five members for science. The committees were involved in the development and review of assessment instruments and in the discussions of the reporting capability of the information.

(i) Estimation of respondent reporting burden: The individual student respondent burden will be approximately 45 minutes. This represents the upper limits of the respondent burden time. There will be instructional program questionnaires which a school official will be asked to answer. Respondent burden for a school official is estimated to be 45 minutes which is the upper limit on the respondent burden

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Student public elementary and secondary students | 61,100 | .75 |
| Student private elementary and secondary students | 7,900 | .75 |
| Principals (schools) or their designate | 1,500 | .50 |
| Out-of-School Respondents | 1,350 | 3 |
| Counselors, Secretaries Schools | 1,200 | 1 |

(j) Sensitive Questions: Not applicable—No sensitive items will be assessed.

(k) Estimate of Cost to Federal Government: Fiscal year 1981 funding for National Assessment of Education Progress is $3.88 million. However, because the activities involved in

developing the assessment, collecting the data, analyzing the data and reporting the data span a three-year period, it is estimated that the total cost for the assessment including reporting, dissemination and technical assistance is approximately $6 million.

(l) Detailed Justification of How Information Once Collected Will Be Used: General purpose: The information collected will be disseminated in public reports, as well as in articles to professional journals. In addition, the data for each learning area will be available in public use data tapes. Descriptions of student performance on each item will be useful to groups such as: classroom teachers, school administrators, curriculum specialists, national educational organizations, researchers and lay public. In addition, the overall results in changes of groups performance over time will be of use to federal agency staff and congressional representatives in making educational policy decisions.

(m) Methods of Analysis: Descriptive data will be analyzed at the national and regional levels. There will be no state, school district or respondent level data reported. In addition, there will be performance analyses of specific groups such as: sex, race, size and type of community, and parental background.

(n) Legislative Authority Specifically Requiring or Allowing the Data: Public Law 95–561, Educational Amendments of 1978, 20 U.S.C. 2701, Sec. 1242 describes the Congressional mandate for the National Assessment of Educational Progress. Specifically, the legislation states the following:

* * * "(k)(1) In addition to other responsibilities of the Institute under this section, the Institute shall carry out * * * a National Assessment of Educational Progress which shall have as a primary purpose of the assessment of the performance of children and young adults in the basic skills of reading, mathematics, and communication. Such a National Assessment shall—

"(A) collect and report at least once every five years data assessing the performance of students at various age or grade levels in each of the areas of reading, writing, and mathematics;

"(B) report periodically data on changes in knowledge and skills of such students over a period of time;

"(2)(c) * * * (5) Participation in the National Assessment by State and local educational agencies selected as part of a sample of such agencies shall; be voluntary * * *."

(o) Timetable for Dissemination of Collected Data: Data will begin being available to users beginning June, 1983 in report form. National news releases will be provided on all major publications for citizenship/social studies and mathematics to the national education media. Information will be described in the NAEP Newsletter and in NAEP Publications List brochure for all four learning areas.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The estimated response burden for public school students will be 45,825 hours. The estimated response burden for private school students will be 5,925 hours. The estimated response burden for school officials will be 750 hours. The estimated response burden for out-of-school respondents will be 4,050 hours. The estimated response burden for counselors/secretaries will be 1,200 hours. The total response burden is estimated to be 57,750 hours. Estimated respondent burden cost will be $25,200.

(q) Evidence of Any Urgent or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instument: Copies may ber obtained from Tongsoo Song, National Institute of Education, Room 822A, 1200 19th Street, N.W., Washington, D.C. 20208. Dates of availability of the instruments will be September, 1981 for 13-year-old assessment booklets; December, 1981 for 9-year-old assessment booklets; March, 1982 for 17-year-old in-school assessment booklets; and June, 1982 for 17-year-old out-of-school assessment booklets. All items are secure since they are being used in the assessment. However, school officials participating in the assessment will be able to view the assessment instruments upon request before data collection commences.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The development and review of the instruments involved about 500 teachers, administrators, curriculum specialists, students, lay public, measurement specialists, an attorney and representative of national organizations related to the respective learning areas. Before data collection begins, each state superintendent, district superintendent and school principal participating in the assessment will have received correspondence from National Assessment explaining the scope and procedures of the assessment. All items will have been reviewed by a CEIS representative.

(t) Assurance That Respondents Will Have Sufficient Lead time to Comply With Request: The data collection will occur for each age in three months phases. The data collection will begin September, 1981 and continue until August 1, 1982.

State superintendents will be notified by letter in August, 1981 of the school districts selected for the assessment. Local superintendents and principals of participating schools will be notified by letter in July, 1981. On-site meetings will be held with each school principal in August and September of 1981 to determine the actual administration dates for the respective school.

(u) Specific Justification For a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Higher Education Panel Surveys.

(b) Name of the Sponsoring Agency/Bureau/Office: The contracting agency is the National Science Foundation, Division of Science Resources Studies, Supply and Education Analysis Group. The survey is jointly sponsored by the National Science Foundation, Department of Education, and the National Endowment for the Humanities.

(c) Agency Form Number: NSF E0011.

(d) Justification: The National Science Foundation Act of 1950, as amended (Pub. L. 81–507, 42 U.S.C. 1862) in Section 3(a)(6), directs the Foundation "* * * to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for the collection interpretation, and analysis of data on the technical resources of the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government * * *." These surveys are part of the Foundation's response to its responsibilities under the Act as well as under Section 2 of Executive Order 10521 which charges the Foundation to "make comprehensive studies and recommendations regarding the Nation's scientific scientific research effort and its resources for scientific activities, including facilities and scientific personnel, and its foreseeable needs, with particular attention to the extent of the Federal Government's activities and the resulting effects upon trained scientific personnel." Recent Higher Educaton Panel surveys have provided baseline data and/or trend analyses about a variety of policy issues. These include assessments of sharing practices and expenditures for scientific equipment at colleges and universities; trends in the composition and research activity of young doctoral faculty in selected science and engineering fields; problems of recruitment and retention of engineering faculty; scientific and technical cooperation wtih developing

countries; and changes in the supply of elementary and secondary school teachers. The resultant data have been necessary for policy-making by the sponsoring agencies, educational associations and the institutions of higher education which respond to the survey inquiries.

(e) Description of Survey Plan: Approximately six times per year, survey instruments are mailed to campus representatives at 760 Panel member institutions or a subsample thereof. The representatives forward the instruments to the most appropriate respondents, who are then responsible for completing and returning the forms to the Higher Education Panel staff for processing.

(f) Tabulation and Publication Plans: Survey findings are weighted to produce national estimates. In addition to basic tabulations, special analyses using merged data from other sources and previous surveys are produced, as requested by the sponsoring agencies. A final report of the results of each survey is published. There are procedures to allow outside researchers access to the data collected by the survey while protecting the confidentiality of individual survey participants.

(g) Time Schedule for Data Collection and publication: Each of the three sponsoring agencies (National Science Foundation, Department of Education, and National Endowment for the Humanities) develops each year two survey topics relevant to current policy issues. Short survey instruments focused on a single issue are sent to Panel representatives at the cooperating colleages and universities approximately evey 8 weeks. The schedule normally calls for analysis and publication of each survey's results within four to six months of its inception.

(h) Consultations Outside the Agency: Primary consultations are with the Higher Education Panel's Advisory Committee, made up of chief officers of the American Council on Education and four other major national education associations including, Council of Graduate Schools in the United States, Association of American Universities National Association of College and University Business Officers, and American Association of Community and Junior Colleges. Their function is to advise on the appropriateness of the survey topic with emphasis on reasonableness of the response burden upon cooperating institutions and the avoidance of duplication of information gathering. In the pretest of each survey, technical experts and potential respondents are contacted to assure the quality and reasonableness of the survey content.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Average respondents per survey | Estimate of average person-hours per survey |
|---|---|---|
| Colleges and universities | 400 | 1.5 |

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: For 12 months, total estimated costs, including salaries of National Science Foundation staff and the contract with the American Council on Education are $300,000.

(l) Detailed justification of how information once collected will be used: Since Panel surveys are responsive to a wide variety of current policy issues, the specific uses of the resultant data also differ. Recent individual surveys have served program management needs, research objectives, and general purpose uses:

*Program Management:* Management decisions have been aided by several recent Panel surveys: (1) NSF's International Travel Grant Program obtained a background assessment of the participation rates, costs and benefits of faculty travel to international scientific meetings; (2) NSF's Division of Grants and Contracts requested information on the extent of and techniques for institutional sharing of scientific equipment; (3) ED's Division of Program Planning and Development reviewed HEP survey results on refund policies and practices at colleges and universities and determined that institutional self-regulation was working well in the absence of Federal regulations; (4) a survey sponsored by the National Endowment for the Humanities provides information about faculty gender, minority status, tenure status, and rank. The survey findings will aid in the improved allocation of resources from the Endowment's fellowship programs, as well as in the assessment of the status of women and minorities.

*Research:* A recent HEP survey for ED was part of a larger project designed to develop useful indicators of financial status among the nation's colleges now experiencing enrollment declines and inflationary pressures.

*General Purpose:* Some recent HEP surveys have served multiple uses. For example, ED sponsored a detailed inventory of newly qualified elementary and secondary school teachers by field. These data aided in the manpower planning of several groups, including Federal agencies which support teacher education, as well as institutions with extensive programs of teacher education.

(m) Methods of analysis: Data are collected from a national stratified sample of colleges and universities and are statistically adjusted to represent all higher education institutions by type and control of institution, and trend analyses. When appropriate, standard errors of estimation are produced for key data items.

(n) Legislative authority specifically requiring or allowing the data collection: See (d) above.

(o) Timetable for dissemination of collected data: See (g) above. Requests for tabulations or data tapes are processed after publication of the respective survey reports.

(p) Estimate of the total person-hours and costs required to complete the request:

For each survey: 600 person-hours; $9,700 (imputed salaries and overhead).

For six surveys: 3,600 person-hours; $58,200.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be obtained from: Mr. Larry Lacy, National Science Foundation, Division of Sciences Resources Studies, Supply and Education Analysis Group, 1800 G Street, N.W., Washington, D.C. 20550.

(s) Brief account of early involvement and communications with respondent populations: The American Council on Education has operated the Higher Education Panel since 1971, and many of the Panel institutions are constituent members of the Council. The president of each institution agreeing to participate has appointed a representative to the Panel responsible for assuring completion of the surveys. Selected representatives are also contacted in a field test of each questionnaire to determine whether the response burden is reasonable and the data are available.

(t) Assurance that respondents will have sufficient lead time to comply with request: Through prearrangement with the presidents of Panel institutions, the Panel gathers in a short period of time

limited information on particular issues. Surveys are limited to those topics for which data are readily available, thus eliminating the need for long lead times. The continuing cooperation of Panel respondents is evidenced by the fact that the Panel survey system has been in operation for ten years and obtains consistently high response rates, averaging about 85 percent.

(u) Specific justification for a multi-year approval: Although each survey topic generally different, the level of respondent effort remains minimal. There are no planned changes in basic procedure which has been used successfully in the past.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Survey of Earned Doctorates Awarded in the United States.

(b) Name of the Sponsoring Agency/Bureau/Office: The contracting agency is the National Science Foundation, Division of Science Resources Studies, Supply and Education Analysis Group. The survey is jointly sponsored by the National Science Resources Studies, Supply and Education Analysis Group. The survey is jointly sponsored by the National Science Foundation, Department of Education, the National Endowment for the Humanities, and National Institutes of Health.

(c) Agency Form Number: NSF 558.

(d) Justification: The National Science Foundation Act of 1950 as amended in Pub. L. 507 (42 U.S.C. 1862) Section 3(a)(6) directs the Foundation "* * * to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for collection, interpretation, and analysis of data on the technical resources of the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government * * *." Executive Order 10521 (March 17, 1954) states that the NSF "* * * shall continue to make comprehensive studies and recommendations regarding the Nation's scientific research effort and its resources for scientific activities, including facilities and scientific personnel." This survey is part of the Foundation's response to meeting its responsibilities under the Act and the Executive Order. The survey has been conducted each year since 1957, and the resultant data are widely used for research and policy-making by the sponsoring agencies, educational institutions, professional societies, private foundations, and industry.

(e) Description of the Survey Plan: Each year, survey forms are delivered to the graduate deans of U.S. doctorate-granting institutions. The deans distribute the questionnaires to each doctoral candidate who then fills out the form when all requirements for the doctorate are completed. The forms are returned to the graduate deans and are sent to the NRC for processing.

(f) Tabulation and Publication Plans: Cross tabulations and trend analyses will be produced from the survey results. A uniform set of tabulations are prepared annually for the sponsoring agencies. Within the provision of the Privacy Act of 1974, special tabulations from the Doctorate Records File data base are produced at the request of external researchers. A *Summary Report, Doctorate Recipients from United States Universities* is prepared from the results of each survey. Periodically there are comprehensive reports based on the DRF—the most recent, *A Century of Doctorates*, was published in 1978.

(g) Time Schedule for Data Collection and Publication: The forms will be distributed for the July 1, 1981–June 30, 1982 graduates. Publication of the *Survey Report* will take place in the spring of 1983.

(h) Consultations Outside the Agency: The Doctorate Survey is one of the projects under the cognizance of the Commission on Human Resources of the National Research Council. The Commission reviews the questionnaire and survey plan and provides advice to project staff. This data collection activity is conducted with the cooperation of the Council of Graduate Schools in the United States, which has previously reviewed the content of the questionnaire.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| All new Ph.D.'s | 31,000 | .33 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: Total estimated costs, including salaries of National Science Foundation staff and contract with the National Research Council, are $375,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The results of each year's survey are added to the Doctorate Records File, a virtually complete listing of over 630,000 doctorate recipients from 1920 to the present. The File is a unique source of information on earned doctorates and is used in a variety of policy studies, human resource plans, and research projects. In the past 12 months, over one hundred requests have been made for special tabulations from the Doctorate Records File. The National Science Foundation used data from the File in its response to President Carter's request for an evaluation of Federal policies for science and engineering education. New York State has used the data in its review of doctoral programs at public universities. A number of colleges and universities have referred to the Doctorate Records File in making comparisons of their educational programs with those of other universities. Because of the very high (96%) response rate to the survey and the timely reporting of survey results, data on racial/ethnic group are widely used by universities, professional societies, private research organizations, industry and government for affirmative action purposes.

(m) Methods of Analysis: These will consist of cross tabulations and trend analysis.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "* * * to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for the collection, interpretation, and analysis of data on the technical resources of the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government * * *." (The National Science Foundation Act of 1950 as amended in Pub. L. 507, 42 U.S.C. 1862)

(o) Timetable for Dissemination of Collected Data: See (g) above. Requests for special tabulations from the Doctorate Records File will be processed following publication of the *Summary Report*.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: 10,300 person-hours; no dollar costs to respondents.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the exact instrument may be obtained from: Dr. Charles H. Dickens,

Senior Study Director, Supply and Education Analysis Group, Division of Science Resources Studies, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: Although the Survey of Earned Doctorates is the first contact with the individual doctorate recipient, the project has been associated with the graduate deans of doctorate-granting institutions since the beginning of the survey in 1957.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Through the cooperation of the graduate deans, the survey instruments are provided to the individual doctorate recipients well in advance of the date of graduation.

(u) Specific Justification for a Multi-Year Approval: The basic format of the questionnaire has been established over the past two decades. Data in the Doctorate Records File is uniquely suited to trend analysis because of the efforts made to maintain consistent questions over time. Accordingly, no significant changes in the questionnaire items are anticipated during the requested two-year period.

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## Notice of Data Acquisition Activities Involving Educational Agencies and Institutions and Requests for Comments

**AGENCY:** Department of Education.

**ACTION:** Notice of Data Acquisition Activities Involving Educational Agencies and Institutions and Request for Comments.

**SUMMARY:** The paperwork control requirements in Section 400A of the General Education Provisions Act, added by P.L. 95-561, require public announcement of and solicitation of comments on certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981-82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary in accordance with procedures approved by the Federal Education Data Acquisition Council (FEDAC).

**DATES:** Comments must be received on or before March 23, 1981.

**ADDRESS:** Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wallace R. McPherson, Division of Education Data Control, (Room 4522 Switzer), 400 Maryland Avenue, S.W., Washington, D.C. 20202 Telephone: (202) 472-3554. The contact persons listed under item (r) in each individual summary are the ones to whom questions concerning a data acquisition activity and request for copy of the exact data instrument should be directed.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated this authority to the Assistant Secretary for Management.

Interim FEDAC review procedures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately proceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

These data acquisition activities are prepared by program offices throughout the Department and reflect their judgments of the data needs of the individual programs.

The Secretary, however, will institute a study of these proposals with a view toward reducing paperwork burdens. The proposed data collection activities published in this issue and those published in the **Federal Register** on February 13, 1981 will be included in the study.

Public comments on these notices will be considered as part of the study.

Data activity plan summaries of proposed data acquisition activities for School Year 1981-82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite listing of known data acquisition activities planned for School Year 1981-82 will be published by February 15, 1981.

Dated: February 13, 1981.

**T. H. Bell,**

*Secretary of Education.*

### Data Activity Plan Summary

(a) Title of the Proposed Activity: Compliance Review System for P.L. 94-142, The Education of All Handicapped Children Act.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Special Education/Division of Assistance to States.

(c) Agency Form Number: ED 9066

(d) Justification: The Division of Assistance to States, Office of Special Education, is responsible for monitoring the compliance of State Education Agencies with the Education of the Handicapped Act, Part B, as amended by P.L. 94-142. The conduct of on-site compliance reviews determines whether State Education Agencies are implementing the procedures described in each State's State Plan.

(e) Description of Survey Plan: Each State receives a compliance visit at least once in a two-year cycle. Within each State, Special Purpose Facilities and LEAs are selected to be visited, based on input from parent, professional and advocate information and on the analysis of extant data.

(f) Tabulation and Publication Plans: Information compiled from this on-site activity will not be aggregated or published but will be utilized in the development of a letter of findings to individual Chief State School Officers relative to non-compliance of their States and territories with Federal statutes and regulations.

(g) Time Schedule for Data Collection and Publication: The process is

continuous. Visitations to States comprise three to five days each. States are scheduled throughout the year and each State receives at least one review every other year. Findings of the visit are communicatead within sixty (60) days of the on-site visit.

(h) Consultations Outside the Agency: Contact with the Office for Civil Rights regarding the potential for collecting information already available was made and all duplicative questions eliminated. The Committee on Evaluation Information Systems (CEIS) of the Council of Chief State School Officers has been alerted to the technical revisions being made in the documents they have previously reviewed. The response burden on public agencies is being dramatically reduced in the proposed revisons so that CEIS endorsement can be anticipated. They will be consulted within the next few weeks as cleaner draft copies of the proposed guides are made available.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average Person-hours |
|---|---|---|
| SEA | 30 | 4 |
| LEA | 150 | 20 |
| Special education facilities | 120 | 16 |

(j) Sensitive Questions: The items all deal with required Federal procedures. None would be classified as sensitive.

(k) Estimate of Cost to Federal Government: About $12,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information recorded during the on-site visits will be used to verify that policies and procedures described in the SEA Annual Program Plan are in place and that observed practices are in compliance with Federal requirements. Such information will be used to write letters of findings which describe the areas in which a State is out of compliance with Federal requirements. For areas in which a State is out of compliance, States are requested to submit volumtary compliance plans which describe activities, resources and timelines by which the non-compliance will be estimatead. If an SEA is not responsive to this request, procedures are available for withholding and terminating funds, or for initiating cease and desist orders. Thus this Compliance Review process serves as the principal way of ensuring compliance with Federal statutes and for determining eligibility for continued funding.

(m) Methods of Analysis: Each of the requirements for P.L. 94–142 has specific compliance criteria associated with it. Reviews seek evidence confirming that all compliance criteria are being met, that policies are in place, and procedures are being implemented. Through interviews, documents reviews, and on-site observations, OSE staff determines the compliance status of multiple sites within each State. From this information a letter of findings is written which cites the areas in which the SEA has been found to be in non-compliance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Whenever the Secretary * * * finds—1) that there has been failure to comply substantially with any provision of Section 612 or Section 613, or, 2) that in the administration of the State Plan there is a failure to comply with any provision of this part or with any requirements set forth in the application of a local education agency or intermediate education unit approved by the State Plan, the Secretary * * * shall * * * withhold further payments." (P.L. 94–142, Part B, Section 616 (a), 20 U.S.C. 1401–1402; 35 CFR 121 (a).

(o) Timetable for the Dissemination of the Collected Data: As indicated above, a letter of findings is written for each State visited. This letter is sent to the CSSO within sixty (60) days after the site visit.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: A total of approximately 1200 person hours will be required for education agency staff in the 30 States to be visited in each year. The total respondent cost per State should not exceed $15,000 per year for all 30 States.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Visitations can be relied on to obtain such evidence.

(r) Copy of the Exact Data Instrument: Copies of any instruments utilized in this process may be obtained from: Dr. Lou Danielson, Compliance and Enforcement Branch, Office of Special Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Because this process applies to SEAs, LEAs, and special purpose facilities, substantial consultation with appropriate officials has occured. They also have had more than 4 years experience with the process. Individuals with experience at all levels of educational policy-making have been consulted. When the process was first initiated several workshops were held at the national level to assure understanding of the Federal procedures and objectives. SEAs have tended to model their own monitoring procedures after those used by OSE. The CEIS group of the Chief State School Officers has been and will continue to be involved.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: To minimize the response burden and time, copies of any instruments utilized in the process will be mailed prior to monitoring visiting.

(u) Specific Justification for Multi-Year Approval: The proposed process is likely to be used without substantial change during the foreseeable future.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: The Pell Brant (formerly Basic Grant) Quality Control Project—Stage III.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Postsecondary Education/Office of Student Financial Assistance/Division of Quality Assurance.

(c) Agency Form Number: ED–628–3.

(d) Justification: The Pell Grant Program (formerly Basic Grant) has experienced an initial period of rapid expansion. Over the last five years, the number of recipients has increased tenfold, while the total funds disbursed has increased by a factor of forty. As in other Federal Aid Programs, this growth has been accompanied by numerous problems associated with the accuracy and consistency of program data and the program administration processes. Now that the system for aiding students has been securely established, the Department of Education (ED) officials are focusing increased attention on methods to measure and improve program performance, particularly the quality of data used in student eligibility and award determinations, the various associated data handling processes, and overall program administration.

It is expected that the results of this study will be used to support the development of an ongoing, comprehensive quality control system.

Although ED and other organizations have made considerable progress in identifying and analyzing error and abuse in the Pell Grant program, the Pell Grant Quality Control Study may be viewed as the culmination of these preliminary efforts, which so far have been less comprehensive in their attempts to address the problem of error and abuse in the Pell Grant program. Taking into consideration the numerous recommendations and actions which resulted from prior studies, the current study will take a fresh look at the problem of error and abuse patterns in

the Pell Grant program, thus building upon previous knowledge to develop practical, effective solutions for improving data quality.

(e) Description of Survey Plan: The OSFA has a contract to conduct a three year quality control project for the Pell Grant program. Three surveys will be conducted to obtain three distinct sets of data for analysis.

The first set will consist of a nationally representative sample of approximately 400 institutions (public, private and proprietary). The financial aid officers at each institution will be interviewed and asked to describe the institution's Pell Grant processing procedures. In addition, an average of approximately 14 student records will be selected at each institution. These records will be examined and the student financial aid awards recomputed.

The second data set will consist of students. The same students who are randomly selected at the institutions, or approximately 4,000 students nationwide, will be interviewed.

The third data set will consist of parents. The parents and students randomly selected at the institutions, or the parents of approximately 4,000 students, will be interviewed. Parents of both dependent and independent students will be included.

| Source of information | Number sampled | Form | Response burden in minutes |
|---|---|---|---|
| Institutions | 400 | FAA interview guide. | 60 |
| Contractor | 5,600 | Student record abstract. | 30 |
| Students | 4,000 | Student interview guide. | 60 |
| Parents | 4,000 | Parent interview guide. | 60 |

(f) Tabulation and publication plans: The data collected will be tabulated to provide program-wide and sub-population discrepancy rates for the various steps in the Pell Grant delivery process. Additionally, recipient and sub-population rates of error for each line item of the Pell Grant application used in determining eligibility will be tabulated.

(g) Time Schedule for Data Collection and Publication: Data collection will begin February 1982. The final report is expected to be ready in December 1982.

(h) Consultation Outside the Agency: Office of Management and Budget (OMB)/Deputy Assistant for Planning and Evaluation, Department of Education (ED)/Assistant Secretary for Management, Department of Education/ Federal Office of Statistical Policies and Standards, Department of Commerce/ Office of Research and Statistics, Social Security Administration (SSA)/ Contracts Procurement Management Division, Department of Education.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Institutions | 400 | 1 |
| Students | 4,000 | 1 |
| Parents | 4,000 | 1 |

(j) Sensitive Questions. Respondents will read the following statement: This study is being conducted according to the regulations and provisions of the Privacy Act. The primary purpose of the study is to obtain information to improve the operation of the grant program. However, this information will become part of the existing BEOG System of Records and the findings may result in a correction of the amount of your (son's/daughter's) grant. Other possible uses are defined by law. I have signed a confidentiality statement and, except for the express purpose of this study, I have sworn not to reveal any information you give me during this interview, except as required by law.

The data collected by the survey questionnaires will be safeguarded by the contractors. After the study is completed all identification will be destroyed by the contractors.

(k) Estimate of Cost of Federal Government. Estimate: $2.7 million.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary objective of this study is to assess the accuracy of the data and procedures used in disbursing Pell Grants for the 1980–81 funding year by measuring program error rates, determining their causes, and recommending changes to reduce them. Data will be used to meet the following twelve sub-objectives.

1. Within a confidence interval of 95% determine to 15% such things as:

- Program-wide descrepancy rates by recipients found ineligible, non-recipients incorrectly denied (optional), recipient over-payment and under-payment.
- Program-wide discrepancy rates by control of institutions.
- Program-wide discrepancy rates for validated and non-validated Pell Grant recipients.
- Discrepancy rates attributable to parent's and students' errors.
- Discrepancy rates attributable to application processing and servicing errors.
- Discrepancy rates attributable to institutional errors.
- Discrepancy rates attributable to incorrect eligibility index determination.
- Discrepancy rates attributable to incorrect award computations.
- Discrepancy rates attributable to payment errors.
- Discrepancy rates attributable to processing errors.
- Discrepancy rates for each SER data element.
- The rate of incorrect filing of supplemental applications (optional).
- Reasons for eligible applicants not receiving grants (optional).

2. Determine probable causes for each of the above discrepancy rates.

3. Indentify "error-prone" sub-populations, both student and institutional.

4. Estimate errors in funding of Campus-Based Aid programs due to incorrect application data.

5. Determine the extent of processor data entry errors not corrected by applicants.

6. Estimate the extent of incorrect awards in the ADS system.

7. Determine the extent of improper disbursement of awards to students.

8. Determine the extent to which continued student eligibility is monitored.

9. Develop cost-benefit analyses for feasible corrective management activity to reduce error rates for every area in which discrepancy rates are excessive, including procedures for implementation and long-term impact analysis.

10. Determine the likely program impact of each feasible corrective management activity.

11. Provide a plan for evaluation of the impact of each feasible corrective management activity.

12. Evaluate changes in the error rates between those reported for 1978–79 and those determined in this study for 1980–81.

(m) Methods of Analysis: The results of student and parent interviews will be analyzed to determine the nature, frequency, causes, and effects of the errors on Pell Grant awards, as well as determine procedures that may be used to reduce or eliminate these errors. Data will also be used as a base line for development of an on-going quality control system for the Pell Grant program.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: (a) The applicant, and where relevant the applicant's parents or spouse will provide (if requested by

either the Commissioner or the school) information or documents, including a copy of Federal Income Tax Returns, necessary to verify the accuracy of the information provided.

(b) Failure to provide the requested documentation may make the applicant ineligible to receive a Basic Grant.

Title IV of the Higher Education Act of 1965, (20 U.S.C. 1070a(b)(2) 34 CFR Part 690.12) as amended.

(o) Timetable for Dissemination of Collected Data: Final Results will be available December 1982.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Requests: The survey will require no more than one hour of each respondent's time. It is estimated that the total respondent'a cost will be $13,000 for the student and parent survey each and approximately $4,536 for the institutional survey. Minimum wage hourly rate of $3.25 was used to calculate the cost required to complete the request for student and parents.

The median salary of $21,775 (for Financial Aid Officers) was used to calculate the cost required to complete the request for institutions. The total costs required to complete the request is estimated to be $31,836. The estimated total person-hours amount to 8,400.

(q) Evidence of Any Urgent Need or very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from David Iwmoto, Division of Quality Assurance, OSFA, 7th & D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: Students and parents were sent a letter describing the study and informing them of the necessry documentation needed. In addition, they were sent release forms so that IRS forms and other information could be sent directly to the contractor.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data Collection is expected to take place during February–June 1982. Once responses have been received from the letter of request for participation in the Project, then an agreed upon date will be established between the interviewer and the respondent for filling out the application form.

(u) Specific Justification for Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Performance and Financial Status Reports for the Strengthening Developing Institutions Program.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) Agency Form Number: ED 1049–2.

(d) Justification: The Division of Institutional Development will use the information to determine that adequate progress is being made toward achieving the goals of the grants.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plan: Not applicable.

(g) Time Schedule for Data Collection and Publication: Reports 1, 2 and 3 will be collected annually within 90 days after the end of the project year.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden.

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | 700 | 9 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $50,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Report 1—Activity Monitoring Report, tracks performance in accordance with an estimated timetable in order to insure that time schedules are being met; and provides for explanations of deviations from the time-table.

Report 2—Activity Evaluation Report, indicates performance based on quantitative and qualitative measures for assessing achievement of the activity objectives.

Report 3—Financial Status Report, monitors the rate of grantee expenditures, and identifies potential budgetary problems.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Grantee shall submit a performance report . . . (c) Performance reports shall include to the extent appropriate to the particular grant or contract, a brief presentation of the following for each function or activity involved. (1) a comparison of actual accomplishments to the goals established for the period . . . (2) reasons for slippage in those cases where established goals were not met . . . (3) Other pertinent information . . ." (34 CFR 74.82(c). Section 304(c)(1) "An application for assistance . . . shall be approved only if it . . . (c) sets forth policies and procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose . . . (e) Provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this title . . ." (20 U.S.C. 1054; P.L. 92–318)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-hours and Costs Required to Complete the Request: Total person-hours—$6,300. Total costs—$63,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained, when available, from: Dr. Richard L. Fairley, Deputy Assistant Secretary for Institutional Support, U.S. Department of Education, Office of Postsecondary Education, (Room 3054, ROB No. 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: None.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Participating institutions are notified of their reporting responsibilities when they receive their grant award notice.

(u) Specific Justification for a Multi-Year Approval: This form is expected to be used annually.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Request for Designation as a Qualified Institution under the Institutional Aid Programs.

(b) Name of the Sponsoring Agency/Bureau-Office: U.S. Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) Agency Form Number: ED 1049–6.

(d) Justification: The Division of Institutional Development will use the information requested to determine if an eligible institution of higher education meets the specific program qualifications to receive Title III funds as provided for in the legislation and regulations governing the Institutional Aid Programs.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: September, 1981, and annually thereafter.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and Universities | 750 | 2 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $40,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Part I: Institutional Data, provides information required in the law and regulations, including the following: institutional eligibility status and whether it is requesting a waiver of several legal requirements and certain financial and enrollment data.

Part II: Institutional Narrative, explains the status of other factors that may be considered in determining an institution's eligibility; and justifies any request for a waiver, if applicable.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Any institution which is eligible for assistance under this title may submit to the Secretary an application for assistance at such time, in such form, and containing such information, as may be necessary to enable the Secretary to evaluate its need for assistance. S ibject to the availability of appropriations to carry out this title, the Secretary may approve an application for a grant under this title if the application meets the requirements of subsection (b) and show that the applicant is eligible for assistance in accordance with the part of this title under which the assistance is sought." (P.L. 96-374, Section 341(a); 20 USC 1066)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: Total person-hours: 2,000.

Total costs: $20,000.

(q) Evidence of Any Urgent Need or very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained, when available, from: Dr. Richard L. Fairley, Deputy Assistant Secretary for Institutional Support, U.S. Department of Education, Office of Postsecondary Education, (Room 3054, ROB #3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Current Title III grantees were given a synopsis of new legislative requirements at technical assistance workshops in Fall 1980.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Time of Collection: Fall Respondents are given approximately six weeks to respond to the request.

(u) Specific Justification for a Multi-Year Approval: Expected to be used annually.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: State Student Financial Assistance Training Program Financial Status and Performance Report.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Postsecondary Education/Office of Student Financial Assistance/State Student Financial Assistance Training Program (SSFATP).

(c) Agency Form Number: ED 1329-1.

(d) Justification: Program regulations, 34 CFR Section 695.10 (Reporting requirements), derived from 20 U.S.C. 1088b-3, require each participating jurisdiction to submit a report at the end of each award period, containing the information determined by the Secretary to be necessary to ensure that the State is adequately performing the responsibilities for which training funds have been awarded. These include the following particular provisions:

1. The requirement in Section 695.4(b) of the program regulations that States must administer the training programs in consultation with Statewide financial aid administrator organizations.

2. The requirement in Section 695.4(c) of program regulations that State training programs must, to the extent of available funds, sequentially perform at least 1 of 5 training objectives each year.

General Reporting requirements governing SSFATP are also found in Education Department General Administrative Regulations, 34 CFR Part 76 (made applicable to SSFATP by Section 695.1(b) of program regulations), Section 76.720 (Financial and Performance Reports by a State).

The data obtained from the Performance Report will be used to determine and verify the extent to which the State has successfully implemented each of the activities and achieved each of the program goals contained in its approved SSFATP applications and thus, the extent to which the State program is in conformity with the requirements established.

The information reported by States on the Financial Status Report will be used to verify that States have not exceeded their approved levels of expenditure under program grant award notifications, to determine the amounts of unobligated program funds to be reverted to the Treasury, and to verify that States have expended SSFATP funds in conformity with approved program budgets contained in SSFATP applications, as amended. The SSFATP staff will take any necessary follow-up management action on any reporting deviations from approved program applications in order to secure full conformity on the part of the State to program regulatory requirements.

As the content of the methods involved in the State training programs change from year to year, so does the data to be reported. Thus, completion of a new report is necessary each year.

The person responsible for completing the performance part of this document must compile data as well as write some short narrative statements. The fiscal person at the State agency who usually completes the financial part must also compile data before filling in that portion. These tasks combined with the clerical ones of typing and xeroxing the report would normally take more than 30 minutes.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: 90 days after grant period ends.

(h) Consultations Outside the Agency: First drafts of the original form used to report on the 1977-78 and 1978-79 award periods were discussed with representatives of several State scholarship agencies.

Several changes were made in the FSPR for the 1979-80 award period. Prior to submitting the new form to FEDAC for clearance, we sent a copy to the SSFATP coordinator in each State requesting their comments and suggestions for improvement. States responded and most of their suggestions were incorporated into the new form. That form was used for the first time in October of 1980 and many of the coordinators have commented, both in writing and verbally, that the form is much clearer and easier to complete.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| State Scholarship Agencies | 57 | 4 |

(j) Sensitive Questions: None.

(k) Estimate of cost to Federal Government: $2,552.

(l) Detailed Justification of How Information Once Collected Will be Used: This document collects performance data that is used to monitor compliance of the State training programs with the provisions of the SSFATP regulations that require the sequential attainment of 5 objectives and the consultation with Statewide financial aid administrator organizations in the administration of the program. The additional data collected is used to monitor the effectiveness and the quality of the States' training programs in terms of number of people benefiting, the method of training provided, and the means of evaluation used. The fiscal data collected with this document indicates compliance with the State matching of resources requirement and also shows any unobligated balance of Federal funds that must be returned to ED.

(m) Methods of Analysis: Data is collected at the State level. Tabulations of descriptive data are then compiled in this office.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "At the end of each award period for which a State receives a grant under this part, the State shall provide a report containing such information as the Secretary determines necessary to ensure that the State is adequately performing its responsibilities." (34 CFR 695.10 (20 U.S.C. 1088b–3)).

(o) Timetable for Dissemination of Collected Data: Data will be available approximately 6 weeks after the data on which the reports are due. The information will be made available either in writing or by telephone upon request as well as in an annual report to be disseminated to the States.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total Person-hours: 228. Total Costs: $2,100.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia - Hopson, Director, Division of Training and Dissemination, Office of Postsecondary Education, Office of Student Financial Assistance, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The first draft of the original ED 1329–1 was discussed with representatives of several State Scholarship agencies. Later, second drafts were submitted for comment to all executive and/or program directors in the 57 eligible States and territories, and although we received some comments that were used in refinement of the document, no major disagreements or problems arose.

The revised form, used for the first time to report on the 1979–80 award period, was sent to the SSFATP coordinator (the person responsible for completing the form) in each State for suggestions and comments. Several States responded and we incorporated most of the suggestions into the new forms. No one expressed a major disagreement with the document or its format.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Documents are mailed to the State agencies in July of each year, and the completed forms are due in DTD on October 31 of the same year. Not only do States have 3 months to complete the form, but because this is an annual procedure, the program officails are aware of the form's general content as well as its due date.

(u) Specific Justification for a Multi-Year Approval: This document is a routine administrative form designed for compliance with SSFATP regulations that require States to submit performance reports to ensure that they are adequately fulfilling their responsibilities. The document has been used successfully in each of the program years since the program's inception.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Application for Law Enforcement Education Program (LEEP).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Student Financial Assistance, Division of Program Operations.

(c) Agency Form Number: ED (LEEP) 1.

(d) Justification: This is an application form which postsecondary education institutions use to provide fiscal information required to assess their qualifications for LEEP funding and to determine the proper award amount. Programmatic data is obtained through institutional updating.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Data are collected once a year in Spring.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden: Respondent type—Colleges and Universities; Number—1,000; Estimate of Average Person-hours—2.

(j) Sensitive Questions: The form includes only those questions needed to administer the LEEP program.

(k) Estimate of Cost to Federal Government: $33,500.

(l) Detailed Justification of How Information Once Collected Will be Used: Institutional applications for LEEP funds shall be submitted annually to the Department of Education. Applications shall be submitted by institutions already participating in the program as well as by those making their first application. Neither a statutory nor administrative allotment formula governs LEEP fund distribution. Consideration is given to State percentages of gross population and criminal justice practitioners, the dollar requirements for returning students, and institutional records of financial management. Distribution of funds not required for returning students is based primarily on the availability of quality educational programs responsive to criminal justice human resource needs identified through a comprehensive analysis and planning process.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 406(b) of the Crime Control Act of 1976, P.L. 94–503, states "The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding $2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 2,000 with a total cost estimated to be $20,000.

(q) Evidence of Any Urgent Need or a Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Mr. Ed Mack, Division of Program Operations,

Office of Student Financial Assistance, Office of Postsecondary Education, Department of Education, (Room 4661, ROB #3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: None.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The deadline date is May 15. The forms will be sent to the institutions a month and a half prior to the deadline date.

(u) Specific Justification for a Multi-Year Approval: The 1981–82 academic year may be the last year that awards will be made. Therefore, the current expiration date is sufficient.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Summary and Certification Sheet for Administering the Law Enforcement Education Program (LEEP).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Aid, Department of Program Operations.

(c) Agency Form Number: ED (LEEP) 5.

(d) Justification: The Crime Control Act of 1976, authorized the Law Enforcement Education Program to provide loans and grants for higher education and thus contribute to the development of human resources needed by the criminal justice system to reduce crime and delinquency. LEEP–5 is one of the forms required for administering the use of program funds by the participating postsecondary education institutions.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plan: This form meets record keeping requirements, transmits negotiable documents and accounts for the expenditure of funds.

(g) Time Schedule for Data Collection and Publication: Schools on a semester system normally will submit three LEEP–5's one each during the Fall and Spring semesters and another during summer school.

(h) Consultations Outside Agency: The accounting system employed for administering the Law Enforcement Education Program was developed under contract by KMS in 1970.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Colleges and universities | 826 | [1] 2.0 |

[1] Per year, 4 responses.

(j) Sensitive Questions: This form uses only questions needed to administer the program.

(k) Estimate of Cost to Federal Government: $7,020 annually.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information will be used in the administration of the Law Enforcement Education Program.

(m) Methods of Analysis: See "(d) Justification".

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Crime Control Act of 1968, Title I, Part D. Section 406 ". . . Institutions will account for the utilization of LEEP funds. . . ."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The estimated total hours of annual burden is 1,652. At $10 per hour the cost would be $16,520.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Mr. Ed Mack, Division of Program Operations, Office of Student Financial Assistance/OPE, Department of Education, Room 4661, ROB–3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Population: LEEP has been active since FY 1969, starting with 486 institutional participants and reaching a maximum of 1,065 institutions of higher education in FY 1975. Because the program is being phased out and because no new students or institutions are being admitted to the program, the number of institutional participants has dropped to 826.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: All institutional participants have participated in the program for several years and are familiar with the guideline requirement that LEEP 3 student notes are to be transmitted with a LEEP 5, 20 days after the expiration of the student tuition rebate period.

(u) Specific Justification for a Multi-Year Approval: While the 1981–82 academic year may be the last year that awards will be made, the accounting function will extend into 1983 and there will be a requirement for the LEEP 5 in order to close out institutional accounts.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Billing Statement of LEEP account.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Aid, Division of Program Operations.

(c) Agency Form Number: ED (LEEP) 6.

(d) Justification: The Statement of LEEP Account is a form mailed quarterly to students in repayment status; it is also used by students to inform the Department of Education of employment or deferment status or to request deferment, cancellation or information. Upon receipt of the LEEP 6 the borrower or grant recipient who is not required to make cash repayment must complete Section B and submit the form to the Department of Education. On the LEEP 6 the recipient can report any of the following conditions which pertain to his/her repayment schedule: (1) full-time employment with a criminal justice agency, (2) Service with the Armed Forces, (3) Permanent and total disability, (4) Resumption of full-time student status, (5) Completion of 2-year employment obligation, or (6) Other circumstances justifying a request for repayment cancellation or deferment.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and publication plan: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

| Respondent | Number | Estimate of average person-hours (quarterly) |
|---|---|---|
| Individuals (students) | 30,000 | ¼ |

(j) Sensitive questions: Only those questions are included which are needed to administer the grant or loan.

(k) Estimate of Cost to Federal Government: $92,400.

(l) Detailed Justification of How Information Once Collected Will Be Used: The student who has received either a grant or loan incurs either a service or repayment obligation to the Department of Education. A grant is

forgiven totally if a student is employed by an approved criminal justice related employer for a period of 2 years following completion of the funded course. There is no provision for partial forgiveness of a grant. Loan cancellation for employment in a criminal justice field is earned at the rate of 25% for each complete year of service. If the employment is interrupted because of permanent and total disability, any grants or loans still outstanding are canceled. Repayment, cancellation, or forgiveness conditions exist after the award recipient has left the institution that made the award. The obligee is billed directly through use of the LEEP 6 form, which when completed properly allows the recipient to establish his eligibility for deferment, forgiveness, or cancellation of the repayment portion due as of the date of billing.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Required or Allowing the Data Collection: Section 406(b) of the Crime Control Act of 1976 (P.L. 94–503) Title I, Part D, states ". . . that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 percentum."

(o) Timetable for Dissemination of Collected Data: Upon receipt of a billing statement, the former LEEP recipient must either complete Sections B and C of the billing statement or send a payment to the Department of Education.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request: The total person-hours to respond is estimated to be 30,000 hours with a total cost of $300,000.

(q) Evidence of an Urgent Need or a Very Unusual Circumstance Requiring the Data: Not applicable:

(r) Copy of Exact Data Instrument: Copies may be obtained from Mr. Ed Mack, Division of Program Operations, Office of Student Finanial Assistance/OPE, Department of Education, Rm 4661, ROB–3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Population: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: These forms are computer generated and are mailed to LEEP recipients on a quarterly basis.

(u) Specific Justification for a Multi-Year Approval: While the 1981–82 academic year may be the last year that awards will be made, the accounting function will extend into 1983 and there will be a requirement for the LEEP 6 in order to inform LEEP recipients of their repayments and obtain information from them concerning their deferment or cancellation status.

**Data Activity Plan Summary**

a. Title of the Proposed Activity: Learning School Language Through Bilingual Instruction.

b. Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Educational Research and Improvement, National Institute of Education.

c. Agency Form Number: ED (NIE) 229A.

d. Justification: The study discussed herein is one of four studies commissioned by Congress for the purpose of producing research evidence on the effectiveness of bilingual education programs. The results of this research will be presented in time for the 1982–83 hearings on whether or not to renew the legislation that provides funding for bilingual education program, and on just what shape such programs, if they are continued, should take. Thus, the major justification for this work is that the answers to the questions raised in the study will provide Congress with some of the research data it needs in order to decide an important question of educational policy.

A secondary justification for carrying out this work is a practical one. At present, there is little hard research evidence available as to which, of a variety of instructional practices, work and which don't work in helping non-English speaking students acquire English language skills. Such information is badly needed by educators in order to plan programs that meet the educational needs of non-English speakers. In the absence of research evidence, educators have to base the design of programs on guesswork, and the frequent outcomes of such ungrounded educational planning are programs that do not work for many children. Thus, this research can be justified on these grounds: It will enable us to determine what instructional practices best foster the acquisition of English skills by non-English speaking students, findings that will have relevance not only for making policy decisions concerning the education of students who do not speak the school language, but also for the design of educational programs that best meet the needs of these students.

e. Description of survey plan: The major objectives of this research study are to examine (a) the bilingual instructional practices that best foster the acquisition and development of school-related language skills in English and (b) the student language characteristics that interact with bilingual instructional practices to affect the acquisition of language skills. In order to discover the features of the home environment which contribute to the language characteristics of the student, the design calls for a parent interview in which this information can be obtained with a minimum of time imposition and cost. The plan is for a trained bilingual interviewer fluent in the language of the respondents and totally familiar with their culture to visit a parent or guardian of each subject during the second year of the study (between June and August 1982). The interview will, therefore, be conducted with between 256 and 320 parents, half of whom will be Cantonese-speaking and half Spanish-speaking. The instrument is a much-revised version of that used in a previous research project by Fillmore (NIE–G–79–01180) entitled "Individual Differences in Second Language Acquisition." It was modified in collaboration with Don Hansen and Vicky Johnson from the University of California, Berkeley. It is designed to yield background information on language used in the home, attitudes to English, length of time the family has been in English-speaking countries, and exposure of the child to English through TV, books, movies and friends.

f. Tabulation and publication plans: The chief aim behind the project's dissemination plan is to make the findings available both to educational practitioners who will benefit in their involvement with NES/LES students, to Congress and policy-planners, and to other researchers in the field in order to promote further research of this nature. Publication will be of five basic types:

1. *Written Research Reports.* These will include formal project reports for NIE (one at the end of year one and one final report) which are required by the contractual agreement and will also provide information useful to the Congressional hearings on bilingual education, research papers submitted to journals such as *NABE Journal, TESOL Quarterly,* and *Language Learning.* A copy of the final report will also be sent to ERIC.

2. *Formal Oral Presentations.* Project workers will present papers at conferences, colloquia and symposia throughout the country.

3. *Articles on Instructional Methods.* These will be directed towards teachers and school administrators and submitted to such journals as: *Teacher, Today's Education, Urban Education, The American Teacher,* and *TESOL Quarterly.*

4. *Written Guides for Practitioners.* A series of guides for bilingual teachers will be prepared based on the outcomes of the research.

g. Time Schedule for Data Collection and Publication: November 1981–June 1982—Data Collection Including Classroom Observations, Videotape Recordings, Child Observations and Cognitive/Language Measures. June–August 1982—Interviews with parents.

h. Consultations Outside the Agency: A Community Advisory Panel consisting of both teachers and parents from the Hispanic and Chinese communities has reviewed the instrument. Research plans have been discussed with school district personnel in potential sites and their support for the project has been obtained. A Technical Advisory Panel was consulted during the development of the plan.

i. Estimation of Respondent Reporting burden: The parent interview is estimated to take a maximum of two hours but will vary according to the enthusiasm with which the respondents engage in the undertaking. Some are more reticent and give short responses while others are more voluble and like to discuss issues beyond the range of the questions. The interviewers will be bilingual Spanish/English or Cantonese/English and therefore able to conduct the interview in the home language of the respondents. The majority of other data will be collected from classroom observations, a small proportion of which will include videotape recordings. For the interviews, the respondent burden is as follows:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Parents | 300 | 2.0 |

j. Sensitive Questions: Questions all have direct bearing on the issues inherent in the research question—What are the student language characteristics that interact with bilingual instructional practices to affect the acquisition of language skills? Those questions that are likely to be sensitive concern family background information useful for determining length of stay in English-speaking countries. Thus for some respondents who may have had difficult experiences with immigration to the U.S., these questions may be threatening. However, it will be made clear that answers are voluntary. Response forms will be number coded and children's first names only will be used. In addition, the interviewers will be trained to ask the questions in a sympathetic manner and instructed to postpone these questions until the respondent is totally at ease.

k. Estimated Cost to Federal Government: The three-year project is contracted for total cost of $472,976. S and E costs for this period are estimated at $2,500.

l. Detailed Justification of How Information Once Collected Will Be Used: The primary use for these data will be to serve as a direct source of information on bilingual instructional practices to the Congressional hearings on the Bilingual Education Act. The reports are also expected to be useful to the U.S. Office of Bilingual Education and Minority Language Affairs who maintain a significant interest in all phases of the study. In addition, an important audience will be educational practitioners—bilingual teachers, teacher trainers, program coordinators and teachers with NES/LES students in their regular classes. Some reports will be directed at other researchers in order to disseminate knowledge among academics in the field and to stimulate further research.

m. Methods of Analysis: Statistical analysis will be performed on the data using multiple regression and analysis of variance (or their nonparametric analogs) in which measures derived from the parent interview will be entered with other individual and situational variables to assess their independent and joint effects on the learning of school language. However, much of the analysis will be descriptive rather than inferential in order that more variables may be taken into consideration than a strict statistical analysis would permit with relatively small samples of subjects.

n. Legislative Authority Specifically Allowing or Requiring the Data Collection: Legislative mandates for this study include—

Section 703(b) "Secretary . . . shall establish, publish, distribute . . . bilingual (program) models, (including) pupil-teacher ratios, teacher qualifications, and other factors affecting the quality of instruction."

Section 742 requires ASE to coordinate all research activities in order to "develop a national research program for bilingual education." This section also provides explicit authority for the Secretary of Education and NIE Director to carry out a program of research and evaluation; requires OE and NIE to consult regularly with appropriate outside agencies and organizations; and expands areas in which research is authorized. These research areas include:

"(b)(1) studies to determine and evaluate effective models of bilingual-bicultural program; . . .

(2) studies to determine

(A) language acquisition characteristics and

(B) the most effective method of teaching English (in a bilingual-bicultural program);" (P.L. 95–561, ESEA Title VII, Part C—Supportive Services and Activities, Section 741–742, 20 USC 3251–52)

o. Timetable for Dissemination of Collected Data: As outlined in section F, reports on the research will be directed at a number of different audiences. These documents will begin to appear after the first-year report to NIE, due in November 1981, which will also be made available to the public via ERIC and the National Clearinghouse for Bilingual Education. The final report, due in September 1983, will be similarly disseminated. Throughout 1982 and 1983 project personnel will be submitting articles to professional journals and conference audiences.

p. Estimate of the Total Person-Hours and Cost Required To Complete the Request: Six hundred person hours will be required for the parent interviews at an estimated cost of $2,010 based on two hours volunteered per interview @ $3.35 per hour.

q. Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

r. Copy of the Exact Data Instruments: Copies of the instrument may be obtained from Judith Orasanu, National Institute of Education, Room 819–E, 1200 19th Street, N.W., Washington, D.C. 20208.

s. Brief Account of Early Involvement and Communications with Respondent Populations: Some school district personnel have already expressed interest in the project and some schools have been nominated for preliminary visits in early 1981. However it is too early for contact with the parents of subjects who have yet to be identified and selected.

t. Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The interviews will not take place until June-August of 1982, allowing a full school year for respondents to comply with the request for their participation.

u. Specific Justification for Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Language Attitudes of Parents, Students, and Teachers in Bilingual Classrooms.

(b) Name of the Sponsoring Agency/Bureau/Office: National Institute of Education.

(c) Agency Form Number: ED (NIE) 229B.

(d) Justification: Congress and the courts have mandated instruction that takes into account students' language abilities. However, the dearth of US based research in bilingual instruction and learning means that there is little empirical evidence to help guide the design of such bilingual instructional programs and practices. This study of attitudes is part of the effort to address that need.

This research will investigate the effects of attitudes on education for language minority students in eight grade-school classrooms—six Spanish-English, two Cantonese-English. Two general questions about attitudes and bilingual education will be addressed: (1) How do parent, teacher and student attitudes about language, culture, and bilingual instruction influence teaching and learning in the bilingual classroom? (2) How do the attitudes of parents, teachers and students affect each other, and how might they change over time?

These general questions translate into six research objectives:

1. To develop a more effective approach to the study of "attitudes" and of their relationships to students' involvement in the learning processes. This objective will be approached through a synthesis of research on bilingual education with related fields, including psychological studies of attitudes, sociological theories of classroom influences and phenomenological understandings of the importance of meaning in individual action.

2. To identify the attitudes toward language, culture and bilingual instruction held by teachers, parents and students. This objective will be approached through attitude measures and systematic classroom observations.

3. To determine how these attitudes of parents, teachers and students affect each other. This objective will be approached through interviews with parents, teachers, and administrators, classroom observations, and analyses of video-tape of student-teacher interactions.

4. To determine the influence of these attitudes on the instructional features of the bilingual classroom. This objective will be approached through the study of curricular materials, school organization analyses, and classroom observation.

5. To determine the influence of these attitudes on the language learning and school attainments of the bilingual child. This objective will be approached through repeated classroom observations of students' involvement in the learning process, and through analyses of attitude and language measures.

6. To determine the influence of "summer learning" on the attitudes, language learning and school attainments of the bilingual student. This objective will be approached through comparing Spring term with Fall term data on students' language attitudes and linguistic abilities.

(e) Description of the Survey Plan: The primary mode of data collection in this research is ethnographic observation, following the constant-comparative procedures advanced by Strauss, Glazer, and Schatzman. Although these procedures involve no set instrumentation, supplementary data will be gathered through semi-structured interviews and specific language-attitude measures, to be administered to students and students' parents.

Student interviews, including the language attitude-measures, will be held when the students are in 1st and 4th grades. In addition, attitude measures will be administered in the fall and spring of the 1981–82 school year (when the students are in 2nd and 5th grades), and again at the beginning of the following school year (when students are in the 3rd and 6th grades). The application of the language-attitude measures in this spring-fall, spring-fall sequence will allow estimation of the "out of school" influences on the language attitudes of the bilingual child.

The children's interviews also will provide preliminary information on use of language at home.

The 1981–82 interviews will provide information about the child's perceptions of his/her home environment, self-concept, attitudes toward school, and perceptions of the attitudes of others in the school toward bilingual education and toward the student's home language and culture.

Parental interviews, to be conducted in the Winter of 1982, are designed to provide demographic-contextual data for the analyses (paralleling 1980 Census forms) and information about parental attitudes toward bilingual education, toward their native language and toward English, as well as information about parental interaction with the school and their perceptions of the activities and motivations of school personnel involved with their child's education. Information will also be sought to help us identify the particular character of the family environment, and the structures of relationships in the family that bear most closely on the child's classroom learning.

The language attitude measures will also be administeed to key teachers and administrators in the target schools in interviews that also request background-contextual data.

The data derived from these various instruments are expected to supplement and contextualize the primary ethnographic data that will be developed through observations in the spring term of 1981, and throughout the academic year of 1981–82. Second and fifth grade bilingual classrooms in four target school sites will be studied intensively. One of these school sites will include target 2nd and 5th grade classrooms bilingual in Cantonese and English, in inner-city settings, marked by community support of the programs. The other three sites will be Spanish-English: one inner-city with community support of bilingual education; one rural-small town, with support, and one rural-small town with community resistence to bilingual education. The target schools will be selected to maximize the potentials of comparative analysis, which is essential to the constant-comparative ethnographic approach.

(f) Tabulation and publication plans: The data gathered through the instruments described in Section (e) will be coded in relatively straightforward and conventional ways to offer categorical quantitative evidence of familial and classroom situations (see Section (m), below, for further details).

Three yearly reports are required by the terms of our contract. Each report will stand on its own, and is expected to provide information useful to Congressional hearings and deliberations on bilingual education, as well as findings of relevance to theories and practices of bilingual learning. Each of the year-end reports will be prepared in at least two forms: one oriented primarily toward practitioners and parents, the other toward Congress and policy-planners. The Year One report will include descriptions of the instruments that we have developed and selected, of our site selection and other responded-identification procedures, of our data collection procedures, and of results of preliminary analyses. The Year Two report will include, in addition to such descriptions as are identified for Year One, a preliminary analysis of the data gathered in the second year of our study. The final report, to be offered by October 1, 1983, will be a special synthesis offering a fully detailed research report prepared for NIE and the academic community. Specialized reports will also be presented at that time, aimed at (A) bilingual teachers and teacher-trainers,

(B) school administrators and policy planners, and (C) parents.

Various other research reports are anticipated, some of which will be aimed at the academic community interested in bilingual education and human development, others oriented toward program and policy audiences. These reports will take a variety of forms, including: (A) academic research articles; (B) practitioner, policy, and program reports of research and pragmatic implications; (C) at least one major research monograph to be oriented toward the academic community.

(g) Time schedule for data collection and publications:

Language attitudes and language proficiency tests: September-October, 1981.

Interviews with children and teachers: October 1981-May 1982 (articulated with classroom observation).

Interviews with parents: January-March 1982.

Language attitude and proficiency measures: May, 1982, and September-October, 1982.

(h) Consultations Outside the Agency: The research plan and instruments have been reviewed by a committee of parents, teachers, and researchers. The Committee on Evaluation and Information Systems (CEIS) of the Chief State School Office (CSSO) has been contacted.

(i) Estimation of Respondent Reporting Burden: As the majority of data will be gathered via unobtrusive observation methods, respondent burden on both teachers and students of the target classrooms is within reasonable limits. The interviews and attitude measurements of Spring, should require no more than two hours of each student's time. The interviews in the academic year 1981–82 will total no more than three hours. Interviews with parents (as all interviews in this study) will be voluntary and, consistent with the University of California requirements for the protection of human subjects, will be conducted in such a way as to minimize time and psychological burden. Depending upon language facility and the respondents' own degree of involvement with the informal interview, interviews should last approximately two hours. When both parents, or parent-surrogates, are interviewed, interviews will be conducted concurrently, in separate rooms, minimizing interruption of normal household routines. All interviews will be conducted in the language with which the respondent feels most comfortable.

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Students, public elementary | 200 | 5.30 |
| Teachers, elementary | 40 | .50 |
| Teachers aides (8 only) | 8 | 1.00 |
| School administrators and supervisors (8 only) | 8 | 1.00 |
| Parents | 350 | 2.00 |

(j) Sensitive Questions: The interview schedules themselves do not delve into areas that are generally considered to be "private." Nonetheless, it is recognized that some questions can be particularly sensitive to individuals who are in unusual circumstances, or who perceive themselves to be. Questions of place of birth and date of entry into the United States, for example, could be posed in such a way as to threaten individuals whose entry might be questioned, and could be somewhat uncomfortable to individuals who feel inadequate in their command of English or in their understanding of the surrounding culture. The contractor is aware of such possibilities, and, with concern both for the respondents and for the accuracy of the data obtained, has scheduled intensive training of interviewers, including training in recognizing possible problems in respondent interpretation of questions and situations. Further, it is recognized that questions about the attitudes of individuals toward languages, schools and family relations may be somewhat sensitive, at least for some respondents. Again, effective conduct of the contracted research requires that such questions elicit accurate and open responses, and considerable attention will be paid to the training of interviewers in procedures that minimize respondents' sensitivities. Throughout, the project will be conducted under the surveillance of the Committee for the Protection of Human Subjects at the University of California, Berkeley, which is concerned with protecting the privacy of subjects, and with protecting their time and feelings.

(k) Estimated Cost to Federal Government: The contracted project is projected to cost a total of $438,512 for the three-year period. Anticipated S&E Costs are $2,500.

(l) Detailed Justification of How Information, Once Collected, Will Be Used: The reports developed from these and other data in the language attitudes project will be used to provide information to Congressional hearings for the Bilingual Education Act, to offer policy makers and program designers information on the relationship of language attitudes to language acquisition and academic sucess in bilingual classrooms, and to further the academic research knowledge about the contextual relevancies and processes of learning in bilingual classrooms. In addition to the United States Congress, which provided the necessary funding through Part C of Title VII legislation, and NIE, which contracted this specific research, the reports are expected to be useful to the US Office of Bilingual Education and Minority Language Affairs, whose involvement and interests in the study have been and will continue to be significant.

(m) Methods of Analysis: In the final synthesis of our research, the quantitative data are expected to offer information supplementing the ethnographic data, which will be particularly useful in developing perspectives on questions of bilingual education. As importantly, these quantitative data will assist in identification of possible causal relationships, primarily through two statistical procedures: Path Analysis and Discriminant Analysis. Although Path Analysis is familiar in educational and social policy research literature, and need not be described here, Discriminant Analysis may be less familiar. In this procedure, students are grouped according to some theoretically-specified characteristic, such as those who effectively engage in language learning, contrasted with those who reject or withdraw. The research question, then, is: How does one group differ from the other? Discriminant Analysis may identify variables that are statistically relevant: for example, females are more likely than males to engage in language learning; language-engagers are more likely to be situated in classrooms that are biculturally enriched; language-engagers are more likely to be first-born than last-born children in the family. In each of the three yearly reports to be generated by our research, these quantitative analyses will be brought together with our observational data. Although the results of the qualitative and quantitative analyses cannot be mechanically related, their interaction is expected to enrich the final synthesis and practical relevancies of our work.

(n) Legislative Authority Specifically Requiring or Allowing the Data collection: Authority is provided in Title VII Education Amendments of 1978, Part C, Section 742, which specifies that the National Institute of Education shall carry out appropriate programs of research in the field of bilingual

education. This legislative mandate led to the creation of the Part C Coordinating Committee for Bilingual Education, to help plan and implement various studies and activities that would comprise a research program.

This committee drew up a research agenda whose component studies are organized around three concerns: (A) assessment of national needs for bilingual education; (B) improvements in the effectiveness of services for students; (C) improvement in Title VII program management in operations. The studies under B, including the study herein discussed, deal with specifying practices, suggesting quality approaches, and encouraging the use of these.

(o) Timetable for Dissemination of Collected Data: In addition to the reports described in Section G, reports are expected to be disseminated, beginning in the second year of the study, through the following agencies:

1. Dissemination centers, notably the National Network of Centers for Bilingual Education, ERIC, National Clearinghouse for Bilingual Education;

2. Professional newletters, such as *NABE News, ASA Footnotes, The Washington COFO* (Coalition of Family Organizations) *Memo, NCBE's Focus,* the *Center for Applied Linguistic Reporter;*

3. Scholarly and professional journals, including *NABE Journal, American Educational Research Journal, Urban Education, Child Development, Family Relations, Journal of Marriage and the Family,* and others in the areas of education, psychology, and sociology.

(p) Estimate of the Total Person-Hours and Cost Required To Compete the request: Approximately 1,800 person-hours will be used in the individual interviews, 1,100 hours with children; 700 hours with parents; 20 hours with teachers. Cost estimate, equivalent involving parents at minimum wage of $3.35 is $2,345. Cost estimate for teachers at $15 per hour is $300.

(q) Evidence of Any Urgent Need or Very Usual Circumstances requring the data: The most urgent requirement is to provide information for the Congressional hearings on bilingual education, scheduled for late 1981 or early 1982.

(r) Copy of the Exact Data Instruments: Copies of the exact data instruments can be obtained from Blanca Rosa Rodriguez, National Institute of Education, 1200 19th Street, N.W. Stop #6, Room 819. (202) 254–5766.

(s) Brief Account of Early Involvement and Communication With Respondent population: Initial contact has been made with some of the various schools within the 50-mile radius of UCB within which the target sites will be selected.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The major thrust of data gathering is concentrated in the academic year 1981–82. In our discussions with school administrators and teachers (see item (s), above), it has becom apparent that the lead time allowed by this design is more than adequate.

(u) Specific Justification for Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Application for Grants Under Metric Education Program.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Educational Research and Improvement, Office of School Improvement, Metric Education Program.

(c) Agency Form Number: ED 425.

(d) Justification: The official grant application is required by the grant application cycle and is published anew for each grant year.

The data provided by the various applicants permit the classification of the applying agency and the potential impact of the activity proposed if funded.

Due to the dynamics involved in the various proposed metric educational strategies, new data must be provided to ensure the accuracy due to applicant configuration changes.

Summary data must be collected and analyzed to determine program impact and indications for policy revisions.

(e) Description of Survey Plan: The potential respondent universe includes State and local education agencies, institutions of higher education, and public and private non-profit groups with an intent and capability for carrying out metric educational programs. This universe also includes prior and current grantees.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Fall '81 Collection. Early '82 Publication. Mid-'82 Dissemination.

(h) Consultations Outside the Agency: Discussions at the Program's National Metric Education Conferences.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| SEA's | 20 | 40 |
| LEA's | 220 | 40 |
| IHE's | 180 | 40 |
| NPO's | 105 | 40 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The estimated cost is $15,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information will be used in administering the program.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The legislation, Public Law 95–568, Elementary and Secondary Education Act, Title III, Part B, Secs. 311–313, provides for the encouragement of educational agencies to teach the metric measurement system and for any other activities supportive of this goal. Data are needed to administer this program.

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 21,000. Total costs: $210,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: There is a strong demand for detailed analyses of the accomplishments of the program. The kind of quantified data provided will significantly contribute to program participation in over-sight hearings. There are those who still need to be sensitized to the essential role of metric education from both cultural and economic points of view.

(r) Copy of the Exact Data Instrument: Copies may be obtained when available from: Mr. Floyd Davis, Program Director, U.S. Department of Education, Office of Educational Research and Improvement, Office of School Improvement, Metric Education Program, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Contact has been made with State and local organizations through National meetings, telephone communication, reviews of special reports, and with the applicants.

(t) Assurance That Respondents Will Have Sufficent Lead Time To Comply With Request: Lead time will be provided through announcement in the

**Federal Register**, the Spring national meeting, through direct correspondence with grantees, publication in professional journals, and publication in reasonable advance of project initiation.

(u) Specific Justification for a Multi-Year Approval: This study will be semi-longitudinal if analysis of trend data is to be effectively verified and validated.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Application for Grants Under the Consumers' Education Program.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education/Office of Educational Research and Improvement/Office of School Improvement/Office of Consumers' Education.

(c) Agency Form Number: ED 733.

(d) Justification: This application is needed for the administration of P.L. 95-561, Part E—Consumer Education, 92 Stat. 2214-2215.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Applications will be due by the closing date, which will be announced in the **Federal Register.**

(h) Consultants Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Educational Group | (245) | |
| SEA | 10 | 20 |
| LEA | 60 | 20 |
| IHE | 175 | 20 |

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Public Private Nonprofit | (455) | |
| Public governmental agencies | 70 | 20 |
| Private nonprofit agencies | 385 | 20 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $120,000—This includes printing, field review, and applicable staff time.

(l) Detailed Justification of How Information Once Collected Will Be Used: As an aspect of program management, information collected will provide a basis for awarding 55-60 grants in 1982 and in 1983.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: P.L. 95-561, Part E—Consumer Education, Section 334: "Financial assistance under this part may be made available only upon application to the Secretary."

(o) Timetable for Dissemination of Collected data: Not applicable.

(p) Estimate the Total Person-Hours and Costs Required to Complete the Request: 14,000 person-hours; about $140,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: A copy of the exact data instrument may be obtained from: Dustin W. Wilson, Department of Education, Office of Consumers' Education, 6th and D Streets, Southwest, Room 1630, Donohoe Building, Washington, DC 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: At an early stage of regulation, public comment was sought and incorporated into the regulations.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The announcement and application are sent to a large mailing list, and the announcement is published in the **Federal Register** at least 60 days prior to the closing date.

(u) Specific Justification for a Multi-Year Approval: The same instrument is expected to be used for several years without change.

**Data Activity Plan Summary**

(a) Title of the Proposed Activity: Annual Report for the Library Services and Construction Act.

(b) Name of the sponsoring Agency/Bureau/Office: Department of Education, Office of Educational Research and Improvement, Office of Libraries and Learning Technologies, Division of Library Programs.

(c) Agency Form Number: ED 774.

(d) Justification: "Sec. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan . . ." (P.L. 84-597, as amended by P.L. 95-123, 20 U.S.C. 354).

The State library in its Basic State Plan "Assures that it will make reports, including reports of evaluations . . . as the Secretary may reasonably require to carry out the Secretary's functions under this Act and to determine the extent to which funds provided under the Act have been effective in carrying out its purposes." (34 CFR Sec. 770.42)

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Data will be edited, tabulated, analyzed and published in "The Bowker Annual" and as a separate publication.

(g) Time Schedule for Data Collection and Publication: Mail form—September 30, 1982. Completion deadline—December 31, 1982. Edit, tabulate, analyze and published—August 1, 1983.

(h) Consultations Outside the Agency: Consultations were made with selected State library agencies, including those in Maryland and West Virginia.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| State Library Agency | 57 | 30 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $6,671.

(l) Detailed Justification of how Information once Collected will be used: Information will be used for program management and evaluation purposes. Fiscal data are analyzed to determine whether maintenance-of-effort and other requirements have been met. Program information is analyzed regarding mandated priorities and optional utilization of funds. Information from the form is used as a basis for consultation with State library agencies, for program monitoring and for State management reviews. It is also needed for budgetary purposes and for responding to requests for current program information that are received from the Congress and other data users.

(m) Methods of Analysis: State tabulations to be made to obtain national totals.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: See item (d) above.

(o) Timetable for Dissemination of Collected Data: Approximately August 1, 1983 via article in "The Bowker Annual" or as a separate publication.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Person-hours: 1,710. Costs: $16,313.

(q) Evidence of any Urgent need or very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Instrument: Copies may be obtained from: Nathan

M. Cohen, U.S. Department of Education, Office of Educational Research and Improvement, Office of Libraries and Learning Technologies, Room 3124, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: In addition to communications with specific State library agencies some years ago when the form was first developed, as noted in item (h) above, there has been continuing consultation with State library agencies over the years. The latest such communication was held in April 1979 with representatives from 57 States and Outlying Parts.

(t) Assurance that Respondents will have Sufficient Lead Time to Comply with Request: Previous experience indicates that lead time is adequate.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of proposed activity: You're On!—Parenting/Teenager Television Series.

(b) Name of sponsoring agency/bureau/office: Department of Education, Office of Libraries and Learning Technologies Division of Educational Technology.

(c) Agency form number: ED 847.

(d) Justification: The Teenagers and Parents series—"You're On!", requires evaluation to help determine the effectiveness of the pilot before production begins on the remaining programs.

(e) Description of survey plan: A national quota sample will be conducted of approximately 1,500 secondary school students. Target schools will be selected by ETS Regional Office Coordinators according to a set of sampling instructions provided by the Educational Testing Service (ETS) staff. Five regional offices will participate and they are located in Evanston, Illinois; Princeton, New Jersey; Atlanta, Georgia; Austin, Texas; and Berkeley, California. Test classroom will be at all grade levels offered; at least one group of parents will be involved at each school. A control group of students will be selected and will be administered the evaluation instruments.

Instruments used may include viewer survey, teachers, observation record for group behavior; discussion protocol and accompaning report from; follow-up questionnaire of interview guide.

A Viewer Survey will assess the immediate effects of the program. It will ask for reactions to the program and include background/demographic items. Multiple-choice format will include attitude and opinion items based on affective objectives of the program.

(f) Tabulation and publication plans: Results of the survey will be published as a final report for the project. It will be submitted to WQED and they will submit the report to the contract officer.

Tabulation: There will be descriptive statistics for the purpose of making inferences to the WQED development people.

(g) Time schedule for data collection and publication: Data will be collected during the last month of Phase I. No published report of the survey findings will be given. The results will be included in the final report to the Department of Education contract officer.

(h) Consultation outside the agency: The contractor will consult with various experts who will serve the projects outside of the Pittsburgh area. Staff will ask other consultants who are not free to travel to the area to provide written responses to crucial questions.

(i) Estimation of respondent reporting burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Students; public or private secondary school | 750 | 750 |
| Teachers; public and/or private secondary schools | 350 | 350 |
| Parents | 400 | 400 |

(j) Sensitive questions: There will be attitude questions and questions about the materials that are covered in the show that are not sensitive. Respondents names are not on the instruments and participation is voluntary.

(k) Estimate of cost to Federal Government: The cost of the data collection for distribution and use components is estimated at $66,021.

(l) Detailed justification of how information once collected will be used: The collected data will be used to determine if the series should be developed as planned.

(m) Methods of analysis: Two types of activities are proposed: A series of clinical trials of selected programs components, and a laboratory evaluation of one or more pilot programs in Phase II, a full scale evaluation involving both field and laboratory components in Phase II.

Clinical trials will take place during the early stages of series development and are intended to provide feedback to the curriculum developers about the content and format of their series. This early activity will aso serve as a means of trying out instruments to be used in the full scale pilot program evaluation. In addition, a laboratory-based evaluation will test audience reaction through the use of distractor analysis. Following each evaluation activity, discussions will be conducted with groups of viewers in order to collect reactions of the audience.

Phase II will involve a national sample of students, parents and teachers. Assessments will be made of viewers understanding of content of programs and their behavior while viewing the series.

(n) Legislative authority specifically requiring or allowing data collection: Television and radio programs authorized by P.L. 95-561, Education Amendments of 1978, Title III, Section 303(a), to support the development production of evaluation, dissemination and nationwide utilization of innovative educational television and radio programs for broadcast and/or non-broadcast uses.

(o) Timetable for dissemination of collected data: Data collected will be analyzed and submitted to the WQED producer by October 1981.

(p) Estimate of the total person-hours and cost required to complete the request: 1500 hours including 750 hours of pilot viewing time. Costs: $7500.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be obtained from Mary Ches Applewhite, Educational Technology Development Branch, U.S. Department of Education, (3116 ROB), 400 Maryland Ave., S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communication with respondent populations: Contacts with schools will be made in April of 1981 for permission to conduct field testing in the Fall of 1981.

(t) Assurance that respondents will have sufficient lead time to comply with request: The data will be collected during the beginning of Phase II of the project. Respondents will have adequate time to complete the voluntary request before the complete production of the series.

(u) Specific justification for a multi-year approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the proposed activity: "Almost Even" a teenagers and parents radio series.

(b) Name of the sponsoring agency/bureau/office: Department of

Educations, Office of Educational Research and Improvement, Office of Libraries and Learning Technologies Division of Educational Technology, Educational Technology Development Branch.

(c) Agency form number: ED 848.

(d) Justification: The radio sries is a continuation of the Department's priority to support parenting activities. This series is designed to address the important adolescent developmental period. The evaluation of the programs in the series will help to determine if series goals have been met.

(e) Description of survey plans: A national field test will be conducted at the following sites: Washington, D.C.; Charlottesville, VA., Indiana and California. Three teachers and their students; 2 youth group leaders and their groups and 3 teenager/parent families will evaluate each of the programs and accompanying non-broadcast materials. During the national field test over 100 adults and 400 adolescents will be asked to evaluate each of the 10 programs and non-broadcast materials.

(f) Tabulation and publication plans: The contractor is responsible for the tabulation of the data collected through the survey and for the development of the pilot series. All materials are subject to review and approval by the Department project officers prior to initiating the plan. Tabulation of the results will be completed within two weeks of data collection. Results will be used internally and reported to ED. No formal publication of results is anticipated.

(g) Time schedule for data collection and publication: Data will be collected in six sites as described in (e) above, during the period March 1, 1982-May 30, 1982. Immediately following the final evaluation data will be analyzed and reported to ED by June 30, 1982. No further publication is anticipated.

(h) Consultations outside the agency: Audience Profile Services, Inc. is responsible for all aspects of data collection and analysis. APS national staff will be employed to conduct data collection.

(i) Estimate of respondent reporting burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Individuals | 100 | 1 12 |
| Students | 400 | 1 12 |

(j) Sensitive questions: Questions of a sensitive nature are not anticipated.

(k) Estimate of cost to the Federal Government: The total cost is estimated to be $23,203.50 during FY 1982.

(l) Detailed justification of how information once collected will be used: The information will be used to verify that the design, development and production of the educational radio programs have met their state goals.

(m) Methods of analysis: Frequencies, crosstabs analysis of variance and chi squared will be the statistics used to measure the effects of the programs.

(n) Legislative authority specifically requiring or allowing the data collection: This project is authorized by P.L. 95–561 Education Amendments of 1978, Title III, Section 303(a) to support the development, production of evaluation, dissemination and nationwide utilization of innovative educational television and radio programs for broadcast and/or non-broadcast uses.

(o) Timeable for dissemination of collected data: The results will be delivered to ED on June 30, 1982. Refer to (g) above for collection schedule.

(p) Estimate of the total person-hours and costs required to complete the request:

| | |
|---|---|
| Total person-hours (adults) | 100 |
| Total costs (adults) | $1,000 |

(q) Evidence of any urgent need or very unusual circumstance requiring the data: The series is designed to promote communication between parents and teenagers. Due to the nature and expense of production it is extremely important that once the programs are completed they be evaluated quickly. The data provided to the producer about the effectiveness of the series can be useful and supporting evidence for distributors. It is important to know that series goals have been met.

(r) Copy of the exact data instrument: The exact data instrument may be otained from Mary Ches Applewhite, Division of Educational Technology Development Branch, U.S. Department of Education, (3116 ROB), 400 Maryland Ave., S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communication with respondent populations: No respondent populations have been contacted as of this date.

(t) Assurance that respondents will have sufficient lead time to comply with request: Data collection will be conducted the first six months of fiscal year 1982. respondents will be contacted at least 90 days before their participation is required.

(u) Specific justification for a multi-year approval: Not applicable. This is a one-time collection of data.

**Data Activity Plan Summary**

(a) Title of the proposed activity: The Utilization of Technology in the Development of Basic Skill Instruction: Reading.

(b) Name of the sponsoring agency/bureau/office: Department of Education, Division of Educational Technology, Office of Libraries and Learning Technologies/Office of Educational Research and Improvement.

(c) Agency form number: ED849.

(d) Justification: The testing to be done is performed as part of a contract issued to WICAT.

(e) Description of survey plan: The survey plan will acutually be a pre-test–post-test, experimental-control group quasi-experimental design, using a sample of all fifth grade children in the target schools. This will yield a total sample of no fewer than 180 children, and potentially as many as 270 children.

(f) Tabulation and publication plan: The data will be tabulated during the spring of 1982, and will be published in the year-end report in September, 1982.

(g) Time schedule for data collection and publication: Data will be collected in the fall and spring of the 1981–82 academic year, and will be published as indicated in f, above.

(h) Consultations outside agency: None.

(i) Estimation of respondent reporting burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Students | 270 | 2 |
| Teachers | 9 | 4 |

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: Approximately $6,000.

(l) Detailed justification of how information once collected will be used: The information will be used to assist the evaluation of the efficacy of Computer Assisted Instuction for reading comprehension.

(m) Methods of analysis: Data will be collected in three school sites, one each in Kansas City, Missouri, San Antonio, Texas (Northside Independent School District), and Provo, Utah. Formative evaluation data will be processed through a discrepancy model in which optimum levels of performance for hardware, software and management systems will be specified, and against which empirically observed levels of performance will be contrasted. Ongoing modifications in the system and its

component parts will be implemented as necessary. Summative evaluation data will be collected through pre-post test administrations of the Stanford Achievement Test: Reading, Intermediate Level II. ANOVA, regression, and MultiVariate analyses on both raw and normal curve equivalency scores will be performed both within and across populations.

(n) Legislative authority specifically requiring or allowing the data collection: "Sec. 207. The Secretary, in accordance . . . shall support development and demonstration activities related to the improved use of television and other technology to contribute to the instruction of children in reading, mathematics, and written and oral communcation . . ." (P.L. 95-561; 20 USC 2887)

(o) Timetable for dissemination of collected data: Formative data will be used to modify initial product designs, and hence will be available only in the sense that the data is used to formulate the final product. The final product will be disseminated during the 1982-83 academic year by the creation of a dissemination package consisting of software, a management system, and a staff training program. Ten schools will be specifically identified to receive and implement the system for the year. At the end of the year, a final report, including the results of the summative evaluation of the field test, will be written for the Department of Education and the National Diffusion Network.

(p) Estimate of the total person-hours and cost required to complete the request:

| | |
|---|---|
| Total person-hours | 576 |
| Total costs | $252 |

Formative evaluation will involve the same 270 students and will flow from direct observation as well as from data regarding responses to instructional tasks. Since the data collection is part of the instructional task, no time apart from instruction is allocated.

(q) Evidence of an urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: The exact data instrument is to be a standardized measure of reading comprehension. The instrument will be either the *Predictive Reading Inventory* (PRI, McGraw-Hill, Delmonte Research Park, Monterey, CA 93940) or the *Stanford Achievement Test:* Reading, Intermediate Level II (Harcourt, Brace, Jovanovich, Chicago).

(s) Brief account of early involvement and communications with respondent populations: All three school districts were contacted by telephone at the time of the writing of the proposal. Subsequently, two districts, Provo and San Antonio, were contacted by letter; a letter is in preparation now for Kansas City.

(t) Assurance that respondents will have sufficent lead time to comply with requests: Since the testing will not begin until September of 1981, there is clearly sufficient lead time for the school districts to respond to our requests for site selection and participation.

(u) Specific justification for a multi-year approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of the proposed activity: Field test of mathematics curriculum materials using high technology (upper elementary grades)

(b) Name of the sponsoring agency/bureau/office: U.S. Department of Education/Office of Libraries and Learning Technologies/Division of Educational Technology.

(c) Agency form number: ED 850.

(d) Justification: Curricular units in basic skill areas of mathematics are being developed for delivery by microcomputer and interactive videotape. The field test will be conducted to verify that the units are effective in teaching the mathematical concepts and skills and that they are usable by and useful to classroom teachers.

(e) Description of survey plan: The field test will be conducted in three Ohio school districts. Microcomputers will be provided at each site. Students using the curricula will be given appropriate tests over the mathematical content, and will be questioned (via interview and/or questionnaire) concerning their attitudes towards computers, mathematics and the curricular units. Teachers will be questioned (via interviews and/or questionnaire) concerning their assessment of the units and any suggestions for revision. All human subjects guidelines of the Ohio State University and the participating school districts will be followed.

(f) Tabulation and publication plans: Specific tabulation plans will be submitted after instruments are developed. Summary findings will be presented in regional and national conferences, and will be submitted to professional journals (e.g. American Educational Research Association, National Council of Teachers of Mathematics) for publication.

(g) Time schedule for data collection and publication: Data will be collected from January 1982 to May 1982. A preliminary report of findings will be included in the quarterly report due to The Office of Libraries and Learning Technologies on June 30, 1982. More refined analyses will be made between June 30 and August 1982 in preparation for publication.

(h) Consultations outside the agency: All work to be performed by contractor, Ohio State University.

(i) Estimation of respondent reporting burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Students, public elementary | 450 | 50 |
| Teachers, elementary | 15 | 150 |
| Principals | 3 | 120 |
| Parents | 600 | 2 |

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: $90,000.

(l) Detailed justification of how information once collected will be used: Information will be used in modifying the curricular prior to dissemination and evaluating and/or modifying the support materials and inservice training given to teachers.

(m) Methods of analysis: To be determined.

(n) Legislative authority specifically requiring or allowing the data collection: "Sec. 207. The Secretary, in accordance . . . shall support development and demonstration activities related to the improved use of television and other technology to contribute to the instruction of children in reading, mathematics, and written and oral communication . . . " (P.L. 95-561; 20 USC 2887)

(o) Timetable for dissemination of collected data: Data dissemination will begin in the summer of 1982. A paper will be submitted for the National Educational Computing Conference. During the School Year 1982-83 several reports will be issued.

(p) Estimate of the total person-hours and costs required to complete the request:

| | |
|---|---|
| Person-hours | 2,650 |
| Costs | $90,000 |

(q) Evidence of any urgent need or very unusual circumstance requiring the data: None.

(r) Copy of the exact data instrument: Not available; instruments will be produced April 1981-July 1981, and will be available from Sheldon Fisher, Educational Technology Development Branch, U.S. Department of Education, Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent

populations: Dr. Franklin Walter, Superintendent of Public Instruction, Ohio Deaprtment of Education was consulted during the development of the proposal for this project, as was Dr. Howard Merriman, Assistant Superintendent, Columbus Public Schools. Dr. Irene Bandy, who coordinates programs involving educational technology in the Ohio Department of Education, serves on the National Advisory Board for the project. Also on the Advisory Board are an administrator from the Columbus Public Schools and a teacher from the Worthington (Ohio) Public Schools. Other school systems have been made aware of the project through communications to district personnel; discussions with potential field site superivsors are underway at this time.

(t) Assurance that respondents will have sufficient lead time to comply with request: Data will be collected beginning January 1982 and continue through April 1982. Contacts with school personnel have been initiated (see (s) above).

(u) Specific justification for a multi-year approval: None.

**Data Activity Plan Summary**

(a) Title of the proposed activity: 1981–82 Common Core of Data (CCD).

(b) Name of the sponsoring agency/bureau/office: U.S. Department of Education/Office of the Assistant Secretary for Research and Improvement/National Center for Education Statistics/Division of Elementary and Secondary Education Statistics/Institutional Surveys Branch.

(c) Agency form number(s): ED (NCES) 2350–5; –6; –7; –8; 8–1 –9; –14; ED (NCES) 2393–2; –2A; –4.

(d) Justification: (1) Section 406(b)(1) of the General Education Provisions Act provides that NCES shall "collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States * * *" The Common Core of Data (CCD) survey was developed jointly by staff from NCES, the State Education Agencies (SEAs), and selected local education agencies (LEAs). As an alternative to reduncant data collections, excessive detail, and lack of agreement among data collectors on standard terminology and measures, the Council of Chief State School Officers (CCSSO) and its Committee on Evaluation and Information Systems (CEIS) encouraged NCES to complete the development of CCD and plan full-scale implementation. The CCSSO has encouraged each of its members to develop the capacity to report all of the data included in the CCD data base. NCES has assisted each SEA in the form of workshops, on-site visits, and technical assistance where needed.

(2) When fully implemented, the CCD data base will:

a. Contain part of the general statistical data needed about public education agencies,

b. Supply some of the data needed in the tabulations that appear in the Statistical Abstract of the United States, the Digest of Education Statistics, and

c. Serve as the basis for many estimates and projections of elementary and secondary education generated by NCES. The availability of the CCD data base contributes to elimination of redundant requests for the same data and subsequent reduction in the respondent burden. The updated automated system will provide a core of fiscal and nonfiscal data for Federal analysis purposes.

(3) The purpose of this collection is to measure the allocation of personnel resources to functions performed by employees. The data collected by other agencies do not satisfy this purpose, nor do the data collected by NCES satisfy the purpose of identifying potential employment discrimination based on race or sex. (This pertains to the staff data collection only.)

(e) Description of survey plan: (1) The universe of respondents is the 57 State education agencies. Each SEA requires annual statistical reports from each LEA. These data are examined and verified and become a matter of record in each SEA. The SEAs compile the data requested by NCES from their records.

(2) The CCD design consists of basically three components:

a. A group of State aggregate reports on pupils, employees, revenues, and expenditures, and selected other data (ED (NCES) 2350–5; –6; –7; –9).

b. An LEA nonfiscal report on public membership, employees, and a universe of schools operated by each LEA in each State (ED (NCES) 2350–2; –8; 8–1; 2393–2; 2393–2A).

c. A report from each SEA on its revenues, expenditures, and employees (ED (NCES) 2350–13; 2393–4).

(f) Tabulation and publication plans: A series of reports will continue to be published and several topical reports are planned for publication based on the LEA aggregate data. This series will include at least one report on measures of disparity among LEAs in each State in terms of size, number of schools operated, and staff/pupil ratios.

Most of the tabulations will be of the several data components reported for each State. The tables used in the previous reports will continue to be used. A series of summary tabulations of LEA aggregate data is planned. This series will include tables such as number of schools in each State by type and size intervals, pupil/staff ratio tables by size of LEA and State, etc. Also planned is a set of tables that present summary data about the operations of the SEAs; revenues by source, expenditures by agency function, and employees by function.

(g) time schedule for data collection and publication: The due date for each component part of this survey is printed on the survey form. It is planned that mailing will be accomplished two months prior to the due date. The first due date is scheduled for August 15, 1981 and the last due date is scheduled for May 15, 1982.

Contingent upon the availability of processing support resources, the lapsed time between survey close-out and publication should not exceed nine months. This also assumes that each of the SEAs will have reported on or before the due date. Should this not be the case, it will be necessary to publish bases upon those received.

(h) Consultations outside the agency: Since all of the components included within this survey are continuations of surveys previously conducted, no special consultations outside the agency other than several reviews by the CCD Task Force and the NCES Task Force of CEIS have been conducted.

(i) Estimation of respondent reporting burden: There are extreme variations in the number of schools and school districts in each State. The estimates provided must be interpreted carefully. One State is expected to prepare only nine reports, while another State is asked to prepare 1,340 reports.

Based on prior experience with the four previous CCD's, the following estimates are provided:

| Form number | Respondent type | Number | Estimate of average person-hours |
|---|---|---|---|
| 2350–5 | SEA's | 57 | 20 |
| 2350–6 | SEA's | 57 | 20 |
| 2350–7 | SEA's | 57 | 4 |
| 2350–8 | SEA's | 57 | 10 |
| 2350–9 | SEA's | 57 | 10 |
| 2350–13 | SEA's | 57 | 3 |
| 2393–2 | LEA's | 15,000 | 1.25 |
| 2393–2A | Schools | 90,000 | .083 |
| 2393–4 | SEA's | 57 | 25 |

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: $844,900.

(l) Detailed justification of how information once collected will be used: In addition to the tabulation and publication in section (f), NCES plans to publish two directories, one listing public officers and officials of State

Education Agencies, and the second listing names, location, number of pupils and number of school served by each LEA. In addition, the Center plans to publish a series of statistical reports providing State and U.S. totals for pupil membership, staff employed by public school districts, revenues and expenditures for public education, and characteristics of public schools. These directories and reports will be disseminated to individuals and organizations interested in public elementary and secondary education in the United States. The Center will also make available for dissemination a series of data tapes for use by educational planners, analysts, and researchers. It is expected that these data bases will be used as the sampling frame for many special purpose surveys.

(m) Methods of analysis: Analysis will be mainly aggregations to generate tables of State and area totals, distributions of large city school systems, and institutional data, as permitted, on items such as pupil-teacher ratios, staff ratios, expenditure per pupil, etc.

(n) Legislative authority specifically requiring or allowing the data collection: NCES "shall . . . collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States; . . ." (Section 406(b)(1) of the General Education Provision Act)

(o) Timetable for dissemination of collected data: See item (g).

(p) Estimate of the total person-hours and costs required to complete the request:

| | |
|---|---|
| Person-hours | 32,744 |
| Costs | $545,000 |

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument(s): Copies may be obtained from: Mr. Warren A. Hughes, U.S. Department of Education, National Center for Education Statistics, (Room 901, Presidential), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent populations: The development of the survey has been through the joint efforts of NCES staff, the State agencies, and some local education agencies. The Council of Chief State School Officers, through its Committee on Evaluation and Information Systems, has encouraged all States to help in fully implementing the survey.

(t) Assurance that respondents will have sufficient lead time to comply with request: Each SEA is apprised six to seven months in advance of the request for data. Additionally, these data returned to NCES have already been collected by the SEA for much of its on-going work.

(u) Specific justification for multi-year approval: Not applicable.

**Data Activity Plans Summary**

(a) Title of the Proposed Activity: 1981–82 Teachers Language Skills Survey (TLSS).

(b) Name of the Sponsoring agency/bureau/office: Department of Education/National Center for Education Statistics/Division of Elementary and Secondary Education Statistics/Population Surveys Branch.

(c) Agency Form Number: ED (NCES) 2397.

(d) Justification: Secs. 731(c) (1) and (4) of the Bilingual Education Act, Title VII, ESEA, as amended by P.L. 95–561, call for assessment of the number of teachers needed to carry out bilingual education programs and a plan for training the needed teachers. Sec. 742(b) provides for studies to determine the effectiveness of Title VII-sponsored teacher training programs. This study is required to update the count of public school teachers with the required qualifications obtained in the 1976–77 TLSS. It will make possible estimates in the changes in the numbers of fully qualified and partially qualified teachers between 1976–77 and 1981–82, the number of teachers in 1981–82 who have received training sponsored by Title VII, ESEA, and the number trained in Puerto Rico and in foreign countries who are available to implement programs of bilingual education.

The study will be coordinated with the study of the Impact of Title VII-funded Training Programs Operated by Institutions of Higher Education sponsored by the Department of Education's Office of Evaluation and Dissemination. Data from this study will be used by planners in the Department of Education in preparing the mandated reports to the Congress and in implementing and monitoring sections of the legislation pertaining to teachers' qualifications and training.

Sections of the legislation had not been implemented at the time that the first survey of teachers' qualifications for bilingual education programs was conducted in 1976–77. There is no other source of this type of information on teachers in U.S. schools.

(e) Description of Survey Plan: Approximately 15,000 public school teachers will be sampled in a two-stage sample with schools as the first stage units. The sample will be drawn to represent the States of California, New York, Texas, and all other States in aggregate. Teachers teaching in programs supported by Title VII, ESEA, will be oversampled to permit separate analysis of their qualifications in comparison with teachers not teaching in programs supported by Title VII. A subsample of about 200 responding teachers at approximately five sites will be interviewed and tested using a standardized language proficiency testing procedure. The sites will be selected with the assistance of local personnel and will not be intended to be nationally representative. Findings will be used to validate the self-ratings of language proficiency in the questionnaire.

The survey will call for a study of non-responding teachers and schools in the event that the response rate for any of the geographic areas or among the Title VII teachers falls below 85 percent. Findings from this study will be used to minimize possible bias resulting from non-response.

(f) Tabulation and Publication Plans: Data will be tabulated for teachers using non-English languages in instruction or teaching English as a second language (ESL) and those not doing either in 1981–82 by background and qualifications and whether they received training supported by Title VII or not and whether training was obtained abroad or not. Data will be tabulated separately for teachers teaching in bilingual education programs supported by Title VII. Tabulations will be produced by March 1982 for use in reporting to the Congress and the President as required in the legislation. A summary report with all relevant data will be published in Summer 1982 to be distributed to bilingual educators and the general public.

(g) Time Schedule for Data Collection and Publication: Data will be collected during the 1981–82 academic year. Clean data tapes and tabulations will be produced by March 1982, for the use by Department of Education planners and the Congress. The final will be published in the Summer of 1982, four months after completion of the data collection.

(h) Consultations Outside the Agency: As study A–6, under the Part C Research Agenda of the Bilingual Education Act, Title VII, ESEA, as amended by P.L. 95–561, the 1981–82 Teachers Language Skills Survey has been developed and coordinated under the supervision of the Part C Coordinating Committee, including James J. Vanecko, Deputy Assistant Secretary for Education Policy Development; Josue M. Gonzales, Director, Teaching and Learning Programs Division, National Institute of

Education; Carl E. Wisler, Director, Elementary and Secondary Programs Division, Office of Education and Dissemination; Kathy Truex, Office of Assistant Secretary for Education and Ron Hall, Office of the Assistant Secretary for Education. In addition John Chapman, Office of the Assistant Secretary for Planning and Evaluation; Ernestina Carrizosa, National Institute of Education; Tetsuo Okada, Office of Bilingual Education, provided assistance.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate of average person-hours |
|---|---|---|
| Public elementary/secondary teachers | 13,800 | .2 |
| Public elementary/secondary teachers | 200 | .5 |
| School administrators and supervisors | 2,000 | .5 |

(j) Sensitive questions: None.

(k) Estimate of Cost to Federal Government: $450,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Legislation.*—Data are needed to fill the reporting requirements in the Bilingual Education Act and to provide the information needed by the Congress in the renewal of the legislation beginning in the spring of 1982. Data on the numbers of fully qualified and partially qualified public school teachers will be used by Department of Education planners and the Congress in considering changes in the legislation pertaining to qualifications and training of teachers. In addition, updated numbers of qualified teachers being used and not being used are needed as input for the bilingual teacher supply/need model.

*Program Management.*—The data will be used by the Office of Bilingual Education (OBE) to determine training needs of teachers, the extent to which teachers with Title VII-sponsored training are employed in programs, the extent to which teachers employed in Title VII programs meet qualifications standards and compare with teachers not employed in Title VII programs. It will also be used by OBE in the preparation of the mandated plan to train teachers for programs to meet the needs of limited-English-proficient children.

*Research and Evaluation.*—The data being collected in the TLSS will be coordinated with data from an evaluation study of Title VII teacher training conducted under an Office of Evaluation and Dissemination contract. The TLSS will provide information on the numbers of teachers with foreign training who are teaching in U.S. schools for use in the teacher training study. This information is available from no other source. The TLSS will also provide an independent estimate of the number of Title VII-trained teachers using their training in Title VII-supported programs.

(m) Methods of Analysis: Data will be aggregated on the national level and for three States—California, New York and Texas—and the rest of the country. The main analytical method will be cross-tabulation. Descriptive data only will be reported initially.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The Bilingual Education Act, Title VII, Elementary and Secondary Education Act of 1965, as amended by P.L. 95-561. Sec. 731(c), 20 USC 3241.

"The Secretary, in consultation with the Council, shall prepare and, not later than February 1, 1980, 1982, and 1984, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the programs for persons of limited English proficiency. Such report shall include—

(1) a national assessment of the education needs of children and other persons with limited English proficiency (and of the extent to which such needs are being met from Federal, State, and local efforts, including) . . . (b) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

(4) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English proficiency and a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel needed to carry out programs of bilingual education in the States."

Sec. 742(b), 20 USC 3252.

"Research activities authorized to be assisted under this section shall include—

(7) studies to determine the effectiveness of teacher training preservice and inservice programs funded under this title; . . ."

(o) Timetable for Dissemination of Collected Data: Data will be available for planning use and for the mandated report by spring, 1982. See (f) for the method and content of the data dissemination and (g) for the time schedule of publication.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Estimated total person-hours, 3,860.

Estimated total costs to respondents, $45,100.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the instrument may be obtained by writing to:

Ms. Jane L. Crane, U.S. Department of Education, National Center for Education Statistics, Room 901, Presidential Building, 400 Maryland Avenue, SW, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Approximately 10,000 teachers responded to the 1976-77 TLSS. The findings were the subject of various papers and two articles published in professional journals. The new survey was announced to directors of bilingual education projects and State agency representatives in November 1979, and to numerous teachers and other individuals who have requested the Office of the Assistant Secretary of Education for information about bilingual education research plans throughout 1979. The draft questionnaire was reviewed by the Chief State School Officers' Committee on Evaluation and Information Systems at its January 1980 meeting. The Committee recommended the survey.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Administrators and teachers will have approximately one month to reply.

(u) Specific Justification For a Multi-Year Approval: Not applicable.

**Data Activity Plan Summary**

(a) Title of Proposed Activity: Application under the Library Service and Construction Act.

(b) Name of the Sponsoring Agency: Department of Education, Office of Educational Research and Improvement, Office of Libraries and Learning Technologies Division of Library Programs.

(c) Agency Form Number: ED-4563.

(d) Justification: "Sec. 2(a). It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, in promoting interlibrary cooperation among all types of libraries, and in strengthening major resource libraries.

"Sec. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan . . ., (2) submit an annual program . . . and shall submit . . . a long-range program . . ." P.L. 84–597, as amended by P.L. 95–123, 20 U.S.C. 352 and 354.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Consultations were made with selected State library agencies, including those in Maryland and West Virginia.

(i) Estimation of Respondent Reporting Burden:

| Respondent type | Number | Estimate average of person-hours |
|---|---|---|
| State Library Agency | 57 | 30 |

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $1,100.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information will be used for program management and evaluation purposes. Fiscal data are analyzed to determine whether maintenance-of-effort and other requirements have been met. Program information is analyzed regarding mandated priorities and optional utilization of funds. Information from the form is used as a basis for consultation with State library agencies, for program monitoring and for State management reviews. It is also needed for responding to requests for current program information that are received from the Congress and other data users.

(m) Methods of Analysis. Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: From P.L. 95–123:

Title I.—"Sec. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall . . . include an extension of the long-range program, taking into consideration the results of evaluations."

Title III.—"Sec. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall . . . include an extension of the long-range program, taking into consideration the results of evaluations. (P.L. 84–597, as amended by P.L. 95–123, 20 U.S.C. 354)

(o) Timetable for Dissimination of Collected Data: Not applicable.

(p) Estimate of Total Person-hours and Costs Required to Complete the Request: Person-hours, 1,710. Cost, $16,313.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Nathan M. Cohen, Office of Libraries and Learning Technologies, Office of Educational Research and Improvement, Department of Education, Room 3124, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: In addition to communication with specific State library agencies some years ago when the form was first developed, as noted in item h above, there has been continuing consultation with State library agencies over the years. The latest such communication was held in April 1979 with representatives from 57 States and Outlying Parts.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Previous experience indicates that lead time is adequate.

(u) Specific Justification for a Multi-year Approval: Not applicable.

[FR Doc. 81–5622 Filed 2–13–81; 4:15 pm]

BILLING CODE 4000–01

# Sunshine Act Meetings

Federal Register
Vol. 46, No. 33
Thursday, February 19, 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

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 11 a.m., Friday, February 27, 1981.

**PLACE:** 2033 K Street NW., Washington, D.C., eighth floor conference room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Briefing.

**CONTACT PERSON FOR MORE INFORMATION:** Jane Stuckey, 254–6314.

[S-267-80 Filed 2-17-81; 2:23 pm]

**BILLING CODE 6351-01-M**

### 2

**FEDERAL ELECTION COMMISSION.**

**DATE AND TIME:** Tuesday, February 24, 1981 at 10 a.m.

**PLACE:** 1325 K Street NW., Washington,D.C.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Personnel.Compliance. Litigation. Audits.

* * * * *

**DATE AND TIME:** Thursday, February 26, 1981 at 10 a.m.

**PLACE:** 1325 K Street NW., Washington, D.C. (fifth floor).

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:**

Setting of dates for future meetings
Corrrection and approval of minutes
Certification
Granting extensions of time in Commission enforcement proceedings
Appropriations and budget
Pending legislation
Classification actions
Routine administrative matters

* * * * *

**DATE AND TIME:** Monday, February 16, 1981 at 12:45 p.m.

**PLACE:** 1325 K Street NW., Washington, D.C. (fifth floor).

**STATUS:** This meeting was open to the public. Due to extraordinary circumstances, the Commission met to discuss the following matter:

Revised fiscal year 1982 budget—response to OMB

* * * * *

**PERSON TO CONTACT FOR INFORMATION:** Mr. Fred Eiland, Public Information Officer; telephone: 202–523–4065.

**Marjorie W. Emmons,**
*Secretary of the Commission.*

[S-268-81 Filed 2-17-81; 3:35 pm]

**BILLING CODE 6715-01-M**

### 3

**FEDERAL RESERVE SYSTEM.** (Board of Governors)

**TIME AND DATE:** 10 a.m., Monday, February 23, 1981.

**PLACE:** 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: February 13, 1981.

**James McAfee,**
*Assistant Secretary of the Board.*

[S-263-80 Filed 2-13-81; 4:06 pm]

**BILLING CODE 6210-01-M**

### 4

**FEDERAL TRADE COMMISSION.**

**TIME AND DATE:** 10 a.m., Thursday, February 19, 1981.

**PLACE:** Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Consideration of proposed Clearance Rules.

**CONTACT PERSON FOR MORE INFORMATION:** Susan B. Ticknor, Office of Public Information: (202) 523–3830; Recorded Message: (202) 523–3806.

[S-264-80 Filed 2-17-80; 9:53 am]

**BILLING CODE 6750-01-M**

### 5

**NUCLEAR REGULATORY COMMISSION.**

**DATE:** Week of February 16 (changes).

**PLACE:** Commissioners' conference room, 1717 H Street, NW., Washington, D.C.

**STATUS:** Open/closed.

**MATTERS TO BE CONSIDERED:** Tuesday, February 17 (changes):

*3 p.m.*

The Briefing on Significant Enforcement Action has been *delayed.*

*3:30 p.m.*

1. Discussion of Draft Bailly Show Cause Order (closed—Extension 10) (as announced)

Wednesday, February 18:

*10 a.m.*

1. Discussion of Policy on Proceeding with Pending Construction Permit and Manufacturing License Applications (additional item) (continued from Feb. 12, public meeting)

*2 p.m.*

1. Discussion and Vote on Systematic Safety Evaluation of All Currently Operating Nuclear Power Reactors (approx 1 hour, as announced) (public meeting)
2. Affirmation/Discussion Session (public meeting) (changes)

Affirmation and/or Discussion and Vote:

a. Proposed Rule Changes to Implement the Commission's Delegation of OL Antitrust Determination to Director, NRR & NMSS (as announced)

b. Redraft of **Federal Register** Notice on Spent Fuel Generic (as announced)

c. Review of ALAB–618–LaCrosse (as announced)

d. **Federal Register** Notice–Suspension of Procedural Assistance Program (additional item)

[Fire Protection Rule for Future Plants (delayed)]

[Part 51—NEPA Regulations (delayed)]

**ADDITIONAL INFORMATION:** By vote of 4–0 on February 12, the Commission determined pursuant to 5 U.S.C. 552b(e)(9) and § 9.107(a) of the

Commission's Rules that Commission business required that the Discussion of Budget Testimony, held that day, be held on less than one week's notice to the Public.

On Monday, February 23, 1981, at 2 p.m. there will be a Management–Organization and Internal Personnel Matters discussion held in closed session under exemptions 2,6).

**CONTACT PERSON FOR MORE INFORMATION:** Walter Magee (202) 634–1410.

**AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE:** (202)634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

**Walter Magee,**

*Office of the Secretary*

[S-266-81. Filed 2-17-81; 1:14 pm]

BILLING CODE 7590-01-M

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6

[1P0401]

**PAROLE COMMISSION.**

National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

**TIME AND DATE:** 9:30 a.m., Friday, February 20, 1981.

**PLACE:** Room 724, 320 First Street NW., Washington, D.C. 20537.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Referrals from Regional Commissioners of approximately 4 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

**CONTACT PERSON FOR MORE INFORMATION:** Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (202) 724–3094.

[S-265-81 Filed 2-17-81; 11:39 am]

BILLING CODE 4410-01-M

federal register

Thursday
February 19, 1981

Part II

# Office of Management and Budget

## Cumulative Report on Rescissions and Deferrals

## OFFICE OF MANAGEMENT AND BUDGET

### Cumulative Report on Rescissions and Deferrals

To the Congress of the United States:

I hereby withdraw the 33 rescission proposals transmitted to the Congress by the Carter Administration on January 15, 1981 totalling $1,142.4 million and temporarily convert them to deferrals. A list of the withdrawn rescission proposals is attached.

The conversion to temporary deferrals will provide my Administration with the opportunity to review and revise these proposals within the context of my overall plan to curtail the growth of government and reduce Federal spending.

In addition, I am reporting four other new deferrals totalling $8.0 million and a revision to a previously transmitted deferral increasing the amount deferred by $51.1 million. These four new items involve programs in the Departments of the Interior and Transportation and the International Communication Agency. The revision to the existing deferral involves the Department of the Treasury.

The details of the deferrals are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
*February 13, 1981.*

BILLING CODE 3110-01-M

Rescission Proposals Withdrawn
(in thousands of dollars)

| Rescission # | Item | Budget Authority |
|---|---|---|
| | Department of Commerce | |
| | National Oceanic and Atmospheric Administration | |
| RSI-1 | Operations, research, and facilities | 30,493 |
| | National Telecommunications and Information Admin. | |
| RSI-2 | Public telecommunications facilities, planning and construction | 4,003 |
| | Department of Education | |
| | Office of Elementary and Secondary Education | |
| RSI-3 | School assistance in federally affected areas | 146,[illegible] |
| RSI-4 | Elementary and secondary education | 32,130 |
| | Office of Vocational and Adult Education | |
| RSI-5 | Vocational and adult education | 11,642 |
| | Office of Postsecondary Education | |
| RSI-6 | Student loan insurance | 78,728 |
| RSI-7 | Higher and continuing education | 30,989 |
| | Department of Energy | |
| | Energy programs | |
| RSI-8 | Energy supply, research and development - operating expenses | 25,026 |
| RSI-9 | Energy supply, research and development - plant and capital equipment | 3,450 |
| RSI-10 | Fossil energy research and development | 25,450 |
| RSI-11 | Energy conservation | 47,900 |
| | Department of Health and Human Services | |
| | Health Services Administration | |
| RSI-12 | Health services | 8,057 |
| | Centers for Disease Control | |
| RSI-13 | Preventive health services | 27,000 |
| | National Institutes of Health | |
| RSI-14 | National Cancer Institute | 13,565 |
| RSI-15 | National Heart, Lung, and Blood Institute | 10,324 |
| RSI-16 | National Institute of Dental Research | 302 |
| RSI-17 | National Institute of Arthritis, Metabolism, and Digestive Diseases | 3,232 |
| RSI-18 | National Institute of Neurological and Communicative Disorders and Stroke | 2,031 |
| RSI-19 | National Institute of Child Health and Human Development | 3,285 |
| RSI-20 | National Eye Institute | 2,353 |
| RSI-21 | National Institute of Environmental Health Sciences | 3,250 |
| RSI-22 | National Institute of Aging | 588 |
| RSI-23 | Research Resources | 10,533 |
| RSI-24 | National Library of Medicine | 343 |
| RSI-25 | Office of the Director | 350 |
| | Alcohol, Drug Abuse and Mental Health Administration | |
| RSI-26 | Alcohol, drug abuse, and mental health | 67,140 |
| | Health Resources Administration | |
| RSI-27 | Health resources | 78,581 |
| | Human Development Services | |
| RSI-28 | Human development services | 10,000 |
| | Department of Housing and Urban Development | |
| | Housing Programs | |
| RSI-29 | Congregate services program | 10,000 |
| | Other Independent Agencies | |
| | Community Services Administration | |
| RSI-30 | Community services program | 6,000 |
| | Federal Mine Safety and Health Review Commission | |
| RSI-31 | Salaries and expenses | 183 |
| | Postal Service | |
| RSI-32 | Payment to the Postal Service Fund | 250,000 |
| | Tennessee Valley Authority | |
| RSI-33 | Tennessee Valley Authority Fund | 177,000 |
| | Subtotal, rescission proposals withdrawn | 1,142,291 |

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

| Deferral # | Item | Budget Authority |
|---|---|---|
| | Department of Commerce | |
| | National Oceanic and Atmospheric Administration | |
| D81-42 | Operations, research, and facilities | 33,493 |
| | National Telecommunications and Information Admin. | |
| D81-43 | Public telecommunications facilities, planning and construction | 4,000 |
| | Department of Education | |
| | Office of Elementary and Secondary Education | |
| D81-44 | School assistance in federally affected areas | 148,000 |
| D81-45 | Elementary and secondary education | 52,150 |
| | Office of Vocational and Adult Education | |
| D81-46 | Vocational and adult education | 11,862 |
| | Office of Postsecondary Education | |
| D81-47 | Student loan insurance | 78,728 |
| D81-48 | Higher and continuing education | 30,999 |
| | Department of Energy | |
| | Energy programs | |
| D81-49 | Energy supply, research and development - operating expenses | 25,025 |
| D81-50 | Energy supply, research and development - plant and capital equipment | 3,650 |
| D81-51 | Fossil energy research and development | 25,450 |
| D81-52 | Energy conservation | 47,800 |
| | Department of Health and Human Services | |
| | Health Services Administration | |
| D81-53 | Health services | 8,057 |
| | Centers for Disease Control | |
| D81-54 | Preventive health services | 27,000 |
| | National Institutes of Health | |
| D81-55 | National Cancer Institute | 13,565 |
| D81-56 | National Heart, Lung, and Blood Institute | 10,324 |
| D81-57 | National Institute of Dental Research | 302 |
| D81-58 | National Institute of Arthritis, Metabolism, and Digestive Diseases | 3,232 |
| D81-59 | National Institute of Neurological and Communicative Disorders and Stroke | 2,731 |
| D81-60 | National Institute of Child Health and Human Development | 3,285 |
| D81-61 | National Eye Institute | 2,353 |
| D81-62 | National Institute of Environmental Health Sciences | 3,158 |
| D81-63 | National Institute of Aging | 538 |
| D81-64 | Research Resources | 10,561 |
| D81-65 | National Library of Medicine | 341 |
| D81-66 | Office of the Director | 360 |

| Deferral # | Item | Budget Authority |
|---|---|---|
| | Alcohol, Drug Abuse and Mental Health Administration | |
| D81-67 | Alcohol, drug abuse, and mental health | 67,140 |
| | Health Resources Administration | |
| D81-68 | Health resources | 78,483 |
| | Human Development Services | |
| D81-69 | Human development services | 10,000 |
| | Department of Housing and Urban Development | |
| | Housing Programs | |
| D81-70 | Congregate services program | 10,000 |
| | Department of the Interior | |
| | Bureau of Land Management | |
| D81-71 | Oregon and California grant lands | 1,848 |
| | Department of Transportation | |
| | Federal Aviation Administration | |
| D81-72 | Various activities | 3,493 |
| | Department of Treasury | |
| | Office of the Secretary | |
| D81-1*8 | State and local government fiscal assistance trust fund | 61,756 |
| | Other Independent Agencies | |
| | Community Services Administration | |
| D81-73 | Community services program | 8,000 |
| | Federal Mine Safety and Health Review Commission | |
| D81-74 | Salaries and expenses | 163 |
| | International Communication Agency | |
| D81-75 | Salaries and expenses (Special foreign currency program) | 1,600 |
| D81-76 | Acquisition and construction of radio facilities | 1,252 |
| | Postal Service | |
| | Postal Service | |
| D81-77 | Payment to the Postal Service Fund | 250,000 |
| | Tennessee Valley Authority | |
| D81-78 | Tennessee Valley Authority Fund | 177,000 |
| | Total, deferrals | 1,212,151 |

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981
(In thousands of dollars)

| | Rescissions | Deferrals |
|---|---|---|
| Fifth special message: | | |
| New items | --- | 1,150,395 |
| Change to amounts previously submitted | --- | 51,062 |
| Rescission proposals withdrawn | -1,142,391 | --- |
| Effect of fifth special message | -1,142,391 | 1,201,457 |
| Previous special messages | 1,143,891 | 5,670,450 |
| Total amount proposed in special messages | 1,500 | 6,871,907 a/ |

a/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-198).

Deferral No: D81-42

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Commerce | New budget authority (P.L. 96-526): $ 774,367,000 |
| Bureau: National Oceanic and Atmospheric Administration | Other budgetary resources: 11,850,061 |
| Appropriation title & symbol: Operations, Research, and Facilities 13X1450 | Total budgetary resources: 786,217,061 |
| | Amount to be deferred: Part of year: $ 30,493,000 |
| | Entire year: |
| OMB identification code: 13-1450-0-1-306 | Legal authority (in addition to sec. 1013): ☒ Antideficiency Act |
| Grant program: ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-43

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Commerce | New budget authority (P.L. 96-367): $25,705,000 |
| Bureau: National Telecommunications and Information Administration | Other budgetary resources: 11,510 |
| Appropriation title & symbol: Public Telecommunications Facilities, Planning and Construction 13X0551 | Total budgetary resources: 25,716,510 |
| | Amount to be deferred: Part of year: $4,000,000 |
| | Entire year: |
| OMB identification code: 13-0551-0-1-503 | Legal authority (in addition to sec. 1013): ☒ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-44

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Education | New budget authority (P.L. 96-536): $740,000,000 |
| Bureau: Office of Elementary & Secondary Education | Other budgetary resources: -0- |
| Appropriation title & symbol: School Assistance in Federally Affected Areas 9110102 | Total budgetary resources: 740,000,000 |
| | Amount to be deferred: Part of year: $148,000,000 |
| | Entire year: |
| OMB identification code: 91-0102-0-1-501 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-45

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Education | New budget authority (P.L. 96-536): $3,838,098,000 |
| Bureau: Office of Elementary and Secondary Education | Other budgetary resources: -0- |
| Appropriation title & symbol: Elementary and Secondary Education 9110100 | Total budgetary resources: 3,838,098,000 |
| | Amount to be deferred: Part of year: $52,150,000 |
| | Entire year: |
| OMB identification code: 91-0100-0-1-501 | Legal authority (in addition to sec. 1013): [X] Antideficiency Act |
| Grant program: [X] Yes [ ] No | [ ] Other |
| Type of account or fund: [X] Annual [X] Multiple-year September 30, 1982 (expiration date) [ ] No-year | Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-46

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Education | New budget authority (P.L. 96-536): $28,617,000 |
| Bureau: Office of Vocational and Adult Education | Other budgetary resources: -0- |
| Appropriation title & symbol: Vocational and Adult Education 1910400 | Total budgetary resources: 28,617,000 |
| | Amount to be deferred: Part of year: $11,862,000 |
| | Entire year: |
| OMB identification code: 91-0400-0-1-501 | Legal authority (in addition to sec. 1013): [X] Antideficiency Act |
| Grant program: [X] Yes [ ] No | [ ] Other |
| Type of account or fund: [X] Annual [ ] Multiple-year (expiration date) [ ] No-year | Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-47

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Education | New budget authority (P.L. 96-536): $2,312,479,000 |
| Bureau: Office of Postsecondary Education | Other budgetary resources: 210,816,000 |
| Appropriation title & symbol: Student Loan Insurance Fund 9110230 | Total budgetary resources: 2,523,295,000 |
| | Amount to be deferred: Part of year: $ 78,728,000 |
| | Entire year: |
| OMB identification code: 91-0230-0-1-502 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-48

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Education | New budget authority (P.L. 96-536): $ 410,863,315 |
| Bureau: Office of Postsecondary Education | Other budgetary resources: 16,941,872 |
| Appropriation title & symbol: Higher and Continuing Education 9110201 | Total budgetary resources: 427,805,187 |
| | Amount to be deferred: Part of year: $ 30,989,000 |
| | Entire year: |
| OMB identification code: 91-0201-0-1-502 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-49

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Energy | New budget authority (P.L. 96-367, 96-536, 96-369) $2,298,754,000 |
| Bureau Energy Programs | Other budgetary resources 131,525,000 |
| Appropriation title & symbol | Total budgetary resources 2,430,279,000 |
| Energy Supply Research and Development Operating Expenses 89X0224 | Amount to be deferred: Part of year $ 25,028,000 |
| | Entire year |
| OMB identification code: 89-0224-0-1-271 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-50

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Energy | New budget authority (P.L. 96-367) $ 383,287,000 |
| Bureau Energy Programs | Other budgetary resources 22,282,000 |
| Appropriation title & symbol Energy Supply, Research and Development Plant and Capital Equipment 89X0225.40 | Total budgetary resources 405,569,000 |
| | Amount to be deferred: Part of year $ 3,650,000 |
| | Entire year |
| OMB identification code: 89-0225-0-1-271 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-51

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Energy | New budget authority (P.L. 96-514): $ 711,435,000 |
| Bureau: Energy Programs | Other budgetary resources: 31,019,111 |
| Appropriation title & symbol: Fossil Energy Research and Development 89X0213 | Total budgetary resources: 742,454,111 |
| | Amount to be deferred: Part of year: $ 25,450,000 |
| | Entire year: |
| OMB identification code: 89-0213-0-1-271 | Legal authority (in addition to sec. 1013): [X] Antideficiency Act |
| Grant program: [ ] Yes [X] No | [ ] Other |
| Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year | Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-52

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Energy | New budget authority (P.L. 96-514): $ 882,107,000 |
| Bureau: Energy Programs | Other budgetary resources: 83,405,000 |
| Appropriation title & symbol: Energy Conservation 89X0215 | Total budgetary resources: 965,512,000 |
| | Amount to be deferred: Part of year: $ 47,800,000 |
| | Entire year: |
| OMB identification code: 89-0215-0-1-999 | Legal authority (in addition to sec. 1013): [ ] Antideficiency Act |
| Grant program: [ ] Yes [X] No | [ ] Other |
| Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year | Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-53

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Health and Human Services | New budget authority (P.L. 96-536): $1,058,277,000 |
| Bureau: Health Services Administration | Other budgetary resources: 56,778,000 |
| Appropriation title & symbol: Health Services 7510350 | Total budgetary resources: 1,115,055,000 |
| | Amount to be deferred: Part of year: $8,057,000 |
| | Entire year: |
| OMB identification code: 75-0350-0-1-551 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-54

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Health and Human Services | New budget authority (P.L. 96-536): $259,427,000 |
| Bureau: Centers for Disease Control | Other budgetary resources: 20,000,000 |
| Appropriation title & symbol: Preventive Health Services 7510943 | Total budgetary resources: 279,427,000 |
| | Amount to be deferred: Part of year: $27,000,000 |
| | Entire year: |
| OMB identification code: 75-0943-0-1-550 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-55

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Health and Human Services | New budget authority (P.L. 96-536) $ 724,755,000 |
| Bureau National Institutes of Health | Other budgetary resources 100,000 |
| Appropriation title & symbol<br>National Cancer Institute<br>7510849 | Total budgetary resources 724,855,000 |
| | Amount to be deferred:<br>Part of year $ 13,565,000<br>Entire year |
| OMB identification code:<br>75-0849-0-1-550 | Legal authority (in addition to sec. 1013):<br>☐ Antideficiency Act |
| Grant program ☒ Yes ☐ No | ☐ Other |
| Type of account or fund:<br>☒ Annual<br>☐ Multiple-year (expiration date)<br>☐ No-year | Type of budget authority:<br>☒ Appropriation<br>☐ Contract authority<br>☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-56

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Health and Human Services | New budget authority (P.L. 96-536) $ 406,281,000 |
| Bureau National Institutes of Health | Other budgetary resources 100,000 |
| Appropriation title & symbol<br>National Heart, Lung, & Blood Institute<br>7510872 | Total budgetary resources 406,381,000 |
| | Amount to be deferred:<br>Part of year $ 10,324,000<br>Entire year |
| OMB identification code:<br>75-0872-0-1-550 | Legal authority (in addition to sec. 1013):<br>☐ Antideficiency Act |
| Grant program ☒ Yes ☐ No | ☐ Other |
| Type of account or fund:<br>☒ Annual<br>☐ Multiple-year (expiration date)<br>☐ No-year | Type of budget authority:<br>☒ Appropriation<br>☐ Contract authority<br>☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-57

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Health and Human Services | New budget authority (P.L. 96-536) $ 51,353,000 |
| Bureau National Institutes of Health | Other budgetary resources 125,000 |
| Appropriation title & symbol<br>National Institute of Dental Research<br>7510873 | Total budgetary resources 51,478,000 |
| | Amount to be deferred:<br>Part of year $ 302,000<br>Entire year |
| OMB identification code:<br>75-0873-0-1-550 | Legal authority (in addition to sec. 1013):<br>☐ Antideficiency Act |
| Grant program ☒ Yes ☐ No | ☐ Other |
| Type of account or fund:<br>☒ Annual<br>☐ Multiple-year (expiration date)<br>☐ No-year | Type of budget authority:<br>☒ Appropriation<br>☐ Contract authority<br>☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-58

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Health and Human Services | New budget authority (P.L. 96-536) $ 268,740,000 |
| Bureau National Institutes of Health | Other budgetary resources -0- |
| Appropriation title & symbol<br>National Institute of Arthritis, Metabolism and Digestive Diseases<br>7510884 | Total budgetary resources 268,740,000 |
| | Amount to be deferred:<br>Part of year $ 3,232,000<br>Entire year |
| OMB identification code:<br>75-0884-0-1-550 | Legal authority (in addition to sec. 1013):<br>☐ Antideficiency Act |
| Grant program ☒ Yes ☐ No | ☐ Other |
| Type of account or fund:<br>☒ Annual<br>☐ Multiple-year (expiration date)<br>☐ No-year | Type of budget authority:<br>☒ Appropriation<br>☐ Contract authority<br>☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-59

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 95-344

| | |
|---|---|
| Agency Department of Health and Human Services | New budget authority (P.L. 96-536) $ 195,564,000 |
| Bureau National Institutes of Health | Other budgetary resources 69,000 |
| Appropriation title & symbol<br>National Institute of Neurological and Communicative Disorders and Stroke<br>7510886 | Total budgetary resources 195,633,000 |
| | Amount to be deferred:<br>Part of year $ 2,031,000<br>Entire year |
| OMB identification code:<br>75-0886-0-1-550 | Legal authority (in addition to sec. 1013):<br>☐ Antideficiency Act |
| Grant program ☒ Yes ☐ No | ☐ Other |
| Type of account or fund:<br>☒ Annual<br>☐ Multiple-year (expiration date)<br>☐ No-year | Type of budget authority:<br>☒ Appropriation<br>☐ Contract authority<br>☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-60

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 95-344

| | |
|---|---|
| Agency Department of Health and Human Services | New budget authority (P.L. 96-536) $ 161,887,000 |
| Bureau National Institutes of Health | Other budgetary resources 10,000 |
| Appropriation title & symbol<br>National Institute of Child Health and Human Development<br>7510844 | Total budgetary resources 161,897,000 |
| | Amount to be deferred:<br>Part of year $ 285,000<br>Entire year |
| OMB identification code:<br>75-0844-0-1-550 | Legal authority (in addition to sec. 1013):<br>☐ Antideficiency Act |
| Grant program ☒ Yes ☐ No | ☐ Other |
| Type of account or fund:<br>☒ Annual<br>☐ Multiple-year (expiration date)<br>☐ No-year | Type of budget authority:<br>☒ Appropriation<br>☐ Contract authority<br>☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-61

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Health and Human Services | New budget authority (P.L. 96-536) $ 87,242,000 |
| Bureau National Institutes of Health | Other budgetary resources 60,000 |
| Appropriation title & symbol<br>National Eye Institute<br>7510887 | Total budgetary resources 87,302,000 |
| | Amount to be deferred:<br>Part of year $ 2,353,000<br>Entire year |
| OMB identification code:<br>75-0887-0-1-550 | Legal authority (in addition to sec. 1013):<br>☐ Antideficiency Act<br>☐ Other |
| Grant program ☒ Yes ☐ No | |
| Type of account or fund:<br>☒ Annual<br>☐ Multiple-year (expiration date)<br>☐ No-year | Type of budget authority:<br>☒ Appropriation<br>☐ Contract authority<br>☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-62

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Health and Human Services | New budget authority (P.L. 96-536) $ 70,946,000 |
| Bureau National Institutes of Health | Other budgetary resources 5,613,000 |
| Appropriation title & symbol<br>National Institute of Environmental Health Sciences<br>7510862 | Total budgetary resources 76,559,000 |
| | Amount to be deferred:<br>Part of year $ 3,258,000<br>Entire year |
| OMB identification code:<br>75-0862-0-1-550 | Legal authority (in addition to sec. 1013):<br>☐ Antideficiency Act<br>☐ Other |
| Grant program ☒ Yes ☐ No | |
| Type of account or fund:<br>☒ Annual<br>☐ Multiple-year (expiration date)<br>☐ No-year | Type of budget authority:<br>☒ Appropriation<br>☐ Contract authority<br>☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-63

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Health and Human Services | New budget authority (P.L. 96-536): $54,950,000 |
| Bureau: National Institutes of Health | Other budgetary resources: 100,000 |
| Appropriation title & symbol: National Institute on Aging 7510843 | Total budgetary resources: 55,050,000 |
| | Amount to be deferred: Part of year: $588,000 |
| | Entire year: |
| OMB identification code: 75-0843-0-1-550 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-64

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Health and Human Services | New budget authority (P.L. 96-536): $170,779,000 |
| Bureau: National Institutes of Health | Other budgetary resources: 7,390,000 |
| Appropriation title & symbol: Research Resources 7510848 | Total budgetary resources: 178,169,000 |
| | Amount to be deferred: Part of year: $10,561,000 |
| | Entire year: |
| OMB identification code: 75-0848-0-1-550 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-65

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Health and Human Services | New budget authority (P.L. 96-536): $32,301,000 |
| Bureau: National Institutes of Health | Other budgetary resources: 2,400,000 |
| Appropriation title & symbol: National Library of Medicine 7510807 | Total budgetary resources: 34,701,000 |
| | Amount to be deferred: Part of year: $341,000 |
| | Entire year: |
| OMB identification code: 75-0807-0-1-550 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-66

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Health and Human Services | New budget authority (P.L. 96-536): $16,336,000 |
| Bureau: National Institute of Health | Other budgetary resources: 8,169,000 |
| Appropriation title & symbol: Office of the Director - 7510846 | Total budgetary resources: 24,505,000 |
| | Amount to be deferred: Part of year: $36,000 |
| | Entire year: |
| OMB identification code: 75-0846-0-1-550 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-67

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Health and Human Services | New budget authority (P.L. 96-536): $ 766,957,000 |
| Bureau: Alcohol, Drug Abuse and Mental Health Admin. | Other budgetary resources: -0- |
| Appropriation title & symbol: Alcohol, Drug Abuse, Mental Health 7511361 | Total budgetary resources: 766,957,000 |
| | Amount to be deferred: Part of year: $ 67,140,000 |
| | Entire year: |
| OMB identification code: 75-1361-0-1-550 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-68

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Health and Human Services | New budget authority (P.L. 96-536): $ 491,634,000 |
| Bureau: Health Resources Administration | Other budgetary resources: 2,741,000 |
| Appropriation title & symbol: Health Resources 7510712 | Total budgetary resources: 494,375,000 |
| | Amount to be deferred: Part of year: $ 78,683,000 |
| | Entire year: |
| OMB identification code: 7509712-0-1-550 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-69

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Health and Human Services | New budget authority (P.L. 96-536): $185,250,000 |
| Bureau: Human Development Services | Other budgetary resources: -0- |
| Appropriation title & symbol: Human Development Services (Administration on Aging - Social Services & Centers) 7511636 | Total budgetary resources: 185,250,000 |
| | Amount to be deferred: Part of year: $10,000,000 |
| | Entire year: |
| OMB identification code: 75-1636-0-1-999 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-70

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Housing & Urban Development | New budget authority (P.L. 96-536): $10,000,000 |
| Bureau: Housing Programs | Other budgetary resources: 13,134,000 |
| Appropriation title & symbol: Congregate Services Program 869/40178, 860/40178 and 861/40178 | Total budgetary resources: 23,134,000 |
| | Amount to be deferred: Part of year: $10,000,000 |
| | Entire year: |
| OMB identification code: 86-0178-0-1-604 | Legal authority (in addition to sec. 1013): ☒ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☐ Annual ☒ Multiple-year 9/30/84 (expiration date) ☐ No-year | Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-71

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Departmentof the Interior | New budget authority (P.L. 96-514) $57,500,000 |
| Bureau Bureau of Land Management | Other budgetary resources 2,548,562 |
| Appropriation title & symbol | Total budgetary resources 60,048,562 |
| Oregon and California Grant Lands 14X5136 | Amount to be deferred: Part of year $ --- |
| | Entire year 1,848,562 |
| OMB identification code: 14-5136-0-2-302 | Legal authority (in addition to sec 1013): ☒ Antideficiency Act |
| Grant program ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Appropriated Receipts |

Justification: The Interior and Related Agencies Appropriation Act for 1981, (P.L. 96-514) includes an indefinite no-year appropriation equivalent to 25 percent of timber sale receipts from revested Oregon and California Railroad grant lands. The appropriated receipts provide for management, development, and protection of Federal Oregon and California grant lands including the construction and maintenance of roads. Because the appropriation is based on receipts collected in the same fiscal period and the receipts are based on the timber harvested, the total amount which will be available for obligation can only be estimated. Not only may actual receipts vary from estimates, but receipts for the last two months of the fiscal period are not known in time to make programmatic adjustments to offset a possible shortfall between estimated and actual amounts. Deferral is planned to cushion fluctuations in receipt levels.

Receipts for FY 1980 were $195,214,247 with an unobligated balance of $2,548,562 brought forward into FY 1981. Total budgetary resources for this program are $60,048,562. P.L. 96-514, however, provides for obligation of no more than $58,200,000 in FY 1981. Consequently, the balance of $1,848,632 has been reserved for use in FY 1982. This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There will be no programmatic impact in FY 1981 since the receipts will continue to accrue but will remain unobligated until such time as the amount available can be used more effectively.

Outlay Effect: This deferral action has no effect on outlays.

Deferral No: D81-72

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Transportation | New budget authority (P.L. ) $ -0- |
| Bureau Federal Aviation Administration | Other budgetary resources 3,402,671 |
| Appropriation title & symbol | Total budgetary resources 3,402,671 |
| see coverage below | Amount to be deferred: Part of year $ -0- |
| | Entire year 3,402,671 |
| OMB identification code: 69-0106-0-1-402 | Legal authority (in addition to sec 1013): ☒ Antideficiency Act |
| Grant program ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

| Coverage | Account Symbol | Total Budgetary Resources | Amount Deferred |
|---|---|---|---|
| 1. Civil Supersonic Aircraft Development | 69X1358 | $3,007,717 | $3,007,717 |
| 2. Civil Supersonic Aircraft Development Termination | 69X0106 | 342,120 | 342,120 |
| 3. Research and Development | 69X1300 | 52,834 | 52,834 |
| | | 3,402,671 | 3,402,671 |

Justification: Funds were appropriated to these accounts in the Department of Transportation and Related Agencies Appropriation Acts of 1971 and 1972. These accounts finance the termination of the supersonic transport development program, including the total cost of settlement of contractor claims and closeouts, airline refunds, completion of specifically designated technology programs, and necessary governmental administrative costs incidental to these activities. Because of the difficulty in ending such a complex and massive undertaking, termination has taken a number of years. Settlement is being accomplished as quickly as possible consistent with the legitimate claims of the contractors and the protection of government interests. The deferred funds will not be needed for obligation during this fiscal year and are reserved for use in FY 1982.

Estimated Effect: This deferral action has no budgetary or programmatic effect

Outlay Effect: This deferral action has no effect on outlays.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-19A, transmitted in the special message to Congress on December 2, 1980.

This revised deferral report for the State and Local Government Fiscal Assistance Trust Fund in the Office of the Secretary of the Treasury increases the previously reported deferral from $10,694,198 to $61,756,000. The increase of $51,061,802 results from additional funds becoming available under P.L. 96-536 and the associated increase in withholdings of payments from various governments for reasons of noncompliance with the requirements of the State and Local Assistance Act, as amended.

Deferral No: D81-19S

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Department of the Treasury | New budget authority (P.L. 96-536 ): $4,566,700,000* |
| Bureau: Office of the Secretary | Other budgetary resources: 11,759,548* |
| Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111 1/ 2/ | Total budgetary resources: 4,454,940,452* |
| | Amount to be deferred: Part of year: $ 61,756,000* |
| | Entire year: |
| OMB identification code: 10-811-0-7-851 | Legal authority (in addition to sec. 1013): [X] Antideficiency Act P.L. 92-512 Sections 121 & 123; [X] Other P.L. 94-488 and P.L. 96-604* |
| Grant program: [X] Yes [ ] No | |
| Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year | Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other _____ |

Justification: The State and Local Governmental Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of noncompliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Estimated Effects: The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account is currently the subject of another deferral in FY 1981 (D81-18) and was the subject of a similar deferral in FY 1980 (D80-23A).

2/ Deferral of outlays only.

* Revised from previous report.

Deferral No: D81-73

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Community Services Administration | New budget authority (P.L. 96-536): $6,000,000 |
| Bureau: Community Services Program | Other budgetary resources: -0- |
| Appropriation title & symbol: Community Services Program 8110500 | Total budgetary resources: 6,000,000 |
| | Amount to be deferred: Part of year: $6,000,000 |
| | Entire year: |
| OMB identification code: 81-0500-0-1-999 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☒ Yes ☐ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-74

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Federal Mine Safety and Health Review Commission | New budget authority (P.L. 96-536): $3,140,000 |
| Bureau: | Other budgetary resources: -0- |
| Appropriation title & symbol: Salaries and Expenses 9512800 | Total budgetary resources: 3,140,000 |
| | Amount to be deferred: Part of year: $163,000 |
| | Entire year: |
| OMB identification code: 95-2900-0-1-554 | Legal authority (in addition to sec. 1013): ☒ Antideficiency Act |
| Grant program: ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-75

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: International Communication Agency | New budget authority (P.L. 96-536): $10,603,000 |
| Bureau: | Other budgetary resources: 4,015,034 |
| Appropriation title & symbol: Salaries and Expenses (Special Foreign Currency Program) 67X0205 | Total budgetary resources: 14,618,034 |
| | Amount to be deferred: Part of year: $ ____ Entire year: 1,500,000 |
| OMB identification code: 67-0205-0-1-154 | Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____ |
| Grant program: ☐ Yes ☐ No | |
| Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____ |

Justification: The United States International Communication Agency (ICA) is authorized by the United States Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), Executive Order No 11034 of June 25, 1962, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication, cultural and educational exchange programs.

The Continuing Appropriations Act, 1981 (P.L. 96-369, approved December 16, 1980) appropriated $10,603,000, to remain available until expended, for the "Salaries and expenses (special foreign currency program)" account. The account is used for payment of ICA local program expenses in U.S.-owned foreign currencies in those countries where the Department of Treasury determines that the supply of local currency is in excess of the normal requirements of the U.S. Government. In fiscal year 1981, the "excess currency" countries are: Burma, Guinea, India, Pakistan, and Egypt.

It is now estimated that the 1981 beginning-of-year unobligated balance for this account, plus anticipated reimbursements from other agencies, will amount to $4,015,034, which is significantly more than the sum estimated in the 1981 Budget. The deferred amount represents funds that will not be obligated during this fiscal year under current program plans. Accordingly, these funds are reserved for use in succeeding years.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral action has no budgetary or programmatic effect.

Outlay Effect: This deferral action has no effect on outlays.

Deferral No: D81-76

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: International Communication Agency | New budget authority (P.L. 96-536): $2,562,000 |
| Bureau: | Other budgetary resources: 21,338,658 |
| Appropriation title & symbol: Acquisition & Construction of Radio Facilities, International Communication Agency 67X0204 | Total budgetary resources: 23,900,658 |
| | Amount to be deferred: Part of year: $ ____ Entire year: 1,252,000 |
| OMB identification code: 67-0204-0-1-154 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____ |
| Grant program: ☐ Yes ☒ No | |
| Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____ |

Justification: The United States International Communication Agency (ICA) is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1962 (22 U.S.C. 2451 et seq.), Executive Order No. 11034 of June 25, 1962, as amended and Reorganization Plan No. 2 of 1977, to carry out international communication, cultural and educational exchange programs.

The International Communication Agency Authorization Act, Fiscal Year 1980 - 1981 (P.L. 96-60, approved August 15, 1979) authorized appropriations for ICA. The Continuing Appropriations Act, 1981 (P.L. 96-369, approved December 16, 1980) appropriated $2,562,000, to remain available until expended, for the "Acquisition and Construction of Radio Facilities" account primarily to expand the transmitter capacity of the Voice of America's worldwide broadcasting system.

This amount, together with funds appropriated in prior years, will be used to maintain and update existing VOA facilities and to expand transmitter facilities in East Asia, Africa, and Europe. The augmentation of the facilities in East Asia and Africa has been delayed due to significant increases in the cost estimates to complete these projects. Also, the scheduled completion of the modernization of the Master Control Complex in Washington has been delayed until 1982. As a result, $1,252,000 in funds that will not be obligated during this fiscal year are reserved for use in subsequent years.

This action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral action has no budgetary or programmatic effect.

Outlay Effect: This deferral action has no affect on outlays.

Deferral No: D81-77

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: United States Postal Service | New budget authority (P.L. 96-536): $1,593,217,000 |
| Bureau: | Other budgetary resources: -0- |
| Appropriation title & symbol: Payment to Postal Service Fund 18X1001 | Total budgetary resources: 1,593,217,000 |
| | Amount to be deferred: Part of year: $250,000,000 |
| | Entire year: |
| OMB identification code: 18-1001-0-1-372 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program: ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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BILLING CODE 3110-01-C

Deferral No: D81-78

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency: Tennessee Valley Authority | New budget authority (P.L. 96-367): $287,561,000 |
| Bureau: | Other budgetary resources: 87,396,000 |
| Appropriation title & symbol: Payment to the Tennessee Valley Authority Fund 64X4110 | Total budgetary resources: 374,957,000 |
| | Amount to be deferred: Part of year: $177,000,000 |
| | Entire year: |
| OMB identification code: 64-4110-0-3-999 | Legal authority (in addition to sec. 1013): ☒ Antideficiency Act |
| Grant program: ☐ Yes ☒ No | ☐ Other |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

federal register

Thursday
February 19, 1981

Part III

# The President

Executive Order 12291—
Federal Regulation

Federal Register
Vol. 46, No. 33
Thursday, February 19, 1981

# Presidential Documents

Title 3—

The President

## Executive Order 12291 of February 17, 1981

## Federal Regulation

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations, it is hereby ordered as follows:

Section 1. *Definitions.* For the purposes of this Order:

(a) "Regulation" or "rule" means an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency, but does not include:

(1) Administrative actions governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code;

(2) Regulations issued with respect to a military or foreign affairs function of the United States; or

(3) Regulations related to agency organization, management, or personnel.

(b) "Major rule" means any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(c) "Director" means the Director of the Office of Management and Budget.

(d) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), excluding those agencies specified in 44 U.S.C. 3502(10).

(e) "Task Force" means the Presidential Task Force on Regulatory Relief.

Sec. 2. *General Requirements.* In promulgating new regulations, reviewing existing regulations, and developing legislative proposals concerning regulation, all agencies, to the extent permitted by law, shall adhere to the following requirements:

(a) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;

(b) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;

(c) Regulatory objectives shall be chosen to maximize the net benefits to society;

(d) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and

(e) Agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the

particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

Sec. 3. *Regulatory Impact Analysis and Review.*

(a) In order to implement Section 2 of this Order, each agency shall, in connection with every major rule, prepare, and to the extent permitted by law consider, a Regulatory Impact Analysis. Such Analyses may be combined with any Regulatory Flexibility Analyses performed under 5 U.S.C. 603 and 604.

(b) Each agency shall initially determine whether a rule it intends to propose or to issue is a major rule, *provided that*, the Director, subject to the direction of the Task Force, shall have authority, in accordance with Sections 1(b) and 2 of this Order, to prescribe criteria for making such determinations, to order a rule to be treated as a major rule, and to require any set of related rules to be considered together as a major rule.

(c) Except as provided in Section 8 of this Order, agencies shall prepare Regulatory Impact Analyses of major rules and transmit them, along with all notices of proposed rulemaking and all final rules, to the Director as follows:

(1) If no notice of proposed rulemaking is to be published for a proposed major rule that is not an emergency rule, the agency shall prepare only a final Regulatory Impact Analysis, which shall be transmitted, along with the proposed rule, to the Director at least 60 days prior to the publication of the major rule as a final rule;

(2) With respect to all other major rules, the agency shall prepare a preliminary Regulatory Impact Analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of a notice of proposed rulemaking, and a final Regulatory Impact Analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of the major rule as a final rule;

(3) For all rules other than major rules, agencies shall submit to the Director, at least 10 days prior to publication, every notice of proposed rulemaking and final rule.

(d) To permit each proposed major rule to be analyzed in light of the requirements stated in Section 2 of this Order, each preliminary and final Regulatory Impact Analysis shall contain the following information:

(1) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms, and the identification of those likely to receive the benefits;

(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs;

(3) A determination of the potential net benefits of the rule, including an evaluation of effects that cannot be quantified in monetary terms;

(4) A description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, together with an analysis of this potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted; and

(5) Unless covered by the description required under paragraph (4) of this subsection, an explanation of any legal reasons why the rule cannot be based on the requirements set forth in Section 2 of this Order.

(e) (1) The Director, subject to the direction of the Task Force, which shall resolve any issues raised under this Order or ensure that they are presented to the President, is authorized to review any preliminary or final Regulatory Impact Analysis, notice of proposed rulemaking, or final rule based on the requirements of this Order.

(2) The Director shall be deemed to have concluded review unless the Director advises an agency to the contrary under subsection (f) of this Section:

(A) Within 60 days of a submission under subsection (c)(1) or a submission of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under subsection (c)(2);

(B) Within 30 days of the submission of a final Regulatory Impact Analysis and a final rule under subsection (c)(2); and

(C) Within 10 days of the submission of a notice of proposed rulemaking or final rule under subsection (c)(3).

(f) (1) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under this Order, and shall, subject to Section 8(a)(2) of this Order, refrain from publishing its preliminary Regulatory Impact Analysis or notice of proposed rulemaking until such review is concluded.

(2) Upon receiving notice that the Director intends to submit views with respect to any final Regulatory Impact Analysis or final rule, the agency shall, subject to Section 8(a)(2) of this Order, refrain from publishing its final Regulatory Impact Analysis or final rule until the agency has responded to the Director's views, and incorporated those views and the agency's response in the rulemaking file.

(3) Nothing in this subsection shall be construed as displacing the agencies' responsibilities delegated by law.

(g) For every rule for which an agency publishes a notice of proposed rulemaking, the agency shall include in its notice:

(1) A brief statement setting forth the agency's initial determination whether the proposed rule is a major rule, together with the reasons underlying that determination; and

(2) For each proposed major rule, a brief summary of the agency's preliminary Regulatory Impact Analysis.

(h) Agencies shall make their preliminary and final Regulatory Impact Analyses available to the public.

(i) Agencies shall initiate reviews of currently effective rules in accordance with the purposes of this Order, and perform Regulatory Impact Analyses of currently effective major rules. The Director, subject to the direction of the Task Force, may designate currently effective rules for review in accordance with this Order, and establish schedules for reviews and Analyses under this Order.

Sec. 4. *Regulatory Review.* Before approving any final major rule, each agency shall:

(a) Make a determination that the regulation is clearly within the authority delegated by law and consistent with congressional intent, and include in the **Federal Register** at the time of promulgation a memorandum of law supporting that determination.

(b) Make a determination that the factual conclusions upon which the rule is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general and the comments of persons directly affected by the rule in particular.

Sec. 5. *Regulatory Agendas.*

(a) Each agency shall publish, in October and April of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review pursuant to this Order. These agendas may be incorporated with the agendas published under 5 U.S.C. 602, and must contain at the minimum:

(1) A summary of the nature of each major rule being considered, the objectives and legal basis for the issuance of the rule, and an approximate

schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking;

(2) The name and telephone number of a knowledgeable agency official for each item on the agenda; and

(3) A list of existing regulations to be reviewed under the terms of this Order, and a brief discussion of each such regulation.

(b) The Director, subject to the direction of the Task Force, may, to the extent permitted by law:

(1) Require agencies to provide additional information in an agenda; and

(2) Require publication of the agenda in any form.

Sec. 6. *The Task Force and Office of Management and Budget.*

(a) To the extent permitted by law, the Director shall have authority, subject to the direction of the Task Force, to:

(1) Designate any proposed or existing rule as a major rule in accordance with Section 1(b) of this Order;

(2) Prepare and promulgate uniform standards for the identification of major rules and the development of Regulatory Impact Analyses;

(3) Require an agency to obtain and evaluate, in connection with a regulation, any additional relevant data from any appropriate source;

(4) Waive the requirements of Sections 3, 4, or 7 of this Order with respect to any proposed or existing major rule;

(5) Identify duplicative, overlapping and conflicting rules, existing or proposed, and existing or proposed rules that are inconsistent with the policies underlying statutes governing agencies other than the issuing agency or with the purposes of this Order, and, in each such case, require appropriate interagency consultation to minimize or eliminate such duplication, overlap, or conflict;

(6) Develop procedures for estimating the annual benefits and costs of agency regulations, on both an aggregate and economic or industrial sector basis, for purposes of compiling a regulatory budget;

(7) In consultation with interested agencies, prepare for consideration by the President recommendations for changes in the agencies' statutes; and

(8) Monitor agency compliance with the requirements of this Order and advise the President with respect to such compliance.

(b) The Director, subject to the direction of the Task Force, is authorized to establish procedures for the performance of all functions vested in the Director by this Order. The Director shall take appropriate steps to coordinate the implementation of the analysis, transmittal, review, and clearance provisions of this Order with the authorities and requirements provided for or imposed upon the Director and agencies under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Paperwork Reduction Plan Act of 1980, 44 U.S.C. 3501 *et seq.*

Sec. 7. *Pending Regulations.*

(a) To the extent necessary to permit reconsideration in accordance with this Order, agencies shall, except as provided in Section 8 of this Order, suspend or postpone the effective dates of all major rules that they have promulgated in final form as of the date of this Order, but that have not yet become effective, excluding:

(1) Major rules that cannot legally be postponed or suspended;

(2) Major rules that, for good cause, ought to become effective as final rules without reconsideration. Agencies shall prepare, in accordance with Section 3 of this Order, a final Regulatory Impact Analysis for each major rule that they suspend or postpone.

(b) Agencies shall report to the Director no later than 15 days prior to the effective date of any rule that the agency has promulgated in final form as of the date of this Order, and that has not yet become effective, and that will not be reconsidered under subsection (a) of this Section:

(1) That the rule is excepted from reconsideration under subsection (a), including a brief statement of the legal or other reasons for that determination; or

(2) That the rule is not a major rule.

(c) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require reconsideration, in accordance with this Order, of any major rule that an agency has issued in final form as of the date of this Order and that has not become effective; and

(2) Designate a rule that an agency has issued in final form as of the date of this Order and that has not yet become effective as a major rule in accordance with Section 1(b) of this Order.

(d) Agencies may, in accordance with the Administrative Procedure Act and other applicable statutes, permit major rules that they have issued in final form as of the date of this Order, and that have not yet become effective, to take effect as interim rules while they are being reconsidered in accordance with this Order, *provided that,* agencies shall report to the Director, no later than 15 days before any such rule is proposed to take effect as an interim rule, that the rule should appropriately take effect as an interim rule while the rule is under reconsideration.

(e) Except as provided in Section 8 of this Order, agencies shall, to the extent permitted by law, refrain from promulgating as a final rule any proposed major rule that has been published or issued as of the date of this Order until a final Regulatory Impact Analysis, in accordance with Section 3 of this Order, has been prepared for the proposed major rule.

(f) Agencies shall report to the Director, no later than 30 days prior to promulgating as a final rule any proposed rule that the agency has published or issued as of the date of this Order and that has not been considered under the terms of this Order:

(1) That the rule cannot legally be considered in accordance with this Order, together with a brief explanation of the legal reasons barring such consideration; or

(2) That the rule is not a major rule, in which case the agency shall submit to the Director a copy of the proposed rule.

(g) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require consideration, in accordance with this Order, of any proposed major rule that the agency has published or issued as of the date of this Order; and

(2) Designate a proposed rule that an agency has published or issued as of the date of this Order, as a major rule in accordance with Section 1(b) of this Order.

(h) The Director shall be deemed to have determined that an agency's report to the Director under subsections (b), (d), or (f) of this Section is consistent with the purposes of this Order, unless the Director advises the agency to the contrary:

(1) Within 15 days of its report, in the case of any report under subsections (b) or (d); or

(2) Within 30 days of its report, in the case of any report under subsection (f).

(i) This Section does not supersede the President's Memorandum of January 29, 1981, entitled "Postponement of Pending Regulations", which shall remain in effect until March 30, 1981.

(j) In complying with this Section, agencies shall comply with all applicable provisions of the Administrative Procedure Act, and with any other procedural requirements made applicable to the agencies by other statutes.

Sec. 8. *Exemptions.*

(a) The procedures prescribed by this Order shall not apply to:

(1) Any regulation that responds to an emergency situation, *provided that,* any such regulation shall be reported to the Director as soon as is practicable, the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency shall prepare and transmit as soon as is practicable a Regulatory Impact Analysis of any such major rule; and

(2) Any regulation for which consideration or reconsideration under the terms of this Order would conflict with deadlines imposed by statute or by judicial order, *provided that,* any such regulation shall be reported to the Director together with a brief explanation of the conflict, the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency, in consultation with the Director, shall adhere to the requirements of this Order to the extent permitted by statutory or judicial deadlines.

(b) The Director, subject to the direction of the Task Force, may, in accordance with the purposes of this Order, exempt any class or category of regulations from any or all requirements of this Order.

Sec. 9. *Judicial Review.* This Order is intended only to improve the internal management of the Federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person. The determinations made by agencies under Section 4 of this Order, and any Regulatory Impact Analyses for any rule, shall be made part of the whole record of agency action in connection with the rule.

Sec. 10. *Revocations.* Executive Orders No. 12044, as amended, and No. 12174 are revoked.

Ronald Reagan

THE WHITE HOUSE,
*February 17, 1981.*

[FR Doc. 81-5790
Filed 2-17-81: 3:19 pm]
Billing code 3195-01-M

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Thursday, February 19, 1981

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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.)

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| 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 |
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| CSA | | | CSA | |

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

**NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.**

## REMINDERS

### List of Public Laws

**Last Listing February 13, 1981.**

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

**S. 272 / Pub. L. 97-4** To increase the membership of the Joint Committee on Printing. (Feb. 17, 1981; 95 Stat. 6) Price $1.

*Advance Orders are now Being Accepted for Delivery in About 6 Weeks*

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